

ORDINANCE NO. 2262

AN ORDINANCE AMENDING CHAPTER XI OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "PUBLIC OFFENSES AND TRAFFIC" BY ADDING ARTICLE 14 ENTITLED "SPECIAL EVENT PERMIT."

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

Section 1. The following Article 14, entitled "Special Event Permit", is added to Chapter XI of the Prairie Village Municipal Code

ARTICLE 14. SPECIAL EVENT PERMIT

11-1401. PURPOSE AND INTENT.

The purpose and intent of this article is to regulate, in areas of the City zoned as residential districts, special events which generate, during all or a portion of such event, crowds of participants or visitors sufficient in size to obstruct, delay or interfere with the safe and orderly movement of pedestrian or vehicular traffic, and which may also hinder fire and police protection and ambulance service to the areas near a special event. Furthermore, it is the intent of this article to protect nearby property owners and residents from special events which may be unsafe given site conditions, traffic patterns, land use characteristics and the nature of the proposed event. Finally, it is the intent of this article to protect the safety, health, peace, good order and tranquility of the community.

11-1402 UNLAWFUL TO OPERATE WITHOUT A PERMIT.

It shall be unlawful for any person to use property for any special event as defined in this article without obtaining a permit as required by this article. The purpose of such permit is to provide a procedure whereby the Police Department can best protect the safe movement of vehicular and pedestrian traffic and the availability of emergency services to the areas in the vicinity of the special event.

11-1403 SPECIAL EVENT DEFINED.

For purpose of this article, the term "**special event**" means a temporary outdoor use of private property in a district zoned residential, which

- A, Is likely to or does in fact generate crowds of participants or visitors sufficient in size to obstruct, delay or interfere with the safe and orderly movement of pedestrian or vehicular traffic; and
- B. Is likely to or does in fact create a condition in which the Police Department is required to protect the public health and welfare by modifying the normal flow of traffic and parking or by diverting police

officers to the vicinity of the event in order to regulate and enforce traffic, pedestrian safety and parking and to insure that fire and police protection and ambulance service to the areas near such special event are not unduly interfered with or prevented.

11-1404 EVENTS NOT REQUIRING A PERMIT.

Events which do not, in the aggregate, occur on more than 5 total days in any calendar month shall not require a special event permit under this article.

11-1405 ADMINISTRATIVE PERMIT REQUIRED.

- A. All special events, other than those excluded under section 11-1404, require a permit issued administratively by the Police Department.
- B. No more than two special event permits per calendar year shall be issued at any location.

11-1406 PERMIT APPLICATION PROCEDURES.

- A. No special event permit shall be issued until an application has been submitted to the Police Department. The application shall be made on forms provided by the Police Department, and shall be accompanied by the following items, as applicable:
 - 1. a letter from the applicant identifying the address of the property at which the special event shall be held, describing the event, the hours of operation, the duration of the event, an estimate of the per diem attendance, and any structures or signs used in conjunction with the event;
 - 2. a sketch plan showing the location of the activities, structures and signs in relation to existing buildings, parking areas, streets and property lines; and
 - 3. any additional information deemed necessary by the City.
- B. The applicant shall be either the owner or occupant of the property at which the special event shall be held. If the special event will occur at multiple property addresses, the owner or occupant of each property address shall sign the application, or an owner or occupant may delegate in writing to a single representative the authority to apply for a special permit.

- C. A complete application shall be made at least two (2) weeks prior to the commencement date of a special event.

Recognizing that an event may not initially fall within the definition of "special event" set forth in Section 11-1403, or that an owner or occupant may reasonably believe that a planned event will not fall within the definition of "special event" set forth in Section 11-1403, this article will also be complied with if, within five (5) business days after an event does in fact meet the definition of "special event" set forth in Section 11-1403, an application is made.

Based upon the criteria set forth in subsection D below, the Police Department shall determine whether to approve, approve with conditions, or deny the permit within one (1) week after the application is received.

The Police Department shall have the authority to order any special event which has commenced without a special event permit to cease pending the processing of a valid application in order to protect the public safety and welfare.

- D. The Police Department may deny a special event permit if it determines that there are no conditions which can be imposed which will protect the public safety and welfare.

The Police Department may grant a special event permit with conditions deemed necessary protect the public safety and welfare, including, but not limited to:

(i) the placement by the Public Works department of signs, including limited turning signs, one way traffic signs, protected pedestrian crossing signs, and restricted parking signs, in order to regulate traffic flow, parking, and pedestrian safety,

(ii) the presence of police officers during some or all of the special event operating times in order to regulate and enforce traffic, pedestrian safety and parking and to insure that fire and police protection and ambulance service to the areas near such special event are not unduly interfered with or prevented.

(iii) limits on the hours of operation in order to prevent a diversion of police from normal services.

If the Police Department determines that signage or police presence is required, or if the City provides other services or equipment at the request of the applicant, the applicant shall be required to reimburse the City for

the costs of such signage, equipment or services in accordance with section 11-1407 hereof.

11-1407 PAYMENTS

If costs are to be reimbursed to the City pursuant to section 11-1406(D), the applicant shall pay the estimated costs upon issuance of the special event permit. If the costs are less than the estimated cost advance, the City shall refund the difference to the applicant within thirty (30) days of the termination of the special event. If the costs are more than the estimated cost advance, the City shall so notify the applicant who is obligated to pay such excess costs within thirty (30) days of demand therefor.

11-1408 DENIAL OF A SPECIAL EVENT PERMIT APPLICATION; APPEALS FROM CONDITIONS OR DENIALS.

If the Police Department disapproves any application, it shall give the reasons therefore in writing, file same with the City Clerk and mail or deliver a copy to the applicant. The applicant may appeal such disapproval by filing a written notice thereof with the City Clerk within 15 days after the Police Department files the statement of reasons for the disapproval. A hearing on such appeal shall be held by the Governing Body of the City no more than fourteen (14) days after the applicant files such notice of appeal. The Governing Body, after a hearing, may reverse or affirm the decision of the Police Department by a majority vote. Applicant may bring an action in the District Court of Johnson County to determine the reasonableness of any such decision. Such appeals must be filed in the District Court within thirty (30) calendar days after the date that the decision of the Governing Body Planning Commission was made.

11-1409 REVOCATION OF SPECIAL EVENT PERMIT.

A. Any special event permit issued pursuant to this article is subject to revocation if the Police Department determines that:

1. The permit holder has fraudulently obtained the permit by knowingly giving false information in the application; or
2. The special event cannot be conducted without violating the standards or conditions for special event permit issuance or the provisions of this article; or
3. The special event is being conducted in violation of any condition of the special event permit or this provision of this article; or
4. The special event poses a threat to health or safety; or

5. The special event organizer or any person associated with the event has failed to obtain any other permit required pursuant to this article or that the special event is otherwise being conducted in violation of other applicable provisions of the Prairie Village City Code, Zoning Regulations and Subdivision Regulations.

B. If the Police Department revokes a special event permit, it shall state the reasons therefor and notify the permit holder in writing by mail or by leaving a copy of such notice at the location of the special event, whereupon the permit holder or holders shall immediately cease the special event. The applicant may appeal such revocation by filing a written notice thereof with the City Clerk within 15 days after the Police Department files the statement of reasons for the disapproval. A hearing on such appeal shall be held by the Governing Body of the City no more than fourteen (14) days after the applicant files such notice of appeal. The Governing Body, after a hearing, may reverse or affirm the decision of the Police Department by a majority vote. Applicant may bring an action in the District Court of Johnson County to determine the reasonableness of any such decision. Such appeals must be filed in the District Court within thirty (30) calendar days after the date that the decision of the Governing Body Planning Commission was made.

11-1410 GENERAL SPECIAL EVENT STANDARDS.

All special events shall comply with the following standards:

- A. The total duration of each allowable special event shall not exceed 60 days.
- B. The special event shall not endanger or be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event.
- C. The special event shall not cause undue traffic congestion or accident potential.

11-1411 COMPLIANCE WITH OTHER PROVISIONS OF THE CODE.

Special events shall also be subject to all other applicable provisions of the Prairie Village City Code, Zoning Regulations and Subdivision Regulations, including, but not limited to, provisions governing (a) short term special use

permits, (b) temporary structures, (c) signs, (d) amplified sound permits, (e) parade permits, and (f) race permits.

11-1412 PENALTY AND ENFORCEMENT.

Any person violating any provision of the article shall be guilty of a class A violation upon conviction thereof, and shall be subject to a fine of not more than \$2,500, and not more than one year in jail, or both a fine and jail sentence. Each day of such violation is committed or allowed to continue shall constitute a separate violation. Prosecution of any offender under this article does not limit the City's right to pursue declaratory or injunctive relief which may be available by other laws.


Section 2. This ordinance shall take effect and be in force effective upon publication as required by law.

PASSED AND APPROVED THIS 17th day of September, 2012.



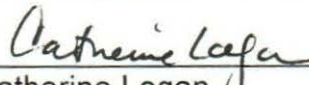
Ronald L. Shaffer, Mayor

ATTEST:



Joyce Hagen Mundy
City Clerk

APPROVED AS TO FORM:



Catherine Logan
City Attorney

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 17 day of Sept, 2012, that the record of the final vote on its passage is found on page 105 of journal 49; that it was published in the Legal Record on the 25 day of Sept, 2012.



City Clerk