

(First published in the Winfield Daily Courier on Friday, August 9, 2013)

**BILL NO. 1358**

**ORDINANCE NO. 3987**

**AN ORDINANCE**

**ADOPTING** a new Chapter 8 for the Code of the City of Winfield, allowing for the Issuance of Permits and Regulation of Outdoor Community Events by approving a new Chapter 8, Outdoor Community Events, of the Code of the City of Winfield, Kansas.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:**

**Section 1.** New Chapter 8, Outdoor Community Events, of the Code of the City of Winfield, Kansas, shall be adopted as follows:

**CHAPTER 8**

**OUTDOOR COMMUNITY EVENTS**

Article I In General

- Section 8-1 Purpose and Definitions
- Section 8-2 Community Events Coordinator
- Section 8-3 Enforcement
- Section 8-4 Permit Required; Fees
- Section 8-5 Application
- Section 8-6 Alcohol and Cereal Malt Beverage Consumption or Sale at Community Events
- Section 8-7 Denial of Permit
- Section 8-8 Revocation of Permit
- Section 8-9 Appeal of Denial or Revocation
- Section 8-10 Insurance
- Section 8-11 Street Closures

Section 8-12 Hours of Operation

Section 8-13 Other Permits, Licenses and Fees

Section 8-14 Penalties

Section 8-1 Purpose and Definitions

It is the purpose of this Chapter to establish a process for permitting community events to use City streets, sidewalks, parks and alleys. Further, the Chapter shall provide a process for coordinating outdoor events on public and private property and ensure and protect the rights of the event permit holders.

“Applicant” means any person who has filed a written application for a community event or street/sidewalk 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.

“Closure of Streets” means the restriction of vehicular traffic to a street or roadway or portion there, and includes the manual control of traffic at intersections by police and/or barricades.

“Community Event” means an outdoor event on public property 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, motor vehicle events, bike races, carnivals, festivals, cookouts, block parties, community celebrations, shows, exhibitions, circuses, fairs and temporary entertainment districts. 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 occurring solely on sidewalks or public rights of way immediately adjacent to public streets that do not require the closing of the sidewalk or public way.

“Community Event Coordinator” means the City Manger or his/her designee.

“Extraordinary Police and Fire Services” means responsive police or fire services which are in addition to and in excess of the normal police and fire services provided to the location or off-site as a direct result of the event.

“Motor Vehicle Event” means motorcades, automobile cruises, motorcycle runs, motorcycle rallies or parades in which more than 80% of the entries are motor vehicles.

“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.

“Park Property” means all grounds, roadways and land acquired and owned by the City and all grounds, roadways and land owned by the City which are designated for use as a park or recreational facility by the City and are under management of the City Parks Department.

“Permit Holder” means the person who has been issued a community event permit by the City of Winfield.

“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.

“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 traffic by whatever name unless the context clearly indicates otherwise.

“Temporary Entertainment District” means a defined area, which includes City streets, alleys, parking lots, and public sidewalks, on which the City Commission has authorized the sale, possession or consumption of alcoholic liquor or cereal malt beverage for a specified period of time, during a community event which has been properly licensed under this Chapter.

Other definitions already set out in the Code of the City of Winfield, Kansas, as well as the Standard Traffic Ordinances for Kansas Cities and Uniform Public Offence Code for Kansas Cities, as adopted by the City of Winfield, Kansas, shall apply.

#### Section 8-2 Community Events Coordinator

The City Manager or his/her designee shall act as Community Events Coordinator and be responsible for review of all applications submitted and the issuance of the necessary community event permits upon approval by the Community Events Coordinator.

#### Section 8-3 Enforcement

The Winfield Police Department, the Winfield Fire Department and authorized representatives of such departments shall be responsible for the enforcement of all provisions of this Chapter.

#### Section 8-4 Permit Required; Fees

(a) It shall be unlawful for any person to conduct a community event without a community event permit as required by this Chapter.

(b) The issuance of a community permit shall not negate the responsibility of the permit holder to acquire all other necessary and applicable licenses or permits which may be required for the event.

(c) 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 the event.

(d) No fee shall be charged for the application or permit for the community event itself.

(e) If extraordinary Police or Fire Services are determined to be necessary the Police Department or Fire Department shall submit a billing directly to the permit holder, and the permit holder will be responsible for payment.

#### Section 8-5 Application

(A) To receive a community event permit, the applicant must file a completed community event application with the Community Events Coordinator, on a form provided by the City. The application must be submitted to the Community Events Coordinator at least 30 days prior to the proposed date of the event. 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 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 maximum number of person which the applicant shall permit to attend at any time;
- (7) Whether alcohol or cereal malt beverages will be available at the event;
- (8) 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) Whether a Temporary Entertainment District will be set up and if alcohol or cereal malt beverages will be served, and provide permit for such if to be used;
  - (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;
- (B) The plan for any parade or motor vehicle event, including:
- (a) Date of parade or event;
  - (b) A map or diagram of the route to be traveled; the starting point and termination point;
  - (c) Approximate number of persons, animals and vehicles which will constitute such parade or motor vehicle event, including the type of animals and description of the vehicles;
  - (d) The time which such parade or motor vehicle event will start and terminate;

(e) A statement as to whether the parade or motor vehicle event will occupy all or only a portion of the streets proposed to be traversed;

(f) The time and location by streets of any assembly areas for such parade or motor vehicle event.

(9) The applicant shall be responsible for all costs incurred in providing security for the event and shall coordinate with the City Police Department.

(10) 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;

(11) 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;

(12) Proof of liability insurance for the event as required by Section 8-10 herein;

(b) The Chief of Police shall determine 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 and shall include, but not be limited, to:

- (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) The Chief of Police shall determine the minimum number of officers necessary to provide traffic enforcement and rerouting of traffic for parades which are part of a community event. The

criteria set forth by the Chief shall be the sole criteria utilized in determining the City personnel necessary for the parade or motor vehicle event. The following criteria shall be considered, but not limited to:

- (1) Number of entries or participants;
- (2) Whether the parade includes motor vehicles or all participants are walking;
- (3) Duration and length of parade;
- (4) Time and day of the week of the parade;
- (5) The number and types of intersections required to be closed;
- (6) The amount of traffic to be rerouted;
- (7) Whether entire or partial roads are closed.

#### Section 8-6 Alcohol and Cereal Malt Beverage Consumption or Sale at Community Events

Any applicant who desires to sell or allow the consumption of alcoholic liquor or cereal malt beverage at a community event must have and submit a permit for a Temporary Entertainment District as set out in the Code of City of Winfield, Chapter 6, Article IV.

#### Section 8-7 Denial of Permit

The Community Events Coordinator may deny an application for a Community Events Permit if he or she finds any of the following:

- (a) The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process.
- (b) The application is incomplete, does not include payment of required fees, or does not contain the information required by this Chapter, or does not satisfy the requirements of this Chapter.
- (c) The applicant, in the last two 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 Winfield.
- (d) The applicant, in the last two 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 Events Coordinator.
- (e) The proposed event would be in violation of the Code of the City of Winfield, the laws of the State of Kansas or the laws of the United States.

(f) The applicant, event vendors or participants have failed to comply with the terms and conditions of a prior community event permit.

(g) The application was not filed more than 30 days prior to the proposed event with the Community Events Coordinator.

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 8-8 Revocation of Permit

(a) Any permit issued under this Chapter may be revoked by the Community Events Coordinator, the Chief of Police or Fire Chief after written notice, if the permit holder has (1) failed to pay necessary fees, (2) violated any provision of this Chapter, (3) becomes ineligible for a permit because of any of the provisions of this Chapter, (4) the permit holder has given a false statement as to a material fact submitted to the Community Event Coordinator during the application process, (5) there has been a violation of City ordinance or City fire code, (6) the event fails to conform to the terms and conditions of the permit, (7) the event is in violation of the laws of the State of Kansas or the laws of the United States, (8) the event has failed to obtain the appropriate permits and licenses for the event, or (9) the event presents a safety, noise, fire or traffic hazard.

(b) The filing of charges or a conviction in a court of law is not required to establish that the permit holder has violated the terms and conditions of this Chapter or other law. However, a certified copy of conviction from any local or state court for such violation is prima facie evidence of a violation. A conviction shall include being placed on diversion or being adjudged guilty upon entering a plea of no contest.

(c) Revocation of permit shall be immediate upon receipt of the written notice.

#### Section 8-9 Appeal of Denial or Revocation

(a) Any applicant or permit holder aggrieved by the denial or revocation of a community event permit may file with the City Clerk a written Notice of Appeal to the City Commission within seven business days of the decision by the Community Events Coordinator. The Notice of Appeal shall specify:

- (1) The name and address of the appellant;
- (2) The date of application;
- (3) The date of the denial or revocation of the permit;
- (4) The factual basis for the appeal.



(b) Upon receipt of a complete and timely filed Notice of Appeal, the City Clerk shall schedule a hearing before the City Commission, no later than 30 days from the date of the filing of the Notice of Appeal with the City Clerk. Any appeal shall stay the denial of the permit until the matter is heard by the City Commission. Revocation shall not be stayed.

(c) The City Commission may approve, overrule or modify the decision of the Community Events Coordinator.

(d) The Commission's decision may be appealed to the Nineteenth Judicial District Court of the State of Kansas pursuant to K.S.A. 60-2101. Any such appeal to the District Court shall not stay the denial or revocation of the permit by the City Commission.

(e) In case of the revocation of any permit, no new permit shall be issued to such applicant or to any person acting on his or her behalf for a period of two years from the date of the revocation.

#### Section 8-10 Insurance

If admission is going to be charged at the proposed event the permit holder must obtain minimum insurance for the event. The permit holder 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 Winfield, its officers and agents, as named insureds and which provides general liability coverage in an amount not less than \$500,000.00 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 8-11 Street Closures

All street closures associated with this Chapter must be approved by the Winfield Police Department.

#### Section 8-12 Hours of Operation

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

#### Section 8-13 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 Winfield.

Section 8-14 Penalties

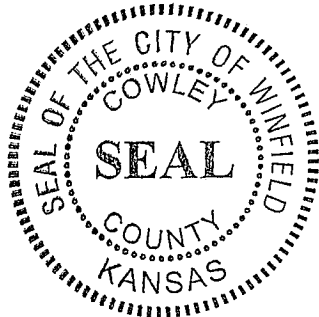
(a) Any person who intentionally violates any of the provisions of this Chapter shall be guilty of a misdemeanor.

(b) Each day a violation exists shall constitute a separate offense.

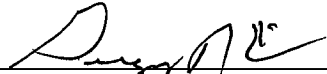
**Section 2.** This ordinance shall be in full force and effect from and after its passage and publication in the official city newspaper.

ADOPTED this 5th day of August, 2013.

{SEAL}



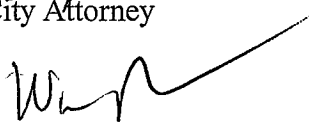
CITY OF WINFIELD, KANSAS

By   
Gregory N Thompson, Mayor

ATTEST:

  
Brenda Peters, City Clerk

Approved as to form:   
William Muret, City Attorney

Approved for Commission action:   
Warren Porter, City Manager