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ORDINANCE NO. 48-129

AN ORDINANCE AMENDING SECTIONS 3.11.020, 3.11.060, 3.11.080, 3.11.090 AND 3.11.110 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO COMMUNITY EVENTS AND REPEALING THE ORIGINALS OF SECTIONS 3.11.020, 3.11.060, 3.11.080, 3.11.090 AND 3.11.110 AND CHAPTER 3.14 PERTAINING TO THE WICHITA RIVER FESTIVAL.

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) '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 of Wichita 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. Community events conducted by the City of Wichita.
2. Events consisting only of a parade, whether regulated or exempted by the provisions of Section 3.13.020 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 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 conducted entirely on the property of a museum, educational or religious institution
7. Outdoor events held at a members-only facility where no extraordinary police services are required.
8. Events held entirely inside the Lawrence-Dumont Stadium.
9. Farmers Markets licensed pursuant to Chapter 3.94 of the Code of the City of Wichita.

10. Auctions as regulated by Chapter 3.36 of the Code of the City of Wichita.

11. Garage or Miscellaneous sales as regulated by Chapter 3.44 of the Code of the City of Wichita.

12. Performances of Street Performers as defined and regulated by Chapter 10.36 of the Code of the City of Wichita.

13. 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.

14. Events held at a private residence or in a residential neighborhood where no admission is charged, and no extraordinary police services are required.

15. 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 Manager of Arts and Cultural Services or his or her designee.

(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."

SECTION 2. Section 3.11.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Application. (a) To receive a community event permit, the event promoter must file a completed community event application with the Manager of Arts and Cultural Services, or 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 maximum number of persons which the applicant shall permit to attend at any time;

(8) Whether alcohol or cereal malt beverages will be available 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, location, and fencing for any beer gardens or other areas serving cereal malt beverages;

(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.

(p) The plans and locations, if any, where alcohol or cereal malt beverage will be sold or consumed.

(10) Security. All security must be provided by certified law enforcement officers and/or approved private security firms licensed pursuant to Chapter 3.72 of the Code of the City of Wichita. 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;

(13) Proof of liability insurance for the event as required by Section 3.11.130;

(14) Receipt for payment of the application fee as set forth in Section 3.11.070.

(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.

In determining the amount of officers needed to provide security for an event, the Chief of Police shall not consider the content of the applicant's speech, the measure of hostility likely to be created by the applicant's speech or the response of others who may oppose the event.

(c) All applications must be complete and submitted in accordance with the time limits established by Section 3.11.070."

SECTION 3. Section 3.11.080 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Review Process. Subject to Section 3.11.090, the Community Events Coordinator 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 Wichita, 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 Board of Park Commissioners.

(f) If the event requires the closure of public streets, such street closures have been approved by the City Council.

(g) If the event requests exclusive use of A. Price Woodard Park, such request have been approved by the City Council pursuant to Section 9.04.180 of the Code of the City of Wichita.

(h) In deciding whether to approve an application, no consideration may be given to the message of the event, the content of speech, the identity or associational relationships of the applicant, or to any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event.”

SECTION 4. Section 3.11.090 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Denial/Revocation of Permit. The Community Events Coordinator shall deny an application for a Community Events Permit if he or she finds any of the following:

(a) One or more of the approval criteria specified in Section 3.11.080 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 Community Events Coordinator;

(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 Wichita.

(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 Community Events Coordinator 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 Wichita, 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 Board of Park Commissioners.

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 5. Section 3.11.110 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Appeal. Any applicant for a permit under this chapter who has been administratively denied the issuance of a permit by the Community Events Coordinator shall have a right of appeal from the denial to the Wichita City Council by filing a written request therefor 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.

The Council’s decision may be appealed to the Eighteenth Judicial District Court of the State of Kansas pursuant to K.S.A. 60-2101.”

SECTION 6. The originals of Sections 3.11.020, 3.11.060, 3.11.080, 3.11.090 and 3.11.110 and the original of Chapter 3.14 of the Code of the City of Wichita 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 9th day of
December, 2008.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law