

ORDINANCE NO. 10017

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REPEALING CHAPTER 6, ARTICLE 15, CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, AND ENACTING, IN ITS PLACE, CHAPTER 6, ARTICLE 15, CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, PERTAINING TO TEMPORARY SPECIAL EVENTS.

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

SECTION 1. Chapter 6, Article 15, of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby repealed in its entirety.

SECTION 2. The Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended by adding Chapter 6, Article 15, which reads as follows:

ARTICLE 15 TEMPORARY SPECIAL EVENTS

6-1501 **PURPOSE.**

The Governing Body finds that, in order to advance the health, safety, and welfare of the residents of the City of Lawrence, Kansas, it is necessary to regulate certain activities, including Special Events conducted within the City.

6-1502 **DEFINITIONS.**

(a) The following terms, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (1) **“Applicant”** means any natural person or organization, however organized, that seeks from the City a Special Event Permit in order to conduct or sponsor a Special Event regulated by this Article.
- (2) **“Block Party”** means an outdoor event that is conducted on a Local Street, as that term is defined at Section 20-1701 of the City Code, as amended, by the residents of a city block or a neighborhood. Examples of a Block Party include barbecues, picnics, pot-luck suppers, and the like, that may include such features as music, games, and any other similar amusements.
- (3) **“Coordinator”** means the City’s Special Event Coordinator, anyone fulfilling the duties of the Coordinator, or the Coordinator’s designee.
- (4) **“Community Event”** means an event of community-wide interest, whether conducted on private property, Public Property, or a Public Right of Way, that interferes with pedestrian or vehicular traffic. Examples of Community Events include festivals, arts and crafts shows, outdoor concerts, fun runs or walks, bike or foot races, carnivals, or any other similar events.

- (5) **“Funeral Procession”** means a coordinated array of motor vehicles in which the lead vehicle displays a sign, pennant, flag, or other insignia, furnished by a funeral home, designating the array of motor vehicles as a Funeral Procession. Funeral Processions may also include law enforcement vehicles as lead or escort vehicles.
- (6) **“Parade”** means a public march or procession -- not primarily involving the communication or expression of views or grievances -- consisting of persons, animals, or vehicles, or any combination thereof, conducted on any Public Right of Way, that otherwise obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or that otherwise does not comply with traffic laws or controls.
- (7) **“Permittee”** means any natural person or organization, however organized, that has been issued a Special Event Permit by the City.
- (8) **“Private Event”** means an event of private interest that is held on private property or is solely contained within Public Property and does not involve street closures or a significant impact on the normal flow of pedestrian or vehicular traffic on roads adjacent to or near the private property or the Public Property. Examples of Private Events include weddings, family reunions, birthday parties, or any other similar events.
- (9) **“Public Property”** includes any property owned or leased by the City. Examples of Public Property include City buildings, City facilities, City Parks, open spaces, trails, and the like.
- (10) **“Public Right of Way”** means those areas of real property in which the City has a right-of-way interest, whether through purchase, dedication, or other means of acquisition. Examples of a Public Right of Way include streets, future streets, alleys, avenues, roads, parkways, boulevards, bridges, sidewalks, shared-use paths, or other public ways.
- (11) **“Special Event”** means any temporary or short-term activity conducted on private property, Public Property, or a Public Right of Way that is not otherwise an approved permanent use of the private property, Public Property, or Public Right of Way or that interferes with pedestrian or vehicular traffic and does not otherwise comply with traffic laws or controls. Examples of Special Events include but are not limited to Block Parties, Community Events, Parades, and any other similar outdoor activities.
- (12) **“Special Event Permit”** means a permit issued by the City to an Applicant in order to conduct or sponsor a Special Event.

- (b) Examples given in the various definitions set forth this Section are descriptive only and shall not be construed as being exclusive.

6-1503

SPECIAL EVENT PERMIT REQUIRED.

No natural person or organization, however organized, shall, unless otherwise exempted by this Article, conduct or sponsor a Special Event without first obtaining from the City and being in possession of a valid Special Event Permit.

6-1504

SPECIAL EVENT PERMIT APPLICATION.

Any natural person or organization, however organized, wishing to obtain from the City a Special Event Permit shall file with the Coordinator a complete Application for a Special Event Permit -- including all required attachments and any additional terms and conditions -- within the time periods established by this Article.

- (a) A complete Application for a Special Event Permit shall, unless waived in writing by the Coordinator for good cause shown, include, at a minimum, the following:
 - (1) A completed application packet, as provided by the Coordinator.
 - (2) An application fee as established in the fee schedule provided annually by the City's Department of Parks and Recreation.
 - (3) If the Applicant is not the owner of record of the property on which the Special Event is to conducted, a signed owner authorization granting permission to conduct the Special Event on the property,
 - (4) A site plan.
 - (5) An indemnification agreement.
 - (6) Proof of Insurance coverage.
 - (7) A performance bond.
 - (8) A security deposit.
 - (9) A traffic control/route map.
 - (10) Public notice documentation.
 - (11) An emergency response plan.
 - (12) A recycling and waste management plan.
 - (13) A restoration plan.
 - (14) Any additional information or documentation required by the Coordinator.
 - (15) The Applicant's signature and the date of the Application.

- (b) Signs for Special Events shall require a separate Sign Permit Application and shall comply with the City's Sign Code, codified as amended at Chapter 5, Article 18 of the City Code.
- (c) A Pre-Application meeting between the Applicant and the Coordinator shall be held at least five business days prior to the Applicant's submission of the Application for a Special Event Permit, unless otherwise waived in writing by the Coordinator for good cause shown.
- (d) An application for a Special Event Permit must be submitted to the Coordinator no later than:
 - (1) 25 business days prior to the date of any Block Party, unless alcohol will be sold, served, and consumed.
 - (2) 30 business days prior to the date of any Special Event, excluding a Block Party, where alcohol will not be sold, served, or consumed.
 - (3) 40 business days prior to the date of any Special Event, including a Block Party, where alcohol will be sold, served, and consumed.
 - (4) In no event will the Coordinator accept any application for a Special Event Permit that is submitted more than one year prior to the date of the Special Event.

6-1505

SPECIAL EVENT PERMIT REVIEW.

- (a) Prior to issuance of a Special Event Permit, the Applicant shall pay to the City all applicable fees and deposits in amounts determined by the Coordinator to be sufficient to cover the full cost of processing and investigating the Application for a Special Event Permit and administering the Special Events program established by this Article. In the event that the fees and deposits paid by the Applicant exceed the costs of processing and reviewing the Application for a Special Event Permit, then the excess amount paid shall be refunded to the Applicant by the City.
- (b) After the Coordinator has completed review of the Application, the Coordinator shall approve, conditionally approve, or deny the application. Such action shall be taken no later than fifteen business days after the date of the completed application and receipt of all applicable fees and deposits.
- (c) After completing the review of the Application for a Special Events Permit, the Coordinator shall approve the Application unless the Coordinator determines, from a consideration of the completed Application and other pertinent information, that any of the following exist:
 - (1) The Application is incomplete.
 - (2) The Application is determined to be fraudulent, to include a material misrepresentation, or to contain a false statement.

- (3) The Applicant has failed to complete the Application within the time frame permitted by the Coordinator after having been notified that additional information or documentation is needed to complete the review.
- (4) Another Application for a Special Event has already been submitted to the Coordinator or has already been approved to conduct a Special Event on the same date and at the same time requested by the Applicant; or, the application for a Special Event Permit is for a Special Event so close in time or place to another approved Special Event so as to cause undue traffic congestion or to burden the City's ability to meet the demand for police, fire, or other emergency services anywhere in the City.
- (5) The time and duration of the Special Event would create such conditions that it would be deemed detrimental to the health, safety, and welfare of the community.
- (6) The time, route, or size of the Special Event will substantially interrupt the safe and orderly movement of traffic at the site of the Special Event or contiguous to the site of the Special Event; or, the proposed route or Special Event will disrupt the use of a Public Right of Way at a time when it is usually subject to pedestrian or vehicular traffic congestion.
- (7) The size, nature, or location of the Special Event will present a substantial risk to the health, safety, or welfare of participants, spectators, or to the general public.
- (8) The size of the Special Event will require the City to divert such a number of peace officers to the Special Event to ensure that participants stay within the boundaries or route of the Special Event or to protect participants of the Special Event, that it would otherwise hamper or prevent the City from providing normal protection to the rest of the City; however, nothing herein authorizes the Coordinator to deny an Application for a Special Event Permit because of the need to protect participants from the conduct of others, if reasonable Special Event Permit conditions can be imposed to allow for adequate protection of participants with the number of peace officers available to police the event.
- (9) The location of the Special Event will substantially interfere with any construction or maintenance work scheduled to take place upon Public Property or a Public Right of Way, a previously issued Right of Way Permit, or a previously issued Building Permit.
- (10) The Special Event will occur at a time when a school is in session on a route or at a location adjacent to a school or class thereof, and the noise created by the Special Event would substantially disrupt the educational activities of the school or class.

- (11) The Special Event is deemed unsafe by the Department of Fire and Medical Services.
 - (12) The Special Event would violate any federal, state, or local law.
 - (13) The Special Event would not comply with Section 6-1506 of this Article, as amended.
 - (14) The Applicant has failed to pay all costs, fees, or deposits required for the Application for a Special Event, or the Applicant has an outstanding balance from a previous Special Event.
 - (15) If, within the past 3 years, the Applicant has had a Special Event Permit revoked or has failed to abide by the requirements or conditions of a previous Special Events Permit and the Coordinator informed the Applicant of that fact within 30 days after that Special Event was concluded.
- (d) If the Coordinator conditionally approves the Application for a Special Event Permit, then the Coordinator shall inform the Applicant in writing of those specific conditions that must be met before the Special Event Permit will be issued. The Coordinator shall also inform the Applicant of the Applicant's right to appeal that decision under this Article.
 - (e) If the Coordinator denies the Application for a Special Event Permit for any reason, including the untimely filing of an Application, then the Coordinator shall inform the Applicant in writing setting forth in detail the reasons why the Application was denied and of the Applicant's right to appeal that decision under this Article. If, in denying the Application, the Coordinator relied on information other than that contained in the Application, then the Coordinator shall inform the Applicant of such information and shall provide that information, in full, to the Applicant.
 - (1) If the denial of an Application for a Special Event Permit is based on grounds outlined in Section 6-1505(c)(4)-(14), *supra*, as amended, and the same can be corrected by altering the date, time, duration, route, location, or other detail of the Special Event or with the payment of fees, or the taking of any other action by the Applicant, then the Coordinator may -- instead of denying the application -- conditionally approve the Application in accordance with Section 6-1505(d), *supra*, as amended.

6-1506

SPECIAL EVENT STANDARDS. In addition to complying with all applicable federal, state, and local laws, including this Article, the Permittee shall, in conducting the Special Event, comply with the following:

- (a) The Americans with Disabilities Act of 1990 (ADA), codified as amended at 42 U.S.C. § 12101 *et seq.*, and all standards or regulations promulgated thereunder.
- (b) Federal, state and local laws regulating alcohol, smoking, and fireworks.

- (c) All safety and security requirements of the City.
- (d) Any restrictions on the sales of food, beverage, or merchandise.
- (e) State and local laws governing staking and the location of utilities.
- (f) The requirements of this Article.
- (g) All special conditions or restrictions imposed upon the Special Event Permit.

6-1507

REVOCATION.

- (a) The Coordinator may, at any time prior to a Special Event, revoke a Special Event Permit if the conditions change such that the Application for a Special Event Permit would have been denied in the first instance.
- (b) The Coordinator may revoke a Special Event Permit during the course of the Special Event if continuation of the Special Event presents a clear and present danger to the participants or the public.
- (c) The Coordinator may revoke a Special Event Permit during the course of the Special Event if the Permittee fails to comply with the provisions of this Article, the standards set forth at Section 6-1506, or any special conditions imposed on the issuance of the Special Event Permit.
- (d) Upon the revocation of a Special Event Permit, the City will not refund to the Permittee any costs, fees, or deposits, except those costs, fees, or deposits that are otherwise refundable under Section 6-1505(a), as amended.

6-1508

APPEAL.

- (a) Any Applicant or Permittee aggrieved by the decision of the Coordinator imposing any condition on the approval of an Application for a Special Events Permit, denying an Application for a Special Events Permit, or revoking a Special Event Permit shall have the right to appeal such decision to the Director of the Department of Parks and Recreation ("Director").
- (b) Such appeal shall be taken by filing with the Coordinator a Notice of Appeal within fourteen days of the decision from which the Applicant or Permittee is aggrieved. The Notice of Appeal shall be in writing and shall set forth in sufficient detail why the Applicant or Permittee believes that the Coordinator's decision was erroneous.
- (c) The Director, or designee, shall administratively review the Coordinator's decision no later than five business days after receipt of the Notice of Appeal. The Applicant and the Coordinator may present written evidence to assist the the administrative review. No hearing shall be held unless the Applicant or Permittee specifically requests it.

- (d) The Director shall render a written decision on the appeal no later than five business days after reviewing the decision or any hearing on the appeal. If the Director cannot complete such review within 5 business days, then the appeal shall be deemed denied, and notice of that fact shall be transmitted to the Applicant or Permittee.
- (e) The decision of the Director of Parks and Recreation shall be the final decision of the City.

6-1509

VIOLATIONS; PENALTIES

- (a) It shall be unlawful for any person or organization, however, organized to sponsor or conduct a Special Event without having first obtained from the City and being in possession of a valid Special Event Permit.
- (b) It is unlawful for any person to participate in any Special Event with the specific knowledge that the organizer or sponsor of the Special Event has not obtained from the City and is not in possession of a valid Special Event Permit.
- (c) It is unlawful for any Permittee to knowingly violate the terms of this Article, to knowingly violate any special condition imposed on the Special Event Permit, or for any participant in the Special Event, with specific knowledge thereof, to knowingly violate any special condition imposed on the Special Event Permit.
- (d) Any person violating a provision of this section or of this Article shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$100.00 and a maximum fine of \$500.00 for each unlawful act. Each day that a person violates the requirements of this Article shall constitute a separate offense.
- (e) In addition to any applicable penalties set forth above, in accordance with Section 6-1505, the Coordinator may consider any conviction hereunder in determining whether or not to issue a future Special Event Permit.

6-1510

EXEMPTIONS.

The provisions of this Article shall not apply to the following:

- (a) Any Special Event conducted by any other governmental entity within the City, provided that the Special Event does not involve the closure of a Public Right of Way.
- (b) Funeral Processions.
- (c) Private Events.

SECTION 3. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this 5th day of December, 2023.

APPROVED:

Lisa Larsen
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney