

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 970008

Amending Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, by repealing Sections 70-39, 70-263, 70-562 and 70-563, and enacting in lieu thereof new sections of like number and subject matter.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 70-39, 70-263, 70-562 and 70-563, and enacting in lieu thereof new sections, to read as follows:

Sec. 70-39. Authority of director to close streets, sidewalks and other travelways; authority to establish emergency parking restrictions.

(a) Traffic control permits. The director shall have authority to close or issue a permit to close any street, sidewalk, or any other city maintained travelway or part thereof when, in the director's opinion, the closing is necessary for construction operations, or for the protection of public health or safety or other special condition. No street, sidewalk or other city maintained travelway shall be closed to traffic for any purpose without first obtaining a permit from the director. The director shall have authority to establish reasonable regulations for the issuance, use, revocation and denial of traffic control permits. Travelway shall mean that portion of the public street right-of-way reserved for traffic; it is generally comprised of the roadway including median, pedestrian sidewalk and bikeway.

(b) Fees.

(1) Permit application; engineering inspection; traffic control plan review fees. Fees for occupying a street, sidewalk or other city maintained travelway beyond current traffic regulation authority shall be assessed as follows:

Length of Closure Application Engineering Inspection

3 days or less \$25.00 \$0.00

4 days through 15 days 25.00 \$20.00

16 days through 30 days 25.00 \$30.00

31 days through 60 days 25.00 \$30.00 plus \$1.00/day beyond 30 days

61 days through 90 days 25.00 \$60.00 plus \$2.00/day beyond 60 days

91 days through 180 days 25.00 \$120.00 plus \$3.00/day beyond 90 days

over 180 days 25.00 \$390.00 plus \$5.00/day beyond 180 days

(2) In addition to the fees assessed in (b)(1) above, a plan review fee shall be assessed when a traffic control permit requires full roadway closure and/or signed detour as follows:

a. If applicant provides a prepared plan for the closure and/or signed detour, a fee of \$25.00 shall be assessed to the permit.

b. If applicant does not provide a prepared plan for the closure and/or signed detour, the department will prepare such plan and a fee of \$50.00 per hour with a minimum 0.5 hour charge will be assessed.

(3) Annual permits. Utilities and other companies having a franchise agreement with the City of Kansas City, city departments, contractors acting as an agent for franchisee or city department, who are experienced in proper traffic control procedures and approved by the director, and the approved agent(s) for the recognized state-wide utility locating network, of which the city is a member, may obtain an annual permit for each construction or maintenance vehicle used in a full or partial blockage of a street, sidewalk, and/or other city maintained travelway. The annual permit will exempt the blockage from the provisions of the individual traffic control permit if final restoration is made to the pavement and normal traffic flow is resumed in the street, sidewalk or other city maintained travelway within 72 hours, except that temporary street surface repairs with cold mix asphalt patching material are acceptable during the months of November through March. The annual fee is \$100.00 per vehicle. The director is authorized to establish reasonable regulations for the issuance, use, and revocation of annual permits.

(4) Water/sewer main connections and disconnections. A plumber who has obtained a permit to excavate, in the right-of-way of a city street within a residential district, for

making a connection or disconnection of a private water or sewer line to a city main line may obtain a traffic control permit for the life of the excavation permit, by payment of an additional fee of \$5.00 per excavation permit.

(5) Festival permits. The fee for a festival permit shall be \$35.00. Festival permits are required for the closure of streets identified on the list of major streets published, and from time to time revised, by the director of public works. Festivals warranting closure of a major street, must be events having regional or community wide significance. The applicant shall certify that no less than ten (10) days prior to the proposed festival, all owners or property managers of property adjacent to the street closure have been notified in writing of the (1) name of the event; (2) name of the sponsor organization including mailing address and telephone number; (3) date, starting and ending times of the event; and (4) purpose of events. The director shall define traffic control standards to be furnished by the permittee and necessary for the safety of festival attendees and the general traveling public. The applicant is responsible for post-event cleanup on the streets, sidewalks and public ways.

(6) Neighborhood block party permits. The neighborhood block party permit authorizes the applicant to barricade a specified portion of the named residential street, using City-approved barricades, denying access to through-traffic (except emergency vehicles and residents who reside within the barricaded area) to conduct a neighborhood block party. Neighborhood block party permits shall be issued without charge.

The applicant must be either a neighborhood resident or the neighborhood homes association group. The applicant shall be made on a form provided by the director at his office in city hall. The applicant must provide evidence on the application form that all of the residents who live in the blocked-off area have been notified in writing of the proposed neighborhood block party and that a minimum of sixty percent (60%) of these residents are in favor.

Neighborhood block parties shall be conducted only between the hours of 7:00 a.m. and 10:00 p.m. The applicant is responsible for post-event cleanup on the streets,

sidewalks and public ways.

(7) Trailers or dumpsters. The fee to place a trailer or dumpster in street right-of-way is \$10.00 per day, not to exceed \$1,000.00 per year, per location. However, if the trailer or dumpster is placed in an alley, a width of at least ten feet must be left free for travel. An annual fee of \$100.00 shall be assessed for each trailer or dumpster placed in an alley for more than ten days.

(8) Parking meter occupancy. When a street or other right-of-way is closed, preventing the use of parking spaces regulated by meter, a parking meter occupancy fee of \$3.00 per meter per day shall be paid.

(9) Waiver. Fees shall be waived for the following:

- a. City departments and their contractors performing roadway or roadway feature related, including landscaping, maintenance or repair.
- b. Firms or agencies required by the city to relocate utilities.
- c. Transportation facility improvement projects funded by federal, state or local governments.
- d. When the director finds that it is necessary to close the street for the immediate protection of public safety.

(10) Double fees. Absent an emergency situation, as defined by the director in rules and regulations which reflect the need for prompt action to protect the public safety, the fees established by this section shall be doubled for any permit and associated inspection if work is commenced prior to obtaining a permit.

(c) Emergency parking restrictions. The director may establish emergency parking restrictions or prohibitions upon any street or part thereof upon the request of any responsible applicant when the parking restrictions are necessary for construction or other special conditions. The applicant shall notify the public works department immediately when construction is complete or when any special conditions cease to exist.

(d) Traffic control devices. The director may install, allow or require responsible applicants to install, traffic control devices giving notice of the approved emergency parking restrictions or prohibitions permitted under subsection (c) of this section. The applicant shall immediately notify the public works department when the traffic control devices are installed and shall immediately remove the traffic control devices when construction is complete or the special conditions end.

Sec. 70-263. Permit for parades and processions.

(a) Required; exceptions. Except funeral processions, no parade or procession of persons or more than three vehicles shall walk or be driven on any street or highway except in accordance with a permit issued by the director. Any person or organization desiring to conduct or manage a parade or procession shall, not less than ten days before the date on which it is proposed to conduct such parade or procession, file a written application for a permit with the director.

(b) Application. The application shall be made on a form provided by the director at his office in city hall. The applicant shall furnish the following information:

- (1) The name and address of the applicant and that of the sponsor.
- (2) If the application is made on behalf of an organization, the name and address of the organization.
- (3) The proposed date of the parade or procession.
- (4) The purpose of the proposed parade or procession.
- (5) The time of commencement.
- (6) The route and maximum length of procession.
- (7) The number of people and vehicles taking part.
- (8) The minimum and maximum speeds.
- (9) The maximum intervals of space to be maintained between the units of such parade.
- (10) What portions of the street to be traversed may be occupied by such parade.
- (11) The time when the parade will terminate and those taking part will disperse.
- (12) Certification that the applicant and sponsor organization are responsible for post-event cleanup on the streets, sidewalks and public ways.
- (13) Certification that the applicant and sponsor organization have, not less than ten (10) days prior to the proposed event, notified all owners of property adjacent to the proposed parade route, in writing of the (1) name of the event; (2) name of the sponsor organization including mailing address and telephone number; (3) date, starting and ending times of the event; and (4) the detailed description of the route.

(c) Authority to impose conditions. The director shall have the right to define:

- (1) The route to be taken by the parade or procession.
- (2) The time of commencement.

- (3) The maximum length of procession.
- (4) The number of vehicles and people taking part.
- (5) The minimum and maximum speeds.
- (6) The maximum intervals of space to be maintained between the units of the parade.
- (7) What portions of the street to be traversed may be occupied by the parade.
- (8) The time the parade will terminate.
- (9) Participant dispersal routes and procedures therefor, if deemed necessary by the director.
- (10) The requirement that the applicant of the parade sponsor shall maintain during the event, general liability insurance in an amount not less than one million dollars (\$1,000,000.00) combined single limit per occurrence, which lists the City as an additional insured and which meets all requirements as set forth by the City.

(d) Standards for determination of conditions. The director shall determine the requirements of the permit in accordance with the following standards:

- (1) What effect the conduct of the parade will have on the safe and orderly movement of traffic contiguous to its route.
- (2) Whether the conduct of the parade will or will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city.
- (3) Whether the conduct of the parade will or will not interfere with the movement of police vehicles, firefighting equipment and ambulances en route to emergency destinations.
- (4) Whether such parade will move expeditiously from its point of origin to its point of termination without stopping en route.
- (5) Whether the conduct of the parade will affect the safety of pedestrians and spectators on the day and hour of such parade.

In his determination of the permit requirements, the director shall have the right to request from the police department, fire department or any other city department such information and assistance he may deem necessary, and the departments shall provide such information and assistance.

(e) Issuance, fee. Upon the determination of the permit requirements, the director shall issue to the applicant the parade or procession permit and shall collect from the applicant and deposit in the city treasury a service fee of \$35.00.

(f) Denial. No permit shall be issued by the director if the proposed parade or procession presents a clear and present danger of destruction of, or injury to, life or property, or is likely to cause breaches of the peace and the danger therefrom is imminent and aggravated.

(g) Possession and exhibition during parade. The permit for the procession or parade shall be in the possession of the applicant or a representative of the applicant during the parade or procession and shall be presented, on request, to any officer of the police department at any time prior to or during the parade or procession.

(h) Violation of provisions of permit. A permit for a parade may be revoked, the procession may be halted, and the participants may be required to disperse whenever provisions of the permit are being violated; and it shall be the duty of the police department to enforce the orderly dispersal of the participants.

(i) 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.

Sec. 70-562. Permits for loading zones.

(a) The director shall not designate or sign any loading zone upon special request of any person unless such person makes application for a permit for such zone and for signs to indicate the ends of each such zone. The application shall be accompanied by a deposit of \$10.00, which shall apply to the annual fee if such loading zone is approved and which shall be returned to the applicant if the request for the loading zone is denied. The director, upon granting a permit, shall collect from the applicant and deposit in the city treasury an annual service fee of:

(1) In an area bounded on the south by Truman Road, on the north by 6th Street, on the west by Washington Avenue, and on the east by Harrison Street.

(a) Two dollars for each foot of such loading zone when such space is available during any of the nighttime hours between 6:00 p.m. and 7:00 a.m.

(b) Thirty dollars for each foot of such loading zone when such space is available during any of the daytime hours between 7:00 a.m. and 6:00 p.m. or 24 hours per day.

(2) In all other areas.

(a) Two dollars for each foot of such loading zone when such space is available during any of the nighttime hours between 6:00 p.m. and 7:00 a.m.

(b) Four dollars for each foot of such loading zone when such space is available during any of the daytime hours between 7:00 a.m. and 6:00 p.m.

(c) Six dollars for each foot of such loading zone when such space is available during both daytime and nighttime hours.

(b) Every such permit shall expire at the end of one year.

Sec. 70-563. Permits for loading or unloading at angle to the curb.

(a) The director is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle upon the payment into the city treasury a fee of:

(1) Six dollars per linear foot for a permanent angle loading permit.

(2) Five dollars per day or fraction thereof for a temporary angle loading permit.

(3) Thirty dollars per linear foot for a permanent angle loading permit in an area bounded on the south by Truman Road, on the north by 6th Street, on the west by Washington Avenue, and on the east by Harrison Street.

(b) It shall be unlawful for the permittee or any other person to violate any of the special terms or conditions of any such permit.

Approved as to form and legality:

Assistant City Attorney8