

ORDINANCE NO. 50-039

AN ORDINANCE AMENDING SECTIONS 3.11.020, 3.11.038, 3.11.040 AND 3.11.180, AND CREATING SECTION 3.11.185 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO COMMUNITY EVENTS AND THE ADOPTION OF ADDITIONAL REGULATIONS FOR RACE EVENTS AND REPEALING THE ORIGINALS OF SECTIONS 3.11.020, 3.11.038, 3.11.040 AND 3.11.180 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 3.11.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Definitions. (a) *'Applicant'* means any person who has filed a written application for a community event or street closure that is responsible for conducting the event and the responsible organization, corporation or other group on whose behalf the individual is requesting the permit.

(b) *'Chief of Police'* means the Chief of Police for the City of Wichita and his or her designee.

(c) *'Church'* means private property utilized on a regular basis, but in no case less than a weekly basis, for worship services including, without limitation, a synagogue or mosque.

(d) *'City'* means the City of Wichita.

(e) *'Closure of streets'* means the restriction of vehicular traffic to a street or roadway or portion thereof, and includes the manual control of traffic at intersections by police.

(f) *'Community event'* means an outdoor event on public or private property or which occurs in City of Wichita parks with an expected attendance at any one time during the event of 250 or more persons, organized for a particular and limited purpose and time;

Such events shall include, but not be limited to: races, motor vehicle events, carnivals, festivals, community celebrations, shows, exhibitions, circuses and fairs. Such term shall also include parades when held in conjunction with a community event as defined by this section, which event is sponsored or conducted by the same applicant. Such term shall not include events, other than races, occurring solely on sidewalks or public rights-of-way immediately adjacent to public streets.

(g) *'Community event coordinator'* means the manager of arts and cultural services or his or her designee.

(h) *'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.

(i) *'Fire chief'* means the Fire Chief for the City of Wichita or his or her designee.

(j) *'Motor vehicle'* means every self-propelled vehicle other than a motorized wheelchair.

(k) *'Motorcycle'* means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

(l) *'Motor vehicle event'* means motorcades, automobile cruises, motorcycle runs, motorcycle rallies or parades in which more than 80% of the entries are motor vehicles.

(m) *'Parade'* means an organized procession of persons, motor vehicles, bicycles, floats, animals or large objects or any combination thereof traveling in unison along or upon a street or roadway in the City which requires the closure of streets or the regulation of vehicular traffic by law enforcement to prevent a conflict with the normal or regular flow of traffic upon the street or roadway.

(n) *'Park property'* means all grounds, roadways and land acquired and owned by the City and all grounds, roadways and land owned by the Board of Park Commissioners of the City of Wichita, Kansas, which are designated for use as a park or recreational facility by the city council and are under the management of the Department of Park and Recreation of the City of Wichita.

(o) *'Permit holder'* means the person who has been issued a community event permit by the City of Wichita.

(p) *'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.

(q) *'Private property'* means all property that is located within the boundaries of the city, except for property that is owned by the city.

(r) *'Public property'* means any public land, outdoor park and outdoor recreational facilities, streets, highways, municipal parking lots, parkways or alleys, public spaces and rights-of-way within the city.

(s) *'Race'* means any organized activity:

(1) Involving running, walking, biking, jogging, and includes, but is not limited to, fun runs, wheelchair races, rollerblading, marathons and triathlons, and events involving other means of transportation;

(2) which is a scheduled public gathering of persons utilizing a fixed course that moves from one location to another when any portion of the event occurs on a public street, highway, trail, or sidewalk; and

(3) that is not held entirely within a City park or on privately maintained property, roads or streets.

This term does not include 'parades' as that term is defined herein and are events regulated pursuant to Chapter 3.14 of this Code.

(t) *'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.

(u) *'Superintendent of central inspection'* means the Director of the Sedgwick County, Kansas Metropolitan Area Building and Construction Department or his or her designee.

(v) *'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.

(w) *'Vehicle'* means every device in, upon or by which any person or property is or may be transported or drawn upon a street, highway or roadway.”

SECTION 2. Section 3.11.038 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“**Exceptions.** With the exception of Section 3.11.050 regarding street closures, the provisions of this Chapter shall not apply to the following activities:

1. Community events conducted by the City of Wichita.
2. Events consisting only of a parade, whether regulated or exempted by the provisions of Section 3.14.020 of the Code of the City of Wichita.
3. Funeral processions as regulated by Chapter 3.74 of the Code of the City of Wichita.
4. Outdoor events occurring at permanent amusement parks licensed pursuant to Chapter 3.20 of the Code of the City of Wichita.

5. 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.
6. Outdoor events held at a members-only facility where no extraordinary police services are required.
7. Events held entirely inside the Lawrence-Dumont Stadium.
8. Farmers Markets licensed pursuant to Chapter 3.94 of the Code of the City of Wichita.
9. Auctions as regulated by Chapter 3.36 of the Code of the City of Wichita.
10. Performances of Street Performers as defined and regulated by Chapter 10.36 of the Code of the City of Wichita.
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 by persons residing in that neighborhood where no admission is charged, and no extraordinary police services are required.
13. Outdoor events conducted by or on behalf of a church, public or private schools, colleges or universities, when conducted entirely on the property of such church or school and where no extraordinary police services are required.

14. Event held entirely on the grounds of Botanica, the Wichita Gardens, CityArts, Exploration Place, Kansas Aviation Museum, Kansas Firefighters Museum, Mid-America All-Indian Center, Old Cowtown Museum, Wichita Area Treatment Education and Remediation Center (WATER), Wichita-Sedgwick County Historical Museum, Wichita Art Museum, ~~and~~ the Wichita Boathouse/Kansas Sports Hall of Fame, Wichita Dwight D. Eisenhower National Airport, Colonel James Jabara Airport and Museum of World Treasures.”

SECTION 3. Section 3.11.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Authority of the Community Events Coordinator. The Community Events Coordinator 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 applicants;
- (c) Review applications for community event permits;
- (d) Deny applications for community events;
- (e) Issue community event permits; and
- (f) 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. Said regulations/guidelines, and any amendments thereto, shall be considered to be terms and/or conditions for an

event or permit placed on the event by the Community Events Coordinator, and failure by an applicant or promoter of an event to follow such regulations or to conform to any such terms and/or conditions shall be grounds for denial or revocation of a permit as set forth in Sections 3.11.090(g) and 3.11.105(b) of this Code and any amendments thereto.”

SECTION 4. Section 3.11.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“**Administrative regulations.** The Community Events Coordinator, 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, and failure of an applicant or event promoter to comply with any administrative regulation pertaining to such applicant’s or promoter’s event shall be grounds for denial of a subsequent permit as set forth in Section 3.11.090(g) of this Code and any amendment thereto; and shall further be grounds for revocation of a permit as set forth in Section 3.11.105(b) and any amendments thereto.”

SECTION 5. Section 3.11.185 of the Code of the City of Wichita is hereby created to read as follows:

“**Races – Administrative Regulations and Guidelines Applicable.** In accordance with and pursuant to Sections 3.11.030, 3.11.040 and 3.11.180 of this Code, the Manager of Arts and Cultural Services has developed and adopted administrative regulations and guidelines applicable to community events which are races, as that term

is defined in Section 3.11.020(s) and amendments thereto. These regulations are set forth in a document titled, “City of Wichita Race/Organized Walk Permit Regulations,” and are hereby adopted and made part of this Chapter as if fully set forth herein. Violations of, or failure to comply with such regulations, shall be grounds for denial of a subsequent permit as set forth in Section 3.11.090(g) of this Code and any amendment thereto. Additionally, violations of, or failure to comply with such regulations shall also be considered grounds for revocation of a permit as set forth in Section 3.11.105(b) of this Code and any amendments thereto. These regulations, and any amendments thereto, shall be published on the City’s website and a copy thereof made available in the office of the Arts and Cultural Services Division.”

SECTION 6. The originals of Sections 3.11.020, 3.11.038 3.11.040 and 3.11.180 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 7. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 21st day of July, 2015.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer Magaña, City Attorney and
Director of Law