

ORDINANCE NO. 3015

AN ORDINANCE ADDING TITLE VI BUSINESS OCCUPATION, CHAPTER 605 SPECIAL EVENTS, TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS.

Be it ordained by the City Council of the City of Paola, Kansas, as follows:

SECTION 1. That Chapter 605 of the Code of the City of Paola is hereby added and shall read as follows:

CHAPER 605: SPECIAL EVENTS

SECTION 605.010. PURPOSE.

It is the purpose of this Chapter to establish a process for permitting special events to use City streets, parks, and city-owned facilities. The City recognizes that substantial community benefits may result from special events. They can provide cultural enrichment, promote economic vitality and enhance community identity. They may also provide funding opportunities for service organizations. This Chapter is to provide a coordinated process for managing special events occurring on public and private property to ensure the health and safety of event patrons, residents, workers, and other visitors; to prohibit illegal activities from occurring at the special events; and to protect the rights of community event permit holders. It is also the intent of the Council to protect the rights of people to engage in expressive activities in the City's public places and to establish the least restrictive and reasonable time, place and manner regulation of these activities, without regard to the expressive content of those activities.

SECTION 605.020. DEFINITIONS.

A. *"Community event"* means:

1. An outdoor event on City-owned property with an expected attendance of fifty (50) or more persons, organized for a particular and limited purpose and time;
2. Outdoor events on private property or which occur in City parks with an expected attendance of two hundred fifty (250) or more people, organized for a particular and limited purpose and time. Such events shall include, but not be limited to: Fun runs, roadway foot races, fundraising walks, bikeathons, carnivals, festivals, community celebrations, shows, exhibitions, circuses and fairs. Such term shall not include events, other than fun runs or races, occurring solely on sidewalks or public rights-of-way immediately adjacent to public streets.

B. *Exceptions.* The provisions of this chapter shall not apply to:

1. Special events conducted by the City of Paola.
2. Events consisting only of a parade, whether regulated or exempted by the provisions of Chapter 615 of the Code of the City of Paola.

3. Funeral processions.
 4. Social or political protests, rallies, gatherings, assemblies, or vigils occurring on public property, which consist solely of the displaying of signs or banners, singing and the delivering of speeches.
 5. Events, by a religious institution, conducted entirely on property owned or leased by a religious institution, or on public property with prior approval from the City, when no extraordinary police services are required.
 6. Outdoor events held at a members-only facility where no extraordinary police services are required.
 7. Events held entirely inside the Paola Community Center or the Firehouse Gymnasium.
 8. Farmers Markets authorized by the City of Paola Land Development Ordinance.
 9. Auctions held at private residences within the City of Paola.
 10. Garage or miscellaneous sales held at private residences within the City of Paola.
 11. Sporting events, contests, practices or tournaments occurring at sport complexes or playing fields where the scope of the event is limited to the sporting event for which the property is designed to be utilized.
 12. Events held at a private residence or in a residential neighborhood where no admission is charged, and no extraordinary police services are required.
 13. Outdoor events conducted entirely on the property of public or private schools, colleges or universities, where no extraordinary police services are required.
- C. *"Community Event Coordinator"* means the person or persons appointed by the City Manager to carry out the provisions of this Chapter.
- D. *"Community Event Promoter"* means the person who is directly responsible for organizing and/or conducting the event.
- E. *"Extraordinary police services"* means responsive police services which are in addition to and in excess of the normal police services provided to the location or off-site as a direct result of the event.
- F. *"Person"* shall mean a natural person or a legal entity such as, but not limited to an individual, firm, association, joint stock company, partnership or corporation.
- G. *"Street" or "highway"* means the entire width between property lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic. Where the word "highway" or the word "street" is used in this title, it means street, avenue, boulevard, thoroughfare, trafficway, alley and any other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.

- H. *"Temporary Entertainment District"* means a defined area, which includes city streets and public sidewalks, on which the City Council has authorized the sale, possession or consumption of alcoholic liquor for a specified period of time, during a community event which has been properly licensed under this chapter.

SECTION 605.030. SPECIAL EVENTS COORDINATOR(S).

The City Manager shall appoint one or more city staff members to carry out the provisions of this Chapter. In reviewing special events applications, the appointed coordinator(s) shall consult representatives of City departments, including, but not limited, to the following departments: City Manager's Office, Community Development Office, Public Works, Fire, and Police. The City Attorney shall provide all legal services, legal advice and opinions regarding issues pertaining to this Chapter.

SECTION 605.040. AUTHORITY OF THE SPECIAL EVENTS COORDINATOR(S).

The Special Events Coordinator(s) is authorized to:

- A. Administer and apply this Chapter;
- B. Represent the City, under the authority of the City Manager, in discussions and in establishing agreements with the person(s) who represent the event;
- C. Establish, under the authority of the City Manager, any implementing regulations/guidelines consistent with this Chapter, and other provisions of the Municipal Code applicable to the event.

SECTION 605.050. PERMIT REQUIRED.

Except as otherwise provided by this Chapter or other applicable law, a Community Event Permit shall be required to be obtained from the City for any community event as defined by Section 605.020.

SECTION 605.060. APPLICATION.

- A. To receive a community event permit, the event promoter must file a completed community event application with the City Clerk, other designated representative, on a form provided by the City. Incomplete applications will not be accepted. The applicant must provide the following information:
 - 1. The type of proposed use, event, or activity; i.e., fun run, carnival, festival;
 - 2. The street or other public or private property and the specific area or areas thereof which will be utilized in connection with the proposed use, event, or activity;
 - 3. The date or dates and the specific times thereof, including set-up and tear-down, that the public property is to be utilized for the described use, event, or activity;
 - 4. The name, address and telephone number of the person, entity or organization sponsoring or conducting the proposed event;
 - 5. The name, address and telephone number of the person or persons to be contacted regarding the application or permit;

6. The number of past participants who attended previous events sponsored by the applicant, if available;
7. The number of persons which the applicant anticipates will be attending the event;
8. Whether alcohol or cereal malt beverages will be sold or consumed at the event;
9. The applicant shall submit a site plan which includes:
 - a. Any plans for fencing, and the size and location of the gates contained in such fence;
 - b. The plans for supplying potable water, including the source, amount available and location of outlets;
 - c. The placement of any stages;
 - d. A map of the event identifying any and all street closures and placement of any barricades, with a designation of the types of barricades to be used;
 - e. The plans for providing toilet and lavatory facilities, including the source, number and location, type, and the means of disposing of waste deposited;
 - f. The plans for collection and disposing of solid waste material;
 - g. The plans, if any, to illuminate the location of the community event, including the source and amount of power and the location of lamps;
 - h. The plans for parking vehicles, including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots and any shuttle service;.
 - i. The plans for sound and sound amplification, if any, including number, location and power of amplifiers and speakers;
 - j. The placement and size of any signage for the event;
 - k. The plans for seating, tables, bleachers or seating facilities;
 - l. The plans and locations, if any, where alcohol or cereal malt beverage will be sold or consumed.
 - m. The plans for electrical power and generators, if applicable;
 - n. The plans and location of any tents or canopies and the size of any such tent or canopy.
 - o. The plans and location of any portable amusement park or inflatable rides.
10. Security. All security must be provided by certified law enforcement officers and/or approved private security. The applicant shall be responsible for all costs incurred in providing security for the event;

11. The plans for food and beverage concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers, if applicable;
 12. The plans and specific description for each of any other type of vendor or amusement or entertainment provider who will be allowed to operate on the grounds, including the names and addresses of such vendors and their license or permit numbers (if any) and their State sales tax ID number;
 13. Proof of liability insurance for the event as required by Section 605.130;
 14. Receipt for payment of the application fee as set forth in Section 605.070.
- B. The Chief of Police shall establish a formula for determining the minimum number of officers necessary to provide adequate security for the event. The criteria set forth by the Chief shall be the sole criteria utilized in determining the security necessary for the specific event. In establishing the formula, the following criteria shall be utilized by the Chief of Police:
1. Number of event participants;
 2. Number of past event participants, if available;
 3. Whether alcohol is served or sold at the event;
 4. The time and duration of the event;
 5. Location or venue of the event;
 6. Number of street closures required for the event;
 7. Number of private security officers employed for the event;
 8. Whether admission is charged for the event;
 9. Size of area where alcohol is served;
 10. Means of ingress and egress to the event.
- C. All applications must be complete and submitted in accordance with the time limits established by Section 605.070.

SECTION 605.065. REGULATIONS FOR ALCOHOL CONSUMPTION OR SALE AT SPECIAL EVENTS OR IN TEMPORARY ENTERTAINMENT DISTRICTS.

- A. Any community event promoter, who desires to sell or allow the consumption of alcoholic liquor at a community event, shall submit an application to the Community Event Coordinator for the sale or consumption of such alcoholic liquor at such community event or in a temporary entertainment district.
- B. Such written application must be made on a form provided by the Community Event Coordinator. The application must be submitted to the Community Event Coordinator not less than thirty (30) days before the date of the proposed community event or temporary entertainment district.

- C. The written application shall contain the following information:
1. The name and address of the event promoter;
 2. The dates and times when alcoholic liquor or cereal malt beverages will be served at such event;
 3. For temporary entertainment districts, a copy of the temporary permit issued by the State of Kansas, pursuant to K.S.A. 41-2645 and the City of Paola, pursuant to Section 600.395 of the Code of the City of Paola for the sale of alcoholic liquor at such event, or written documentation that an application is pending for such temporary permit;
 4. A copy of the caterer's license issued by the State of Kansas for any individual responsible for the sale of alcoholic liquor at such event;
 5. A detailed security plan;
 6. A plan as to how the event promoter will prevent the off-premises consumption of alcohol and the consumption of alcohol by minors;
 7. A detailed site map indicating:
 - a. Entry and exit points to the event venue(s);
 - b. Description of the signage, barriers or maps which will be used to designate the area in which alcoholic liquor or cereal malt beverages may be consumed;
 - c. The number and exact locations of all alcoholic liquor or cereal malt beverage sale/distribution booths;
 - d. The location of any licensed drinking establishments that desire to participate in the temporary entertainment district, and a designation of the area of the licensed premises of such drinking establishment(s) which have been extended into the temporary entertainment district.
 8. Whether entry to the event or temporary entertainment district is restricted to invited guests, or open to the public.
 9. The type of alcoholic liquor or cereal malt beverage to be sold or dispensed and the means or method which will be used to sell, dispense or distribute the alcohol to event attendees;
 10. The identity of the on-site supervisor of the alcoholic liquor or cereal malt beverage service;
 11. The name, address and licensee of any drinking establishment, which is adjacent to the event and which has extended its licensed premises into the temporary entertainment district if such event is occurring on the public streets and sidewalks of the City of Paola. Only those drinking establishments listed on the community event application will be granted approval by the City Council to utilize the city streets, sidewalks or other public property for the extension of their licensed premises;

12. The name and address of any adjacent businesses which are to be included in the event area or temporary entertainment district;
 13. A list of streets and or street rights-of-way to be closed to motor vehicle traffic for such event or temporary entertainment district and the dates and times for such street closures;
 14. If signs are to be used to designate areas where alcoholic liquor or cereal malt beverage may be consumed, a diagram showing the number, size and location of such signs.
- D. The City Council shall review written applications for temporary entertainment districts and may, by resolution, authorize the possession, sale and/or consumption of alcoholic liquor on streets which have been closed to motor vehicle traffic and sidewalks in the designated temporary entertainment district. In determining if approval should be given, the City Council shall consider those factors set forth in Section 605.080 of the Code of the City of Paola, Kansas.
 - E. Approval by the City Council, pursuant to this section, shall not be required for special events held on locations exempted from the prohibitions of consuming alcohol in public, as designated by Section 4.04.045 of the Code of the City of Paola or those events which occur on private property.
 - F. Alcoholic liquor or cereal malt beverages served at a community event or in a temporary entertainment district are to be served in distinctively different containers than those in which non-alcoholic drinks are served.
 - G. Alcoholic liquor or cereal malt beverages served at a community event or in a temporary entertainment district are not to be sold or served in pitchers, buckets or carafes.
 - H. Alcoholic liquor or cereal malt beverages shall not be served, sold or consumed in glass bottles, glass containers or glass vessels at a community event or in a temporary entertainment district.
 - I. If multiple alcoholic liquor or cereal malt beverage vendors or licensees are participating in a community event or temporary entertainment district, each vendor or licensee must serve their alcoholic liquor or cereal malt beverage in distinctive containers which identify such vendor or licensee.
 - J. It shall be unlawful for any person, at a community event or in a temporary entertainment district, to sell, serve or allow the consumption of alcoholic liquor or cereal malt beverages to or by any individual who is not wearing a wristband or other identifying device to indicate that the individual is the legal age for consumption of alcoholic liquor or cereal malt beverage.
 - K. It shall be unlawful for any person to possess or consume alcoholic liquor or cereal malt beverages at a community event or in a temporary entertainment district unless such person is wearing a wristband to indicate that such individual is the legal age for consumption of alcoholic liquor or cereal malt beverage.
 - L. It shall be unlawful for any person to distribute, sell or allow the consumption of any alcoholic liquor on the streets or sidewalks within a temporary entertainment district

without obtaining the approval of the City Council and any and all necessary state and local permits for the sale of such alcoholic liquor.

- M. Sections 600.100 and 600.300 prohibiting possession and consumption of alcoholic beverages and cereal malt beverages in public shall be and are hereby amended by the terms and provisions as provided in this Section.

SECTION 605.070. FEES.

All applicants for events whether held on private or public property shall be responsible for any applications, fees, licenses, permits and any rental fees which may be required based upon the scope and nature of event. The City Manager shall establish a schedule of fees for special events. Such schedule of fees shall be approved by a resolution of the City Council.

Applications may not be accepted by the Special Events Coordinator(s) less than thirty (30) days prior to the event.

SECTION 605.080. REVIEW PROCESS.

Subject to Section 605.090, the Special Events Coordinator(s) shall approve a community event permit if it is determined that all of the following criteria have been met:

- A. The event will not obstruct the operation of emergency vehicles or equipment in or through the particular permit area;
- B. The proposed event does not present a safety, noise, or traffic hazard;
- C. The proposed event conforms to regulations regarding the use or allowable number of participants for the proposed venue, location, or site; and
- D. The proposed event does not violate any provisions of the Code of the City of Paola, the laws of the State of Kansas or the laws of the United States.
- E. If the proposed event is to occur on park property, the event conforms to regulations of the City of Paola.
- F. If the event requires the closure of public streets, such street closures have been approved by the City Council.

SECTION 605.090. DENIAL/REVOCAION OF PERMIT.

The Special Events Coordinator(s) shall deny an application for a Special Events Permit if he/she/they find(s) any of the following:

- A. One or more of the approval criteria specified in Section 605.080 is not met;
- B. The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process;
- C. The application is incomplete or does not contain the information required by this Chapter;

- D. The application does not satisfy the requirements of this Chapter or administrative regulations adopted by the Special Events Coordinator(s);
- E. The applicant fails to comply with any conditions of approval including, but not limited to:
 - (1) Remittance of fees, charges or deposits,
 - (2) Proof of liability insurance required,
 - (3) Obtaining all other permits and licenses as required by the City Code for the proposed event.
- F. The applicant, in the last five years, has had a previous community event permit revoked for failure to comply with the terms or conditions of the permit, or for violations of the ordinances of the City of Paola.
- G. The applicant, in the last five years, has organized a community event which did not conform to the plans and application submitted to the Special Events Coordinator(s) or which failed to comply with any conditions for such event placed on the event by the Community Event Coordinator.
- H. The proposed event would be in violation of the Code of the City of Paola, the laws of the State of Kansas or the laws of the United States.
- I. The event fails to conform to regulations regarding the use and allowable number of participants for the proposed venue, location or site.
- J. The proposed event fails to conform to regulations adopted by the City Council.

The applicant shall be notified of the denial in writing. The denial shall set forth the specific reasons for the denial of the application.

SECTION 605.110. APPEAL.

Any applicant for a permit under this chapter who has been administratively denied the issuance of a permit by the Special Events Coordinator(s) shall have a right of appeal from the denial to the Paola City Council by filing a written request therefore with the City Clerk. The notice of appeal must be filed with the City Clerk within five business days of the denial of such permit application. The appeal shall be heard at the next regularly scheduled meeting of the Council.

The City Council may approve the denial, overrule the denial or modify the request for the permit.

SECTION 605.130. INSURANCE REQUIREMENTS.

The permit holder for events occurring on public or park property shall procure and maintain in full force and effect during the term of the permit a policy of insurance from an insurance company authorized to do business in the State of Kansas, which policy includes the City of Paola, its officers and agents, as named insured and which provides general liability coverage in an amount not less than \$1,000,000.00 per occurrence and a minimum of \$50,000.00 property damage coverage. Proof of insurance shall be submitted

to the City prior to issuance of the permit and maintenance of this insurance shall be a condition of the permit.

SECTION 605.140. COMMUNITY EVENT TEMPORARY SIGNAGE.

Directional signs for walks and races may be installed on the event route, including the City right-of-way or other private property with the property owner's permission, by the permit holder or his/her designee, provided that each sign is less than two square feet in size, and installed less than two hours prior to the start of the event and removed within one hour of the completion of the event, irrespective of the provisions of the City of Paola Land Development Ordinance. All other signs must be placed in conformance with all applicable sign code provisions. A site map showing the type and location of the proposed directional signs and any other signage must be submitted as part of the community event permit application and be approved by the City.

SECTION 605.150. STREET CLOSURES.

- A. Any street closures requested by a licensee or which are necessary as part of a community event or temporary entertainment district application must be approved by the City Council prior to the issuance of the Community Event Permit by the Special Events Coordinator(s).
- B. The following requirements must be met before a street closure is approved:
 - 1. The applicant must submit to the Special Events Coordinator(s) a written request for the street closure at least thirty (30) days prior to the date of the proposed street closure.
 - 2. The applicant is responsible for attempting to secure the cooperation of all property owners/residents affected by the street closing and will provide proof that all property owners/residents have been notified by attaching to the application a statement signed by all affected property owners/resident listing the name, address and telephone number of the person contacted expressing their approval or disapproval of the street closure. Failure to notify any property owners/residents may result in the denial of the application or require a change in the scheduled closing date.
 - 3. The applicant must be the responsible party or event promoter for the event.
 - 4. The applicant will provide a sketch of the street area indicating the area to be closed and the location of all properties adjacent to the area being closed.
 - 5. The closure of the street affected by the event must not cause a significant hardship to pedestrian or vehicular traffic. Alternative routes must be available for public and emergency vehicles.
 - 6. The applicant is responsible for obtaining and placing barricades for the street closure and for removing the barricades promptly after the event is concluded.
 - 7. The applicant must, promptly after the conclusion of the event, clean the right-of-way to its condition prior to the street closure.

8. The applicant must allow city personnel, emergency vehicles and police officers to lawfully enter the area. Orders or directions given by police or fire officials in the lawful discharge of their duties must be obeyed.
- C. The licensee and any drinking establishment serving, selling or distributing alcoholic liquor on city streets or sidewalks which have been closed pursuant to this section, as a temporary entertainment district, shall meet with the community event coordinator and city staff, no less than seven (7) days prior to the event, to review security plans and procedures to be utilized by the vendors relating to the sale and consumption of alcoholic liquor.

SECTION 605.160. HOURS OF OPERATION FOR SPECIAL EVENTS.

Outdoor entertainment for events licensed, pursuant to this Chapter, shall cease between the hours of 11:00 p.m. to 8:00 a.m. Sunday through Thursday and midnight to 8:00 a.m. on Friday and Saturday, except with prior approval.

SECTION 605.170. DISPLAY OF COMMUNITY EVENT PERMIT.

A copy of the signed approval letter from the Special Events Coordinator(s) shall be exhibited upon demand of any City official.

SECTION 605.180. ADMINISTRATIVE REGULATIONS.

The Special Events Coordinator(s), or her/his designee, may adopt administrative regulations that are consistent with and that further the terms and requirements set forth within this Chapter. All such administrative regulations must be in writing.

SECTION 605.190. OTHER PERMITS, LICENSES AND FEES.

The issuance of a community event permit does not relieve any person from the obligation to obtain any other permit, license or pay any additional fees, including rental fees, required pursuant to this Code or other governmental entity or department of the City of Paola.

SECTION 605.200. LIMITATIONS AND RESTRICTIONS.

The issuance of a community event permit does not relieve any person from limitations or restrictions contained in the Code of the City of Paola relating to noise, sanitation, consumption of cereal malt beverages or alcoholic liquor or street obstructions.

SECTION 605.210. PENALTIES.

Any person, firm, partnership or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than fifty dollars (\$50.00) nor more than two thousand five hundred dollars (\$2,500.00), or by imprisonment not more than one (1) year, or by both such fine and imprisonment.

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. That this ordinance shall become effective after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body this 11th day of May, 2010.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk