

ORDINANCE NO. 3756

AN ORDINANCE ESTABLISHING SPECIAL EVENTS AND BLOCK PARTIES AND REGULATIONS PERTAINING THERETO WITHIN THE CITY LIMITS OF DODGE CITY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY:

SPECIAL EVENTS AND BLOCK PARTIES

Section 1. Definitions.

As used in this article, unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this section:

- (a) "Alcoholic beverages" shall mean any cereal malt beverage or alcoholic liquor.
- (b) "Block party" shall mean the closure of a street, or a portion of a street, in a residential zoning district for an outdoor gathering or activity of the occupants of the residences adjacent to, and nearby, the closed area.
- (c) "Special event" shall mean activities to be held in a single location on, or on a route throughout, city streets, sidewalks, parking lots, public plazas, or on or within other city property or facilities, including but not limited to parades, ceremonies, shows, exhibitions, pageants, circuses, carnivals, fairs, festivals, pep rallies, rodeos, concerts, animal shows, organized sports competitions and races, and sale, fundraising or promotional activities. A special event may occur on a single date or on a series of dates within one calendar year. Each single special event date in a series of dates shall be of the same scale and involve substantially the same purpose, site plan, and vendor(s).

Section 2. Unlawful acts.

- (a) It shall be unlawful for any person to hamper, obstruct, impede, or interfere with any special event or block party.
- (b) It shall be unlawful for a driver of a motor vehicle to drive between the vehicles, persons, or animals comprising a parade when such vehicles, persons or animals are in motion and are conspicuously designated as a parade.
- (c) If authorized signs are erected indicating that a street, or a portion thereof, is closed due to a block party, no person shall drive a motor vehicle within such closed area except drivers of vehicles having business, or whose residents are within the closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

Section 3. Special events; parking and street closures.

(a) The City of Dodge City shall have the authority to prohibit or restrict the parking of vehicles along a street, or portion thereof, in the area or along the route of the special event, and the public works director shall post signs to such effect. It shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street that is not so posted.

(b) The City of Dodge City shall have the authority to close any street, or portion thereof, to restrict pedestrian or vehicular access to such area for a special event, and to place appropriate signs or devices in the roadway indicating and helping to protect the same. It shall be unlawful for any person to drive a vehicle upon any closed street or portion thereof.

Section 4. Permit required, exceptions.

(a) It shall be unlawful for any person to engage in, participate in, aid, form, or start any special event or block party unless the city clerk has issued a permit for such activity.

(b) A permit shall not be required for a funeral procession.

(c) A permit shall not be required for a special event occurring at city parks and facilities, except when the director of parks and facilities makes a determination that a special event permit is necessary for the safety or management of the special event, due to its size, duration, nature, location, or other similar factors.

Section 5. Permit application.

(a) A person seeking issuance of a special event or block party permit shall file a completed application pursuant to the following deadlines:

(1) For a special event permit, at least 14 calendar days before the date of the special event.

(2) For a special event permit that includes alcoholic beverages at the special event, at least 30 calendar days before the special event.

(3) For a block party permit, at least seven calendar days in advance of the block party.

If good cause is shown for the late filing, the city clerk may consider and respond to an application not filed by the specified deadline.

(b) The applications for a special event and block party shall be on a form provided by the city clerk, and shall set forth, at a minimum, the following information:

(1) The applicant's name and contact information.

(2) The time, date, location and/or route of such activity.

(3) The maximum number of persons, vehicles, and animals involved.

(4) If the activity is for, or on behalf of, an organization, the name of such organization and contact information for the responsible head of such organization shall be provided.

(5) Any additional information which the city clerk finds to be reasonably necessary to make a determination as to whether a permit should be issued.

(c) In addition to the application requirements set forth in subsection (b), an applicant for a special event permit shall submit a site plan that shows placement of any fences, traffic barricades, stages, toilet facilities, trash receptacles, sound systems and speakers, lighting, event signage, seating and bleachers, tables, tents or canopies, portable amusement park or inflatable rides, food vendors, and other similar features related to the special event. The site plan shall also detail the use of any electrical power or generators, the location and number of event parking spaces, areas off-limits to public access and plans for providing potable water.

(d) In addition to the application requirements set forth in subsections (b) and (c), an applicant for a permit for a special event that involves alcoholic beverages shall provide the following information related to the service of such beverages: name and contact information for the on-site supervisor of the beverages; copy of the appropriate city and/or state license permitting the service of the beverages; location of sale/distribution booths; related signage; and a security plan detailing how the area in which the beverages are served and consumed will be restricted, monitored, and staffed.

(e) The application for a block party permit must be submitted by at least three owners or residents representing three or more different parcels adjacent to the street to be closed. If the street adjacent to the street to be closed contains only two or three parcels, the application for a block party permit must be submitted by owners or residents representing at least two of the parcels.

Section 6. Application fees.

(a) The applicant for a special event or block party permit shall, at the time of filing the application, pay the following fee:

(1) Special event permit per day: \$25.00

(2) Special event permit per day (with alcoholic beverages): \$50.00

(3) Block party permit: \$25.00

Section 7. Standards for issuance.

(a) The city clerk shall issue a permit for a special event if the special event meets the following requirements:

(1) The special event will be held between the hours of 7:00 a.m. and 11:00 p.m. Provided that, upon the applicant's request, the city clerk or designee may extend a special event that does not involve alcoholic beverages to 2:00 a.m. the following day, and the governing body may extend a special event that involves alcoholic beverages to 2:00 a.m. the following day if the applicant shows, for the extended time period, that the special event is designed to meet other city ordinances and the standards of issuance set forth in this section.

(2) The special event will not substantially interrupt or unreasonably delay the safe and orderly movement of vehicular and pedestrian traffic contiguous to its location or route.

(3) The special event will comply with the requirements of the most recently adopted version of the International Fire Code relating to entrances and exits, occupancy, and fire safety control.

(4) The special event is not to be held for the sole purpose of advertising any product or service.

(5) If the special event includes the presence, service, or consumption of alcoholic and cereal malt beverages, the special event shall be located only within:

(i) The Heritage District; or

(ii) The Downtown District; or

(iii) The public park known, for purposes of this article, as Wright Park.

(6) If the special event includes the presence, service, or consumption of alcoholic beverages, such alcoholic beverages shall only be served by a caterer, as defined by K.S.A. 41-2601, and amendments thereto, who holds a valid city and state license for such service, or by a drinking establishment immediately adjacent to the special event which is granted a temporary extension of premises pursuant to K.S.A. 41-2645(e)(2) and holds a valid city and state license.

(7) If the special event includes the presence, service, or consumption of alcoholic beverages, the plan for the event must include adequate provisions to control crowds and prevent off-premises consumption of alcoholic liquor or cereal malt beverage and consumption of alcohol by minors.

(b) The city clerk shall issue a permit for a block party if the block party meets the following requirements:

(1) The block party shall be for no more than 12 hours, during daylight hours only. Provided that, the city clerk can extend the hours of the block party to 11:00 p.m. on Fridays and Saturdays, if the following conditions are met:

(i) Both the city engineer and the chief of police determines that the street closure does not create an unreasonable safety hazard, based on the location and traffic flow of the street.

(ii) The block party uses street closure safety devices that meet or exceed the city's traffic safety requirements; and

(iii) The applicant pays for the costs of any street closure safety devices in advance of the block party date.

(2) The street closure or obstruction does not substantially burden the residents of the neighborhood or the general public who might otherwise have occasion to use the roadway.

(3) If the block party is located adjacent to a city park or facility, the block party shall not unreasonably interfere with any other scheduled events or normal park or facility operation.

(d) The city clerk may issue a permit that authorizes an alternative date for the special event or block party if such activity cannot occur for weather-related reasons.

Section 8. Regulations applying to special events and block parties.

(a) The permit holder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(b) The permit holder shall keep the permit, with the site plan and other information attached, if applicable, at the location of the activity and shall promptly produce the permit upon the request of the city or the Dodge City Police Department.

(c) The permit holder shall be responsible for cleaning the street, parking lot, park, or other public area upon which the special event or block party is held, within two hours following the conclusion of such activity. The city clerk may extend the deadline for clean-up, if warranted by the nature of the special event. If the city clerk grants a clean-up extension, such deadline shall be noted on the permit. Should the permit holder fail to do so within two hours following the conclusion of the activity, or within the period specified by the city clerk, the city shall clean the area and collect the costs thereof from the permit holder.

(d) No alcoholic beverages shall be located upon, or consumed by, persons who may have occasion to attend the special event except within the area of a special event designated and permitted for alcoholic beverage service and consumption.

(e) The special event and block party shall only be held during the hours specified on the permit. The permit holder shall ensure that the activity only occurs during such hours.

(f) No permanent or semi-permanent markings shall be made on city streets, sidewalks, parking lots, or other city property.

(g) Temporary signage may be installed within the permitted area, provided that it is posted no more than 30 minutes before the beginning of the special event or block party, and removed within two hours after the conclusion of the activity.

(h) Any beverages served, provided, or consumed within the permitted area shall not be served within glass containers.

(i) In the case of any special event, the permit holder shall provide and maintain insurance for the special event that names the city as an additional insured, at the levels required by the city. The permit holder shall provide a certificate of insurance evidencing such coverage at least two business days prior to the special event.

(j) In the case of any special event involving the presence, service, or consumption of alcoholic beverages, the following requirements shall be met:

(1) The alcoholic beverages shall be served in containers that are distinctly different than those provided for non-alcoholic beverages.

(2) The alcoholic beverages shall not be sold or served in pitchers, buckets, or carafes.

(3) No more than two alcoholic beverages may be sold or served to a person at the same time.

(4) For special events, only persons aged 21 and older shall be permitted within the area designated for the presence, service, or consumption of alcoholic beverages. Provided that, persons aged 21 and older shall be issued a wristband to indicate that such persons are of the legal drinking age and must wear the issued wristband to possess or consume alcoholic beverages within the special event boundary. It shall be unlawful for any person to possess or consume an alcoholic beverage within the special event area designated for the presence, service, or consumption of alcoholic beverages without wearing such wristband or identifying mark.

(5) All laws, rules and regulations relating to the presence, sale, consumption, or service of alcoholic beverages shall be followed.

Section 9. Denial, suspension, revocation; alternative permit.

(a) The city clerk may deny, suspend or revoke a permit for any of the following reasons:

(1) Failure to submit a complete application and/or the permit fee.

(2) In the case of a special event, failure to provide proof of insurance meeting the city's coverage requirements at least two business days prior to the special event.

(3) Fraud, misrepresentation, or false statement in the permit application or its attachments.

(4) Failure to comply with the standards for issuance, the conditions of the permit, or any of the provisions of this chapter.

(b) An officer of the Dodge City Police Department may revoke a permit, during the special event, in the following circumstances:

(1) Failure to comply with the standards for issuance, the conditions of the permit, or any of the provisions of this chapter.

(2) If criminal activity occurs during the special event, for which a citation is issued or an arrest made, that is reasonably likely to cause injury or threat to persons or property or to create an unreasonable disturbance.

(c) The city clerk, in denying an application for any permit required in this article, shall be empowered to authorize such activity on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within 48 hours after notice of the action of the city clerk, file a written notice of acceptance with the city clerk. An alternate permit shall conform to the requirements of and shall have the effect of any permit issued under this division. If the alternate permit proves unsatisfactory to the applicant, an appeal may be filed with the city clerk as provided for in Section 10.

Section 10. Right to appeal.

The applicant or permit holder shall have the right to appeal the denial, suspension, or revocation of a permit issued under this article to the city manager. The applicant or permit holder shall file a written notice of appeal with the city clerk within two business days following the notification that the permit has been denied, suspended, or revoked.

The Ordinance will take effect upon approval by the City Commission and upon publication of a summary Ordinance in the Dodge City Daily Globe. Approved this 7th day of June 2021.



City Clerk

Mayor

A handwritten signature in black ink, appearing to read "R. J. Sam", written over a horizontal line.