

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 200170

Amending Chapter 64, entitled “Streets, Sidewalks and Public Places,” by repealing Sections 64-118 and 64-426; amending Chapter 70, entitled “Traffic and Vehicles,” by repealing Sections 70-39, 70-263, and 70-562 and enacting in lieu thereof new sections of like number and subject matter for the purpose of modifying the method permitting fees are adjusted and modifying the permit fees; and establishing an effective date.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 64, Streets, Sidewalks, and Public Places, is hereby amended by repealing Sections 64-118 and 64-426, and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

Sec. 64-118. Excavation permit fees.

(a) *Application fee.* A nonrefundable fee in an amount sufficient to defray the expenses of investigating the application, issuing the permit and inspecting the excavation site shall be charged. Effective May 1, 2020, the minimum application fee for all excavations up to 100 lineal feet shall be \$167.00, and for each additional 100 lineal feet of excavation or portion thereof an additional \$167.00 shall be charged.

(b) *Pavement degradation fees.* In addition to the application fee, if the excavation is in a paved portion of property, right-of-way or easements owned by the city that is used as a street or alley, then a degradation fee shall be charged to the applicant to recover the cost of the degradation to the life of the pavement. The fee shall be based on the size of the pavement restoration, the area of influence around the restoration, and the value of the remaining life expectancy of the pavement, and the current value of the pavement. If street pavement is reconstructed curb to curb in association with the excavation permit, no degradation fee will be required.

(c) *Calculation of degradation fee.* Based on the tables of values published by the director, the applicant shall calculate the value of the degradation fee for each restoration and shall total all the fees and the round to the nearest dollar. The director will provide information on the ages of the pavement sections and the maintenance history. The completed estimating form and fees shall be submitted with the application for the permit for approval.

(d) *Fees payable to city treasurer.* The application fee and degradation fee, if paid by check, money order, bank draft or other negotiable instrument, shall be made payable to the city treasurer, who shall deposit it to the credit of the street maintenance

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fund. The excavation permit shall not be issued until the fees required by this section are paid.

(e) *Adjustment of fees.* The city manager shall have the authority to adjust the application fees listed above to reflect the change in the consumer price index (all items / all urban consumers Midwest urban) published by the United States Department of Labor, Bureau of Labor Statistics. If the costs of processing the excavation permit falls below the fees being charged, the fees shall be reduced to an amount equal to or less than the costs. The adjustments, if any, shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk. Notwithstanding anything herein to the contrary, the council may modify or waive the imposition of the fees established herein if the council determines that it is in the public interest to do so.

Sec. 64-426. Permit fees.

(a) The permit application fee shall be \$29.00. There shall be no additional daily permit fee for the first 21 calendar days from and including the date on which the permit was issued. Commencing on the twenty-second calendar day and each day thereafter a daily permit fee of \$0.45 per square foot of street plate bridging shall be imposed.

(b) The permit application fee shall be \$117.00 and the daily permit fee shall be doubled if street plate bridging is placed prior to obtaining a permit, except in cases where such placement was required by an emergency.

(c) *Waiver of fees.* At the sole discretion of the director, all or part of the fee may be waived if unique or unusual circumstances, as determined by the director, so warrant.

(d) *Adjustment of fees.* The director shall have the authority to adjust the fees listed in this section to reflect the change in the consumer price index (all items / all urban consumers/ Midwest urban) published by the United States Department of Labor, Bureau of Labor Statistics. The adjustments, if any, shall be made annually by the director in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

(e) *Use of fees.* All fees collected pursuant to this section shall be allocated to the public works department to be used for traffic control purposes.

(f) *Adjustment of fees.* The city manager shall have the authority to adjust the fees listed in this section to reflect the change in the consumer price index (all items / all urban consumers/ Midwest urban) published by the United States Department of Labor, Bureau of Labor Statistics. The adjustments, if any, shall be made annually by the director in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

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Section 2. That Chapter 70, Traffic and Vehicles, is hereby amended by repealing Sections 70-39, 70-263, and 70-562, and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

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

(a) *Definitions.* As used in this section:

Alley means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

Average Daily Traffic (ADT) means the following expected average daily traffic for the road classifications in the city's major street plan, approved by City Council Ordinance 40346, October 7, 1971 as amended, unless an applicant provides traffic counts obtained under the supervision of a professional engineer, in which case those counts, if approved by the city, may be used in lieu of the values specified herein.

Classification	Expected ADT	ADT to be used
Expressways	At least 15,000 veh. per day	15,000 veh. per day
Primary arterials	At least 10,000 veh. per day	10,000 veh. per day
Secondary arterials	5,000 to 10,000 veh. per day	5,000 veh. per day
Other streets	Less than 5,000 veh. per day	500 veh. per day

Block means a piece or parcel of land entirely surrounded by public highways, streets, streams, railway rights-of-way or parks, or a combination thereof. The director of codes administration shall decide any question regarding the limits or extent of a block.

Detour distance means:

- (1) The distance of a lane closure including approaches if only a portion of the public right-of-way is closed so that traffic is diverted to different lanes in the same public right-of-way as determined by a traffic control plan approved by the director of public works, and
- (2) The distance of the alternate route as determined by a traffic control plan approved by the director resulting from a complete closure of the public right-of-way.

Director means the director of public works of Kansas City unless otherwise defined herein.

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Emergency means a condition that poses a clear and immediate danger to life or health, or a significant loss of property or requires immediate repair or replacement in order to restore service to a customer.

Major street plan means the original document approved by the council by Ordinance No. 40346 on October 7, 1971, as amended from time to time.

Person means an individual, firm association, partnership, limited liability company, corporation or any other organization.

Right-of-way means an area of land designated and reserved for public travel whether vehicular or pedestrian and includes a street, a median, a parkway, pedestrian sidewalk and bikeway.

Traffic control permit fee formula means the basic formula to determine the amount of the fee for closing driving lanes of a road to be applied as follows:

The ADT for the designated classification of the road is multiplied by the number of days for closure of the street or part thereof, multiplied by the detour distance in linear miles, multiplied by the unit cost, multiplied by the specified factor for direction of travel, multiplied by the specified factor for driving lanes.

Unit cost (UC) shall be \$0.17 per linear mile which shall be adjusted annually to the nearest cent by the director to reflect the change in the consumer price index (all items/all urban consumers/Kansas City, Missouri/Kansas) published by the United States Department of Labor, Bureau of Labor Statistics.

(b) *Traffic control permits.* The director shall have authority to close or issue a permit to close any street, sidewalk, or any other city maintained public right-of-way or part thereof when, in the director's opinion, the closing is necessary for construction, maintenance, or for the protection of public health or safety or other special condition. Except for an emergency, no street, sidewalk or other city maintained portion of public right-of-way shall be closed by any person to traffic for any purpose without first obtaining a traffic control permit from the director of public works. In the event a person causes a closure required by an emergency, such person shall file an application for a traffic control permit and pay the appropriate fees associated therewith the next regular business day after the closure. The director shall have authority to establish reasonable regulations for the issuance, use, revocation and denial of such permits. Nothing in this section shall authorize the use of a public sidewalk for a commercial purpose.

(c) *Application fee.* An application fee of \$88.00 shall accompany each application for a traffic control permit. The application fee is to defray the various costs incurred by the city in investigating and processing the applications and issuing the permit and inspection of the site of the traffic control. The application fee is not refundable.

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(d) *Form of application.* An application for a traffic control permit shall be completed on a form furnished by the director and shall include a detailed traffic control plan.

(e) *Traffic control plan.* A traffic control plan submitted to the director for approval shall comply with the requirements of the Manual of Uniform Traffic Control Devices (MUTCD) in force on the date of the application and shall include a dimensioned drawing that identifies the following:

- (1) The location of the right- of-way to be closed, including all approaches.
- (2) The location of a detour route.
- (3) The location of all traffic control devices required for the closure of the right-of-way and signage for the detour route(s).
- (4) If applicant does not provide a traffic control plan, upon request by the applicant, the department of public works will prepare a plan and applicant shall pay the city a nonrefundable fee in the amount of the direct costs and overhead incurred by the department of public works as determined by the director. In no event will such fee be less than \$150.00.

(f) *Traffic control permit fees.* In addition to the application fee, and a traffic control plan preparation fee if applicable, a traffic control permit fee shall be charged for the closure of the public right-of-way. The amount of the traffic control permit fee shall be the sum of the fees for each direction of travel determined by applying the traffic control fee formula using the following factors:

- (1) Factor for direction of travel. For a two-way street, the factor for each direction of travel shall be 0.58. For a one-way street, the factor for direction of travel shall be 1.17.
- (2) Factor for driving lanes. The factor for driving lanes shall be as set out in the following chart:

Total number of driving lanes for the direction of travel	Number of driving lanes closed for the direction of travel				
	1	2	3	4	5
1 lane	1.15				
2 lanes	0.46	1.17			
3 lanes	0.23	0.69	1.17		
4 lanes	0.17	0.46	0.75	1.17	
5 lanes	0.12	0.40	0.64	0.81	1.17

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- (3) For lane closures between 9 a.m. and 4 p.m. if the lane is otherwise opened for public travel, the traffic control permit fee shall be reduced by 50 percent. For lane closures between 6 p.m. and 7 a.m. if the lane is otherwise opened for public travel, the traffic control permit fee shall be reduced by 70 percent. If the closure of a lane is limited to Saturday, Sunday or a holiday, the traffic control permit fee shall be reduced by 70 percent.
- (4) For each alley within a block, the traffic control permit fee shall be \$1.74 per day or portion thereof.
- (5) Turn lanes and lanes for bus stops shall be treated as driving lanes.
- (6) For intersections, the lanes for each direction of travel of the intersecting street shall be treated separately.
- (7) The minimum detour distance to be used to calculate the traffic control permit fee shall be 0.0625 miles.
- (8) Parking lanes with meters: For parking lanes with meters, the traffic control permit fee shall be \$3.47 per meter per day or portion thereof, except for Saturday, Sunday and holidays.
- (9) Parking lanes without meters: For regulated parking lanes without meters, the traffic control permit fee shall be 63 cents per day or portion thereof for each 20 feet of such right-of- way closed.
- (10) A parking lane with designated hours for parking shall be considered a driving lane if it is closed during the hours when parking is prohibited.
- (11) Sidewalk/non-roadway area: For sidewalk/non roadway area, the traffic control permit fee shall be 67 cents per day or portion thereof for each 20 feet of sidewalk or non-roadway area of such right- of-way closed. If sidewalk/non-roadway area is closed in conjunction with the adjacent lane closure, the traffic control permit fee for sidewalk/non-roadway area shall be reduced by 50%.

(g) *Annual permits.* In lieu of a traffic control permit issued by the director under the requirements contained in subsections (c), (d), (e), and (f) of this section, the director may issue an annual traffic control permit for each construction or maintenance vehicle used in a partial blockage of a street, sidewalk, or other city maintained public right-of-way to a qualified applicant complying with all of the following conditions:

- (1) Those utilities and other companies operating under a franchise agreement with the city, telecommunications companies paying the occupational license taxes required by sections 40-360 and 40-361, Code of Ordinances,

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city departments, and contractors acting as an agent for same, if experienced in proper traffic control procedures and approved by the director, and the approved agent(s) for the recognized statewide utility locating network, of which the city is a member, are eligible for annual traffic control permits.

- (2) An annual traffic control permit issued for and exclusively assigned to a particular vehicle of the qualified applicant.
- (3) An annual traffic control permit shall not apply to more than one right-of-way closure during the same time period.
- (4) An annual traffic control permit shall not apply to closures involving more than one half of the total number of traffic lanes of a street, to closures that extend beyond 500 feet, and closures that include an intersection of two streets.
- (5) The annual traffic control permit will only exempt the permit holder from the requirements for an individual traffic control permit if:
 - a. The reason for the closure is nondestructive work in the public right-of-way; or
 - b. An excavation including all pavement is completely restored and open for normal traffic flow in the street, sidewalk or other city maintained right-of-way within 72 hours, provided that temporary street surface repairs with cold mix asphalt patching material are acceptable during the months of November through March.
- (6) If approved by the director for an annual traffic control permit, payment of the annual traffic control permit fee to the city in the amount of \$352.00.
- (7) The director is authorized to establish reasonable regulations for the issuance, use, and revocation of annual traffic control permits.

(h) *Plumbing traffic control permits.* For closure of a street, not identified as a major street in the city's major street plan, required for water/sewer main connections and disconnections performed by a plumber who has obtained a permit to excavate in such right-of-way for making a connection or disconnection of a private water or sewer line to a city main line, such plumber may obtain a plumbing traffic control permit for the life of such excavation permit, by payment of an additional fee of \$28.00 per excavation permit.

(i) *Time for restoration of traffic control devices.* All permanent traffic control devices including pavement markings and signs disturbed by work performed pursuant

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to a traffic control permit shall be restored by the permit holder within 72 hours after completion of the work.

(j) *Festivals.* For closure of a street required by a festival, the applicant shall certify that no less than ten 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, if any, including mailing address and telephone number; and (3) date, starting and ending times of the event. The applicant is responsible for collecting and managing recyclable materials and trash generated in conjunction with the festival in accordance with procedures established by the director, and for post-event cleanup of the streets, sidewalks and public ways. The applicant for a festival permit shall meet all the requirements set forth in this section including the provisions of the application fee, traffic control plan fee if applicable, and the traffic control permit fee.

(k) *Neighborhood block party permits.*

- (1) The neighborhood block party permit authorizes the applicant to barricade a specified portion of a street, not identified as a major street in the city's major street plan, 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. No fee shall be charged for a Neighborhood block party permit.
- (2) 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 60 percent of these residents are in favor.
- (3) 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 collecting and managing recyclable materials and trash generated in conjunction with the neighborhood block party in accordance with procedures established by the director and for post-event cleanup of the streets, sidewalks and public ways.

(l) *Trailers or dumpsters.* The fee to place a trailer or dumpster in the sidewalk, non-roadway area of the right-of-way or street right-of-way shall consist of an application fee of \$59.00 and a traffic control permit fee resulting from that obstruction within the right-of-way. For the placement of a single trailer or dumpster, not in excess of 50 feet in length, used for purposes of construction or demolition work, placed in the sidewalk, non-roadway area of the right-of-way or the curb lane of street right-of-way areas of a street, not identified as a major street in the City's Major Street Plan, an applicant

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may elect to pay a flat traffic control fee of \$12.00 per day or portion thereof instead of the other traffic control permit fees provided in this section, in which case there shall be no application fee charged.

(m) *Waiver.* Fees set forth in this section shall not apply to the following:

- (1) Except for the water services department and the aviation department, city departments and their contractors performing roadway or roadway feature related work, including landscaping, maintenance or repair.
- (2) Firms or agencies required by the city to relocate utilities.
- (3) Transportation facility improvement projects funded by federal, state or local governments.
- (4) When the director finds that it is necessary to close the street for the immediate protection of public safety.
- (5) That portion of a project by a private developer that involves improvements to existing infrastructure and facilities in the public right of way, including but not limited to utilities, sidewalks, acceleration lanes, deceleration lanes, turn lanes and traffic signals, so long as the increase of the operating capacity or revised geometrics of said infrastructure and facilities is not primarily required to serve the development.

(n) *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.

(o) *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.

(p) *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 (o) of this section. If an applicant installs traffic control devices, then 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.

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(q) *Use of fees for traffic control purposes.* All fees collected pursuant to this section shall be allocated to the public works department to be used for traffic control purposes.

(r) *Adjustment of fees.* The city manager shall have the authority to adjust the fees listed in this section to reflect the change in the consumer price index (all items / all urban consumers/ Midwest urban) published by the United States Department of Labor, Bureau of Labor Statistics. The adjustments, if any, shall be made annually by the director in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

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.
- (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 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 \$105.00. 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.

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- (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.
- (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 city 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.

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(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 24 hours following the conclusion of the parade.

(f) *Traffic control and costs.* The applicant shall submit its traffic control plan to the city 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.

(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.

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- (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.
- (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

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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 city 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 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 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 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.

(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

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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 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.

(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.

(r) *Adjustment of fees.* The city manager shall have the authority to adjust the fees listed in this section to reflect the change in the consumer price index (all items / all urban consumers/ Midwest urban) published by the United States Department of Labor, Bureau of Labor Statistics. The adjustments, if any, shall be made annually by the director in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

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 \$15.00, which shall apply to the annual fee if such loading zone is approved and which

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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. Eighteen 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. Eighteen 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. Five 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. Eleven 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.

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

(c) The city manager shall have the authority to adjust the fees listed in this section to reflect the change in the consumer price index (all items / all urban consumers/ Midwest urban) published by the United States Department of Labor, Bureau of Labor Statistics. The adjustments, if any, shall be made annually by the director in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

Section 3. That this ordinance shall take effect on May 1, 2020.

Approved as to form and legality:

Nelson Munoz
Senior Associate City Attorney