

ORDINANCE NO. 120991

Amending Section 70-263, Code of Ordinances, by repealing Section 70-263, and enacting in lieu thereof a new section of like number and subject matter, and enacting a new Section 53-6, Code of Ordinances, for the purposes of modifying the procedures applicable to the permitting of races and parades and transferring that race permitting function to the Parks and Recreation Department.

WHEREAS, the procedures for permitting parades and races need to be updated for the purpose of better coordinating these events with other events city-wide; and

WHEREAS, the director of public works is currently charged with granting or denying race and parade permits; and

WHEREAS, many races have routes that include one or more parkways and boulevards under the jurisdiction of the Board of Parks and Recreation Commissioners such that the Parks and Recreation Department is already involved in the process of permitting such events; and

WHEREAS, races contribute to our economic development strategy and should be promoted broadly to bring visitors to our City while the City works in cooperation with existing businesses and neighborhood associations to ensure that the economic impact is magnified by the racing experience; and

WHEREAS, the race permit procedure should be transferred to the Parks and Recreation Department and the parade permit procedure will remain with the Public Works Department; NOW, THEREFORE;

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Section 70-263, Code of Ordinances, is hereby repealed and amended and enacting in lieu thereof a new Section 70-263, to read as follows:

Sec. 70-263 Permit for parades.

(a) *Definitions.* The following words, when used in this section, shall be defined as follows:

- (1) *Applicant* means an individual person, partnership, limited liability company, corporation, or any other entity whatsoever applying for a permit.
- (2) *Director* means the director of the Public Works Department or his or her designee.
- (3) *Funeral procession* means a line of vehicles or persons or both traveling to a cemetery or other place of repose in connection with a funeral.

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- (4) *Parade* means an organized, continuous procession of three or more vehicles or persons, or both, on any street or highway as defined in section 70-1 of the Code of Ordinances.

(b) *Authority to promulgate rules and regulations.* The director shall have the authority to promulgate, rules and regulations to implement this section.

(c) *Permit required.* Except funeral processions and parades in conjunction with and within the barricaded area of a permitted block party, no parade shall be held without first obtaining a permit from the director.

(d) *Application.* For parades, a written application shall be filed in the form prescribed by the director not less than ten (10) calendar days, not including the day that the application is filed, before the proposed event. Failure to timely file a written application may result in the denial of the permit. Each application shall be accompanied by an initial application fee of \$100.00. Additional fees and permits may be required if the event or event route impacts the City's Parks and boulevard system. Each application shall include the following information regarding the parade and shall be submitted in a format required by the director:

- (1) The name and address of the person filing the application.
- (2) If applicable, the name and address of the organization sponsoring the proposed event, or to benefit from the event.
- (3) The proposed date(s) and time of the parade.
- (4) The time of set up, commencement, termination and cleanup of the streets, sidewalks and surrounding areas.
- (5) An identification by street name of the proposed route and maximum length, including staging area and dismounting areas.
- (6) A map of the proposed route.
- (7) The number of people and vehicles taking part in the parade.
- (8) The area of the right-of-way to be reserved for the parade.
- (9) A certificate of insurance, in such amounts as the director shall reasonably require, naming the City as an additional insured.
- (10) An agreement obligating the applicant to complete, or arrange for another to complete, the post-event cleanup on the streets, sidewalks and other public ways.
- (11) A traffic control plan, including methods, devices, detour of traffic and who will be responsible for controlling traffic.

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- (12) A parking plan identifying where participants and attendees will park during the parade.
- (13) A public notification plan as provided in subsection (e) below.
- (14) Proof that the traffic control plan was submitted to the Kansas City, Missouri Police Department as provide in subsection (f) below.
- (15) Proof of route notification to the Kansas City Area Transportation Authority as provided in subsection (g) below.

The director may require an applicant to meet in person at any point during the application process for the purpose of discussing the application, and to provide such additional documentation as the director may reasonably require in conjunction with the review and consideration of the application. The delineation of specific documentation required to be submitted with the application shall not restrict the director from reasonably requiring the submittal of additional documentation.

(e) *Public notification plan.* Every applicant shall submit a plan for notifying members of the public who might reasonably be affected by the parade. The public notification plan may consist of notification by postcard, signage along the parade route, e-mail notification, published notification, or a combination thereof. Only parade notification signs complying with this subsection will be allowed on boulevards and parkways notwithstanding any section of the code. Parade notification signs erected pursuant to this section shall be no larger than three square feet. Notification shall include the name of the parade, the dates and times that the streets or highways are proposed to be closed to traffic, and contact information for the applicant or event sponsor. Any signs for a parade shall not be posted until three days before the parade. The applicant shall confer with the director and the director shall have the authority to require modifications to the public notification plan submitted by the applicant as a condition of permit approval. Any signage included in the approved plan shall not be placed in any location outside the public right-of-way except with the consent of the affected property owner; no additional permit or fee shall be imposed for the privilege of placing any approved sign required by this subsection within the public right-of-way, provide however that signs shall be removed within twenty-four (24) hours following the conclusion of the parade.

(f) *Traffic control and costs.* The applicant shall submit its traffic control plan to the Kansas City, Missouri Police Department, and the failure to do so shall preclude the issuance of a permit by the director. Costs for traffic control required for the parade shall be determined, assessed and waived in the sole discretion of the police department. Applicant's failure to remit any costs assessed by the police department, however, shall not preclude issuance of the permit. Any costs assessed and remaining unpaid may be recovered by the police department from the applicant in such manner as is provided by law.

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(g) *Notification to Kansas City Area Transportation Authority.* The applicant shall notify the Kansas City Area Transportation Authority of the proposed route and proposed date and time of the parade.

(h) *Authority to impose conditions.* In order to protect the health, safety and welfare of the public, the director shall have the right to determine and impose conditions related to the following:

- (1) The route and maximum length of the parade, including identifying an alternate route or portions of the route.
- (2) The proposed time of the parade, including establishing time periods during which portions of the route may not be closed, and imposing maximum time limits that certain portions of the route, once closed, may remain closed.
- (3) The number of people and vehicles taking part in the parade.
- (4) The minimum and maximum speeds.
- (5) The maximum intervals of space to be maintained between the units of the event.
- (6) The area of the right-of-way to be reserved for the event
- (7) The time of set up, commencement, termination and cleanup of the streets, sidewalks and surrounding areas.
- (8) The public notification plan.
- (9) Traffic control measures.
- (10) The placement of persons along the parade route with maps readily identifying each location where the parade may be crossed during the event.
- (11) The opening of streets or highways, or portions thereof, on a rolling basis to commence at a pre-determined time after the last scheduled persons or vehicle shall have started.

(i) *Standards for determination of conditions and approval.* The director shall determine the conditions for the parade in accordance with the following standards:

- (1) What effect the conduct of the parade will have on the safe and orderly movement of mass transit and pedestrian and vehicular traffic contiguous to the route.

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- (2) Whether the conduct of the parade will require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto will prevent normal police protection to the city.
- (3) Whether the conduct of the parade will interfere with the movement of police vehicles, firefighting equipment and ambulances en route to emergency destinations.
- (4) Whether the plan for the conduct of the parade will include stopping en route.
- (5) Whether there are viable alternatives for location of the parade route including sidewalks contiguous to the proposed route or available public parks along the proposed route.
- (6) Whether the parade route conflicts with another permitted parade, race or other street closure.

No permit shall be issued by the director if the location or proposed route of the parade presents a clear and present danger of destruction of, or injury to, life or property, or if the applicant has not met the requirements for a permit contained in this section, provided that no permit shall be denied on the basis of the content of the parade or the potential for hostility of onlookers or parade participants.

(j) *Assistance from other city departments/entities.* In connection with the director's investigation of an application for a permit, all departments of the city shall provide information and assistance to the director upon request. The director shall verify with the Parks and Recreation Department that the proposed event does not conflict with other events or boulevard and parkway closures. The investigation shall include reviewing the community calendar to ensure other events are not impacted by the race. The director may request the Kansas City, Missouri Police Department provide information and assistance with regard to imposing appropriate conditions for the parade.

(k) *Approval or denial of permit.* If a timely application for a permit is filed, the director shall approve or deny the application and notify the applicant, in writing, no less than five (5) calendar days prior to a proposed parade. If an untimely application for a permit is filed, the director may, but shall not be required to, deny the permit. In such circumstance, the director shall approve or deny the application and notify the applicant, in writing, as follows: If sufficient time remains before the proposed event, within five (5) calendar days from the date the application is filed, if for a parade. If the application is untimely to the extent that the proposed event would precede the expiration of these time limits, then within twenty-four (24) hours prior to the proposed event.

A denial shall state with specificity the basis for the denial. Any condition imposed by the director that is unacceptable to the applicant or any failure to approve or deny the application and notify the applicant as provided for herein shall be considered a denial for purposes of review.

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(l) *Review of denial of permit.* An applicant who has been denied a permit may appeal the director's decision to the city manager or his or her designee, who shall convene an administrative hearing within two calendar days of receipt of the applicant's request for review, not including weekends and holidays, unless the applicant requests to extend the time. If the applicant's request for review is sent by U.S. Mail, postage prepaid, receipt will be conclusively deemed to have occurred on the third calendar day following the date the request for review was placed in the mail, not including weekends and holidays. At the conclusion of the administrative hearing, the city manager or his or her designee shall issue a decision and serve it on the applicant. In the event there is insufficient time before the proposed parade to conduct an administrative hearing, and the insufficiency was not caused solely by the applicant's request for an extension of time, the applicant's untimely application for a permit, or by the applicant's delay in requesting review under circumstances where time would have otherwise allowed for the review provided for herein had it been requested sooner, then the applicant may seek redress from the director's decision in a court of competent jurisdiction. For the sole purposes of determining whether sufficient time remains for the administrative hearing provided for herein and whether any insufficiency was caused by the applicant, notice of a denial shall be deemed effective upon receipt by the applicant; if notice of a denial is sent by U.S. Mail, postage prepaid, receipt will be conclusively deemed to have occurred on the third calendar day following the date the notice was placed in the mail for delivery, not including weekends and holidays.

(m) *Display of permit.* The permit shall be in the possession of the applicant or a representative of the applicant during the parade, at the staging site, and shall be presented, on request, to any city official or officer of the police department at any time prior to or during the parade.

(n) *Compliance with Noise Code required.* The parade shall be conducted in compliance with the Kansas City, Missouri Noise Control Code, Chapter 46, Code of Ordinances. Every applicant shall contact the current Health Department liaison for noise control related to parades, for consultation about any possible violation.

(o) *Commercial parades.* No permit shall be issued by the director authorizing the conduct of a parade which is proposed to be held for the sole purpose of advertising any products, goods, wares or merchandise, and is designed to be held purely for personal profit.

(p) *Revocation of permit.* A permit may be revoked by the director, the procession may be halted, and the participants may be required to disperse whenever the conditions imposed on the parade by the director are being violated, the requirements of this section, including but not limited to the public notification plan as modified and approved by the director, have not been fulfilled in their entirety, or there is a clear and present danger of destruction of, or injury to, life or property, provided that no permit shall be revoked on the basis of the content of the parade, or the potential for hostility of onlookers or parade participants. It shall be the duty of the police department to enforce the orderly dispersal of the participants.

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(q) *Denial of future permits.* The director may deny future permits to anyone applying on behalf of an organization that previously sponsored or benefited from a permitted event if such permit was revoked or if grounds to revoke such permit shall have existed.

Section 2. That Section 53-6, Code of Ordinances, is hereby enacted to read as follows:

Section 53-6. Permit for races.

(a) *Definitions.* The following words, when used in this section, shall be defined as follows:

- (1) *Applicant* means an individual person, partnership, limited liability company, corporation, or any other entity whatsoever applying for a permit.
- (2) *Director* means the director of the Parks and Recreation Department or his or her designee.
- (3) *Race* means any organized competitive or noncompetitive marathon, contest, run or walk, including but not limited to, persons using bicycles, wheelchairs, roller blades, roller skates, or other vehicular device powered by human effort as opposed to a motorized vehicle.

(b) *Authority to promulgate rules and regulations.* The director shall have the authority to promulgate, rules and regulations to implement this section.

(c) *Permit required.* No race shall be held without first obtaining a permit from the director.

(d) *Application.* For races, the application shall be filed not less than ninety (90) calendar days, not including the day that the application is filed, before the proposed event. Failure to timely file a written application may result in the denial of the permit. Each application shall be accompanied by an initial application fee of \$100.00. Additional fees or permits may be required if the race or race route impacts the City's Parks and Boulevard system. Each application shall include the following information regarding the race and shall be submitted in a format required by the director:

- (1) The name and address of the person filing the application.
- (2) If applicable, the name and address of the organization sponsoring the proposed event, or to benefit from the event.
- (3) The proposed date(s) and time of the proposed event.

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- (4) The time of set up, commencement, termination and cleanup of the streets, sidewalks and surrounding areas.
- (5) An identification by street name of the proposed route and maximum length, including staging area and dismounting areas.
- (6) A map of the proposed route.
- (7) The number of people and non-motorized vehicles taking part in the proposed event.
- (8) The area of the right-of-way to be reserved for the proposed event.
- (9) A certificate of insurance, in such amounts as the director shall reasonably require, naming the City as an additional insured.
- (10) An agreement obligating the applicant to complete, or arrange for another to complete, the post-event cleanup on the streets, sidewalks and other public ways.
- (11) A traffic control plan, including methods, devices, detour of traffic and who will be responsible for controlling traffic.
- (12) A parking plan identifying where participants and attendees will park during the proposed event.
- (13) A public notification plan as provided in subsection (e) below.
- (14) Proof that the traffic control plan was submitted to the Kansas City, Missouri Police Department as provide in subsection (f) below.
- (15) Proof of route notification to the Kansas City Area Transportation Authority as provided in subsection (g) below.

The director may require an applicant to meet in person at any point during the application process for the purpose of discussing the application, and to provide such additional documentation as the director may reasonably require in conjunction with the review and consideration of the application. The delineation of specific documentation required to be submitted with the application shall not restrict the director from reasonably requiring the submittal of additional documentation.

(e) *Public notification plan.* Every applicant shall submit a plan for notifying members of the public and surrounding businesses who might reasonably be affected by the proposed event. The public notification plan may consist of notification by postcard, signage along the race route, e-mail notification, published notification, or a combination thereof. Only race notification signs complying with this subsection will be allowed on boulevards and parkways notwithstanding any section of the code. Race notification

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signs erected pursuant to this section shall be no larger than three square feet. Notification shall include the name of the proposed event, the dates and times that the streets or highways are proposed to be closed to traffic, and contact information for the applicant or event sponsor. The applicant shall confer with the director and the director shall have the authority to require modifications to the public notification plan submitted by the applicant as a condition of permit approval. Any signs for a race shall not be posted until three days before the race. Any signage included in the approved plan shall not be placed in any location outside the public right-of-way except with the consent of the affected property owner; no additional permit or fee shall be imposed for the privilege of placing any approved sign required by this subsection within the public right-of-way, provided, however, that signs shall be removed within twenty-four (24) hours following the conclusion of the race.

(f) *Traffic control and costs.* The applicant shall submit its traffic control plan to the Kansas City, Missouri Police Department, and the failure to do so shall preclude the issuance of a permit by the director. Costs for traffic control required for the race shall be determined, assessed and waived in the sole discretion of the police department, provided however that the applicant's failure to remit any costs assessed by the police department shall not preclude issuance of the permit. Any costs assessed and remaining unpaid may be recovered by the police department from the applicant in such manner as is provided by law.

(g) *Notification to Kansas City Area Transportation Authority.* The applicant shall notify the Kansas City Area Transportation Authority of the proposed route and proposed date and time of the event.

(h) *Authority to impose conditions.* In order to protect the health, safety and welfare of the public, the director shall have the right to determine and impose conditions related to the following:

- (1) The route and maximum length of the event, including identifying an alternate route or portions of the route.
- (2) The proposed time of the event, including establishing time periods during which portions of the route may not be closed, and imposing maximum time limits that certain portions of the route, once closed, may remain closed.
- (3) The number of people and non-motorized vehicles taking part.
- (4) The minimum and maximum speeds.
- (5) The maximum intervals of space to be maintained between the units of the event.
- (6) The area of the right-of-way to be reserved for the event

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- (7) The time of set up, commencement, termination and cleanup of the streets, sidewalks and surrounding areas.
- (8) The public notification plan.
- (9) Traffic control measures.
- (10) The placement of persons along the race route with maps readily identifying each location where the race may be crossed during the event.
- (11) The opening of streets or highways, or portions thereof, on a rolling basis to commence at a pre-determined time after the last scheduled wave shall have started.
- (12) The mitigation of impact on local businesses open during race hours that are on the race route.

(i) *Standards for determination of conditions and approval.* The director shall determine the conditions for the race in accordance with the following standards:

- (1) What effect the conduct of the race will have on the safe and orderly movement of mass transit and pedestrian and vehicular traffic contiguous to the route.
- (2) Whether the conduct of the race will require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto will prevent normal police protection to the city.
- (3) Whether the conduct of the race will interfere with the movement of police vehicles, firefighting equipment and ambulances en route to emergency destinations.
- (4) Whether the plan for the conduct of the race will include stopping en route.
- (5) Whether there are viable alternatives for location of the race route including sidewalks contiguous to the proposed route or available public parks along the proposed route.
- (6) Whether the race route conflicts with another permitted parade, race or other street closure.
- (7) Whether the race route has been used for other events.

No permit shall be issued by the director if the location or proposed route of the race presents a clear and present danger of destruction of, or injury to, life or property, or if the applicant has not met the requirements for a permit contained in this section, provided

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that no permit shall be denied on the basis of the content of the race, or the potential for hostility of onlookers or race participants.

(j) *Assistance from other city departments or entities.* In connection with the director's investigation of an application for a permit, all departments of the city shall provide information and assistance to the director upon request. The director shall verify with the Public Works Department that the proposed event does not conflict with other events or street closures. The investigation shall include reviewing the community calendar to ensure other events are not impacted by the race. The director may request the Kansas City, Missouri Police Department provide information and assistance with regard to imposing appropriate conditions for the race.

(k) *Approval or denial of permit.* If a timely application for a permit is filed, the director shall approve or deny the application and notify the applicant, in writing, no less than seventy-five (75) calendar days prior to a proposed race. If an untimely application for a permit is filed, the director may, but shall not be required to, deny the permit. In such circumstance, the director shall approve or deny the application and notify the applicant, in writing, as follows: If sufficient time remains before the race, then within fifteen (15) calendar days from the date the application is filed. If the application is untimely to the extent that the race would precede the expiration of these time limits, then within twenty-four (24) hours prior to the race.

A denial shall state with specificity the basis for the denial. Any condition imposed by the director that is unacceptable to the applicant or any failure to approve or deny the application and notify the applicant as provided for herein shall be considered a denial for purposes of review.

(l) *Review of denial of permit.* An applicant who has been denied a permit may appeal the director's decision to the city manager or his or her designee, who shall convene an administrative hearing within two calendar days of receipt of the applicant's request for review, not including weekends and holidays, unless the applicant requests to extend the time. If the applicant's request for review is sent by U.S. Mail, postage prepaid, receipt will be conclusively deemed to have occurred on the third calendar day following the date the request for review was placed in the mail, not including weekends and holidays. At the conclusion of the administrative hearing, the city manager or his or her designee shall issue a decision and serve it on the applicant. In the event there is insufficient time before the proposed race to conduct an administrative hearing, and the insufficiency was not caused solely by the applicant's request for an extension of time, the applicant's untimely application for a permit, or by the applicant's delay in requesting review under circumstances where time would have otherwise allowed for the review provided for herein had it been requested sooner, then the applicant may seek redress from the City's decision in a court of competent jurisdiction. For the sole purposes of determining whether sufficient time remains for the administrative hearing provided for herein and whether any insufficiency was caused by the applicant, notice of a denial shall be deemed effective upon receipt by the applicant; if notice of a denial is sent by U.S. Mail, postage prepaid, receipt will be conclusively deemed to have occurred on the third calendar day following the date the notice was placed in the mail for delivery, not including weekends and holidays.

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(m) *Display of permit.* The permit shall be in the possession of the applicant or a representative of the applicant during the race, at the staging site, and shall be presented, on request, to any city official or officer of the police department at any time prior to or during the event.

(n) *Compliance with Noise Code required.* The race shall be conducted in compliance with the Kansas City, Missouri Noise Control Code, Chapter 46, Code of Ordinances. Every applicant shall contact the current Health Department liaison for noise control related to races, for consultation about any possible violation.

(o) *Revocation of permit.* A permit may be revoked by the director or his or her designee, the procession may be halted, and the participants may be required to disperse whenever the conditions imposed on the race by the director are being violated, the requirements of this section, including but not limited to the public notification plan as modified and approved by the director or have not been fulfilled in their entirety, or there is a clear and present danger of destruction of, or injury to, life or property, provided that no permit shall be revoked on the basis of the content of the race, or the potential for hostility of onlookers or race participants. It shall be the duty of the police department to enforce the orderly dispersal of the participants.

(p) *Denial of future permits.* The director may deny future permits to anyone applying on behalf of an organization that previously sponsored or benefited from a permitted event if such permit was revoked or if grounds to revoke such permit existed at the time of the previously permitted event.

Approved as to form and legality:

Lana K. Torczon
Assistant City Attorney