

or sound amplifying system for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. (Ord. 7616)

6-1408

REVOCATION, SUSPENSION OF LICENSE.

The City Manager or designee, the Chief of Police or the Codes Enforcement Manager, may suspend or revoke a license issued under this Article if: (Ord. 7616)

- (1) The licensed street vendor violates any provision of this Code or other ordinance of the City governing the activities permitted by the license; or,
- (2) The license was obtained by fraud or misrepresentation.

6-1409

APPEAL.

Any person may appeal to the City Commission from the denial, suspension or revocation of a street vendor license. Notice of such appeal must be given in writing to the City Clerk within fifteen (15) city business days of the denial, suspension or revocation. (Ord. 7616)

6-1410

PENALTY.

Any person who violates the requirements of this Article shall, upon conviction, be fined not less than \$20.00 nor more than \$500.00. Each day that a person violates the requirements of this Article shall constitute a separate offense. (Ord. 7616)

ARTICLE 15 TEMPORARY SPECIAL EVENTS

6-1501

TEMPORARY SPECIAL EVENTS: PURPOSE AND INTENT.

The purpose and intent of this section is to provide for the temporary use of private property for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this section to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed use. Finally, it is the intent of this section to preserve the public health, safety and convenience. (Ord. 8089)

6-1502

SPECIAL EVENT DEFINED.

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by these zoning regulations, for one or more of the following types of activities: (Ord. 8089)

Type 1: Fundraising or non-commercial events for nonprofit religious, educational or community service organizations; including any structures in conjunction with the event.

Type 2: Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as outdoor entertainment or display booths.

Type 3: Outdoor commercial activities intended to sell, lease, rent or

promote specific merchandise or services [such as a tent sale, farmers market or product demonstration] or indoor seasonal events which will draw additional visitors to a property [such as haunted houses], and including licensed transient merchants requiring use of a tent or structure.

Type 4: Christmas tree sales.

Type 5: Public events intended primarily for entertainment or amusement, such as concerts or festivals.

6-1503

SPECIAL EVENTS NOT REQUIRING A PERMIT.

Special events meeting the Type 1 definition are allowed without a Temporary Special Event Permit provided all of the following standards are met: (Ord. 8089)

- (A) The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
- (B) Any structure used in conjunction with the special event shall meet all applicable yard setbacks, shall be subject to a valid building permit, shall meet uniform tire code requirements, and shall be removed within 24 hours upon the cessation of the event.
- (C) The special event shall be restricted to hours of operation between 8 a.m. and 9 p.m., to a maximum duration of 5 days, and to a maximum frequency for similar events of 2 times per calendar year.
- (D) Signs displayed in conjunction with use shall comply with City sign regulations and shall not be located on public right-of-way.

6-1504

SPECIAL EVENTS SUBJECT TO AN ADMINISTRATIVE PERMIT.

Special events meeting the following standards may be issued a Temporary Special Event Permit administratively by the Planning Director. Any applicant denied a Temporary Special Event Permit shall be notified in writing of the reasons for denial and of the opportunity to appeal the denial to the City Commission. No more than four (4) Temporary Special Event Permits per calendar year shall be issued administratively at any location. Type 4 events do not count against the permit limit. (Ord. 8089)

- (A) Special events meeting the Type 2 or Type 3 definition, and Type 1 events not meeting the standards outlined in Section 6-1503, may be permitted administratively by the Planning Director subject to prior review and approval by the Public Works Department, Code Enforcement Division, Police Department and Fire Department. No administrative Temporary Special Event Permit shall be issued unless all of the following standards are met:
 - 1. An application and site plan indicating the proposed use and any temporary structures or displays are submitted, and a fee paid in accordance with Section 6-1506.
 - 2. The special event shall not cause undue traffic congestion or accident potential given anticipated attendance and specific location of event.
 - 3. The activity shall not cause the overcrowding of parking facilities given anticipated attendance-and the possible reduction in the number of available spaces caused by the event itself. Permits shall not be issued for properties which do not provide parking spaces in excess of the number required in the zoning ordinance to support the principal use(s) on the property.
 - 4. The special event shall not endanger the public health, safety or welfare

given the nature of the activity, its location on the site, and its relationship to parking and access points.

5. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.
6. Any structure used in conjunction with the special event shall meet all sight distance requirements in the Development Code, shall be the subject of a valid building permit, shall meet uniform fire code requirements, and shall be removed within 24 hours upon the cessation of the event.
7. Cars, trucks, vans and trailers may not be used for the sale of merchandise. Vehicles used for the storage of merchandise associated with an approved temporary use may only be located on site during the approved hours of operation of the special event.
8. The special event shall be conducted on private property [on which the Planning Office has an approved site plan on file] in a commercial or industrial zoning district where the property owner has granted the appropriate written permission. Nonprofit organizations may conduct events on any site planned property [in any zoning district] where the property owner has granted the appropriate written permission.
9. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed 14 consecutive days.
10. Signs displayed in conjunction with use shall comply with City sign regulations and shall not be located on public right-of-way. Signs for commercial activities shall only be displayed during hours of operation.

(B) Special events meeting the Type 4 definition may be permitted administratively by the Planning Director subject to prior review and approval by the Public Works Department, Code Enforcement Division, Police Department and Fire Department. No more than one (1) Type 4 permit per calendar year shall be issued administratively at any location. No administrative permit shall be issued unless all of the following standards are met: (Ord. 8089)

1. An application is submitted and a fee paid in accordance with Section 6-1506.
2. A site plan is submitted indicating the location of the trees, aisles, parking and sales trailer or structure.
3. The location of the sales area shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself. Permits shall not be issued for properties which do not provide parking spaces in excess of the number required in the zoning ordinance to support the principal use on the property.
4. Any structure used in conjunction with the Christmas tree sales shall meet all sight distance requirements of the Development Code, shall be the subject of a valid building permit, shall meet uniform fire code requirements, and shall be removed within 24 hours upon the cessation of the sale.
5. The sale shall be conducted on private property [on which the Planning Office has an approved site plan on file] in a commercial or industrial zoning district where the property owner has granted the appropriate written permission.
6. Christmas tree sales shall be permitted for no more than forty-five (45) consecutive days and the permit will expire on December 31st of each calendar year.
7. Signs displayed in conjunction with use shall comply with City sign

regulations and shall not be located on public right-of-way.

6-1505

SPECIAL EVENTS SUBJECT TO CITY COMMISSION APPROVAL.

Any special event not meeting the criteria of Sections 6-1503 or 6-1504 may be granted a Temporary Special Event Permit by the City Commission. Such permit may be subject to such conditions and safeguards as the City Commission may deem necessary to protect the public health, safety and welfare. These conditions may include but shall not be limited to: (Ord. 8089)

- (A) Restrictions on the hours of operation, duration of the event, size of the activity or other operational characteristic.
- (B) The posting of a performance bond to help ensure that the operation of the event and subsequent restoration of the site are conducted according to City Commission expectations.
- (C) The provision of traffic control or security personnel to increase the public safety and convenience.
- (D) Obtaining liability and personal injury insurance in such form and amount as the City Commission may find necessary to protect the safety and general welfare of the community.
- (E) Signs displayed in conjunction with use shall comply with City sign regulations and shall not be located on public right-of-way. Signs for commercial activities shall only be displayed during hours of operation.

6-1506

APPLICATION AND FEE.

- (A) No Temporary Special Event Permit shall be issued until an application has been submitted to the Planning Office and the appropriate fee paid. The application shall be made on the appropriate form provided by the Planning Office a minimum of five working days prior to the proposed event. Incomplete applications shall not be processed or accepted for processing. An application shall be accompanied by the following items as applicable: (Ord. 8089)
 - 1. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures used in conjunction with the event.
 - 2. A sketch plan showing to scale the location of the proposed activities and structures in relation to existing buildings, parking areas, streets and property lines as shown on the approved site plan. In no event shall structures or display areas be located any closer than 25 feet to public right-of-ways adjacent to the property.
 - 3. A letter from the property owner or manager, if different from the applicant, providing permission for the special event to occur on the property.
 - 4. A separate application will need to be made to the Code Enforcement Division for any signs to be displayed in conjunction with the special event. In no event shall signs be displayed on the public right-of-way. Signs for commercial activities shall only be displayed during hours of operation.
- (B) Each application for a Temporary Special Event Permit shall be accompanied by an application fee. The fee for all applications subject to administrative review and the review fee for Type 4 applications shall be \$50. The review fee for Type 5 applications and applications which do not meet the standards outlined in Sections 6-1503 or 6-1504 shall be \$100. (Ord. 8089)

- (C) The approved Temporary Special Event Permit issued shall be available on site for inspection for the duration of the event. (Ord. 8089)

ARTICLE 16 PEDICABS

6-1601

DEFINITIONS.

Unless otherwise defined in this article, all words used in this ordinance shall have the meanings ascribed to them by the Standard Traffic Ordinance for Kansas Cities, incorporated by reference in Section 17-101 of this Code, and amendments thereto. For the purposes of this article, the following terms have the following definitions: (Ord. 8491)

- (A) "For hire" means to provide a service for any sort of payment or gratuity.
- (B) "Operator" means the individual who actually operates a pedicab whether as the owner, an employee of the owner, or as an independent contractor.
- (C) "Owner" means any person who owns, leases, or otherwise has a legal right to possession of a pedicab.
- (D) "Pedicab" means a vehicle upon which a person may ride, whether alone or with a trailer, that:
 - (1) has two or more wheels;
 - (2) is propelled exclusively by human power; and
 - (3) is utilized to carry passengers for hire.
- (E) "Slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717 and amendments thereto.
- (F) "Oversized pedicab" means a pedicab larger than 55 inches in width or ten feet in length but which does not exceed nine feet in width or 18 feet in length. (Ord. 8519)

6-1602

OPERATION OF PEDICABS.

(Ord. 8491)

- (A) Licenses and permits required.
 - (1) It shall be unlawful for any operator of a pedicab to operate a pedicab without possessing a currently effective operator's permit issued pursuant to this article.
 - (2) It shall be unlawful for any owner of a pedicab to use or allow the pedicab to be used for the carrying of passengers for hire unless the owner possesses a currently effective owner's license issued pursuant to this article for that pedicab and that license is posted as required by this article.