

ORDINANCE NO. 4, 2020 SERIES

AN ORDINANCE REPEALING AND REPLACING THE CITY OF FRANKFORT CODE OF ORDINANCES SECTIONS 71.50, 71.51, 71.52, 71.53, 71.56, 71.57, 71.58, 71.59, 71.60, 71.61, AND 71.62 RELATED TO PARADES AND SPECIAL EVENTS

WHEREAS, the City of Frankfort takes pride in the quality and safety of the runs, concerts, festivals, parades and other special events hosted each year in the City; and

WHEREAS, the City of Frankfort must regularly review and update its ordinances and policies regarding special events to ensure the continued protection and safety of residents and visitors as well as the success of special events hosted in the City; and

WHEREAS, the Board of Commissioners of the City of Frankfort wishes to amend its ordinances governing special events to provide for more efficient and effective requirements.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, that City of Frankfort Code of Ordinances Sections 71.50, 71.51, 71.52, 71.53, 71.56, 71.57, 71.58, 71.59, 71.60, 71.61 and 71.62, are hereby repealed in their entirety and the following new sections 71.50, 71.51, 71.52, 71.53, 71.56, 71.57, 71.58, 71.59, 71.60, 71.61 and 71.62 are hereby adopted:

§ 71.50 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SPECIAL EVENT. Any activity which occurs upon private or public property that will affect the ordinary use of the public property, public streets, rights-of-way, on street parking, or sidewalks. This includes, but is not limited to festivals, parades, races, and street closures, as defined in this section.

FESTIVAL. A special event held in a fixed location that will affect the ordinary use of public property, streets, rights-of-way, or sidewalks.

PARADE. A special event consisting of a moving procession of any kind, or any similar activity, consisting of persons, animals or vehicles or a combination thereof, in, along or upon any street, sidewalk, park or other public place in the city.

RACE. A special event consisting of a timed procession on foot, bike or other mode of transportation for a designated distance (example: 5 kilometers) on an approved route.

STREET CLOSURE. The temporary barricading of a side street or alleyway in conjunction with an event, requiring a Special Event Permit.

SPECIAL EVENT PERMIT. A permit required by this subchapter.

ROUTE. The predetermined route established by this subchapter, negotiated routes (other than predetermined established routes), or the agreed upon location of a Special Event.

MINIMUM PACE (RACES). The minimum pace for all foot races shall be 18 minutes per mile. (Example: 5 K Race – 3.1 miles X 18 minutes = 55.8 minutes from start of race.) Race organizers will be responsible for ensuring participants adhere to this pace by providing a pacer at this time limit in the race.
(Am. Ord. 3-2008, passed 1-28-08, Am. Ord. 18, 2015, passed 12-21-15)

§ 71.51 PERMIT REQUIRED.

(A) No person or persons shall engage in, participate in, aid, form or start any Special Event unless the required permit has been obtained from the City Manager.

(B) This subchapter shall not apply to:

(1) Funeral processions; or

(2) A governmental agency acting within the scope of its functions.

(Am. Ord. 18, 2015, passed 12-21-15) Penalty, see § 71.99

§ 71.52 APPLICATION FOR PERMIT.

(A) A person seeking issuance of a Special Event Permit shall file an application with the City Manager, or his or her designee

1. The application for a Special Event Permit shall be filed not less than 30 days before the date on which it is proposed to conduct the parade or special event. Applications filed less than 30 days prior to the event shall incur a nonrefundable late fee of \$500 (excluding first-time events) and shall require special permission from the City Manager in accordance with Paragraph (C) of this Section. The late fee shall remain nonrefundable regardless of whether the City Manager grants permission for the event.
2. Except for applications filed for events to be held during January, applications may be filed beginning January 1 for events during that calendar year, but dates shall not be reserved until permit fees have been received and permit applications are approved. Applications filed for events to be held during January shall be filed at least thirty (30) days prior to the event date. The City Manager may approve up to three separate events for one group during the calendar year and any subsequent events will be approved at the City Manager's discretion.

3. All applications require approval by the City Manager or his or her designee. Prior to approval, the City Manager or designee shall send the application to appropriate City staff, community partners, and/ or other regulatory entities for review and comment. Any feedback received by the City Manager may result in rejection of the application, at the City Manger's discretion.
4. If two permit applications are made that will create an overlap which is not manageable, the permit will be issued on a first come, first serve basis. Events will be entered on City Website calendars as they are approved.

(B) Applicants shall not advertise an event which would require a permit under this subchapter in advance of approval. Prior advertisement shall not ensure that the permit will be approved. Any cost to an applicant resulting from advertisement in advance of permit approval shall be the sole responsibility of the applicant regardless of whether or not the permit is approved.

(C) Upon payment of the \$500 nonrefundable late fee established in Paragraph (A) of this Section, the City Manager may waive the minimum filing period and accept a permit filed within a shorter period if, after due consideration of the date, time, place and nature of the parade or special event, the anticipated number of participants and the City services required in connection with the parade or special event, and all other Standards set forth in §71.58, the City Manager and applicable City staff, community partners, and/or other regulatory entities determine that the waiver will not present a hazard to public safety.

(D) The application for a Special Event Permit shall set forth at a minimum the following information:

- (1) The name, address and telephone number of the person seeking to conduct the Special Event;
- (2) The applicant will provide, by picture identification, proof that the applicant is at least 18 years of age;
- (3) If the Special Event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;
- (4) The name, address and telephone number of the person who will be the Special Event chairperson and who will be responsible for its conduct;
- (5) The date when the Special Event is to be conducted;
- (6) The selected route to be traveled, if negotiated, the starting point and the termination point, or the desired Special Event location;
- (7) The approximate number of persons, animals and vehicles which will participate in the Special Event, the type of animals, if any, and the description of the vehicles;
- (8) The hours when the Special Event will start and terminate;
- (9) A statement as to whether the Special Event will occupy all or only a portion of the width of the streets, sidewalk, park or other public place proposed to be traversed;
- (10) The location, by street, of any assembly area for the Special Event;
- (11) The time at which units of the Special Event will begin to assemble at any assembly area or areas;
- (12) If the Special Event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his or her behalf and must provide proof of age (see item (2) above);
- (13) The applicant shall file with the application a site plan that provides a detailed layout of the event showing locations of all stages, tents, power and water sources, rides, food vendors, retail vendors, alcohol sales, portable toilets, blocked streets, proposed parking, and fire lane; and
- (14) Any additional information reasonably necessary to a fair determination as to whether a permit should be issued.

(E) There shall be paid at the time of filing an application for a Special Event Permit, a fee in the amount applicable according to the following fee schedule payable to the City of Frankfort Finance Department. If multiple event permits are being requested, such as events in a series, a separate Special Event Permit fee is due for each requested event.

<i>Permit Type</i>	<i>Fee</i>
Special Event Permit	\$100
Special Event Permit/Barricaded Street Closure (for side streets/alleyways only)	\$50

(Am. Ord. 4, 2008, passed 1-28-08; Am. Ord. 18, 2015, passed 12-21-15) Penalty, see § 71.99

§ 71.53 PRE-DETERMINED ROUTES.

In the interest of uniformity in planning and city personnel needs to staff various routes, the following pre-determined routes must be used. Deviation from these routes will require review and approval, and may result in an increased reimbursement requirement from the hosting party to the City of Frankfort. The City Manager shall have authority to allow street closures or a variance to the route based upon the nature of the event.

- (A) *Capital Avenue Parade Route:* Estimated Eight Officers Needed.

- Begin and assemble in parking lot behind the Old State Office Building on Clinton Street
- Left onto High Street
- Left onto Main Street
- Right onto Capital Avenue
- Finish and disband at the Capitol

(B) *Downtown 3K Race Route*: Estimated Twelve Officers Needed.

- Begin in front of Kentucky History Center on Broadway and run toward Ann Street
- Right on Ann Street toward Clinton
- Right on Clinton to High Street
- Right on High Street toward West Main Street
- Left on Main Street toward Capital Avenue Bridge
- Right across Capital Avenue Bridge and up Capital Avenue
- Run loop in front of Capitol steps
- Back down Capital Avenue and across Capital Avenue Bridge
- Left on Main Street
- Right on High Street
- Left on Broadway and finish in front of Kentucky History Center

(C) *Downtown 5K Race Route*: Estimated Seventeen Officers Needed.

- Start in front of Kentucky History Center and run to Ann Street
- Right on Ann Street toward Clinton
- Right on Clinton to High Street
- Left on High Street toward Holmes Street
- Right on Holmes toward Regan
- Right on Reagan, run the loop around State Stadium back to High Street
- Left on High toward West Main
- Left on Main Street toward Capital Avenue Bridge
- Right across Capital Avenue Bridge and up Capital Avenue
- Run loop going behind Capital Annex coming back out on Capital Avenue at State Street
- Back down Capital Avenue and across Capital Avenue Bridge
- Left on Main Street
- Right on High Street
- Left on Broadway and finish in front of Kentucky History Center

§ 71.56 SECURITY PLAN AND REIMBURSEMENT.

The permittee shall cooperate with the Office of Emergency Management in implementing and adhering to the security/emergency response plan for the Special Event. The decision to use City police officers, whether on-duty or off-duty, part-time police officers, cadets (recruits and Explorers), or police department personnel, shall be within the sole discretion of the Chief of Police, or his or her designee. The City shall be reimbursed the cost of providing police officers at the percentage set forth below.

(A) Private (for profit) and Post-Secondary Education Institutions: 100%.

(B) Non-profit organization and schools located in the City: 50%.

(C) Police services shall be provided at no cost for the following parades:

- (1) Gubernatorial Inauguration;
- (2) Annual Christmas Parade;
- (3) Frankfort High School Homecoming Parade;
- (4) Kentucky State University Homecoming Parade;

(5) Governor's Derby Breakfast.

(Ord. 18, 2015, passed 12-21-15)

§ 71.57 NOTICES.

The permittee shall advertise the Special Event on at least two occasions, with one advertisement being published in the local newspaper no less than 14 days prior to the event. The second advertisement may be made by newspaper, radio, television, or the City's social media no less than 7 days prior to the event. If utilizing City social media, event applicants must submit event advertisement information, including event fliers and description, to the City no less than 14 days prior to the event.

(Ord. 18, 2015, passed 12-21-15)

§ 71.58 STANDARDS FOR ISSUANCE OF PERMIT.

The City Manager or designee shall issue a permit when, from a consideration of the application and from other information

obtained, he or she finds that:

(A) The conduct of the Special Event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the Special Event will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto or the special event as to prevent normal police protection to the City;

(C) The conduct of the Special Event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the proposed line of march and areas contiguous thereto of the special event;

(D) The concentration of persons, animals and vehicles at assembly points of the Special Event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(E) The conduct of the Special Event will not interfere with the movement of firefighting equipment en route to a fire;

(F) The Special Event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(G) The Special Event is not to be held for the sole purpose of advertising any product, goods or event, and is not designated to be held purely for private profit; and

(H) The Special Event, if it takes the form of cruising, has the approval in writing of the owner or an authorized agent of the owner for the use of the parking lot which is the site of the Special Event.

(I) The applicant provides proof that it will provide notice to the public by newspaper, radio, television, social media and/or flyers delivered to properties along the Special Event Route no less than fourteen (14) days prior to the date of the Special Event, of the date and time a Special Event will be held and the route of the Special Event.

(J) The applicant has made full payment of permit fees and has accepted the terms of reimbursement to the city Finance Department for the manpower costs set forth in Sections 71.52, 71.56, and 71.57 above.

(K) The applicant shall be required to provide proof of comprehensive liability insurance that includes limits of no less than \$1,000,000. The City Manager may require higher insurance limits based on the activities of the Special Event.

(L) If the event requires the restriction of parking, the City will install the "No Parking" signs 24 hours in advance of the event. Upon completion of the event, the permit holder shall coordinate the removal and return of all signs and associated supplies to the Frankfort Police Department. Any signs or other supplies that are returned damaged will be the financial liability of the permit holder.

(M) The Special Event shall be open to the public.

(N) The applicant has complied with any additional requirements set forth in written guidelines provided by the City. (Am. Ord. 5, 2008, passed 1-28-08; Am. Ord. 18, 2015, passed 12-21-15) Penalty, see § 71.99

§ 71.59 SANITATION, CLEAN-UP AND DAMAGE DEPOSIT.

(A) A Special Event Permit may be issued only after adequate waste disposal facilities have been identified and obtained by permittee.

(B) Permittee will clean the right-of-way or other public property of rubbish and debris, returning it to its pre-event condition immediately at the conclusion of the event.

(C) The permittee shall be responsible for any damage caused to right-of-ways, sidewalks, streets, light poles, signs or any other property.

(D) The permittee must provide a damage deposit. The damage deposit, or portions thereof, may be retained to cover clean-up costs, damage to public right-of-way or other property, or loss or damage to city equipment. Damages exceeding the amount of the deposit shall be billed directly to the permittee. City staff shall check the site after the event and if no damage is found or clean-up is required, the damage deposit will be refunded. Damage deposits shall consist of \$250.00 for any event. If a permittee is applying for several events in a series, one damage deposit may be accepted and retained for application at all events, pending no damages are found. If damage is incurred at one of the events in a series, a new \$250.00 damage deposit will need to be issued for subsequent events.

(Ord. 18, 2015, passed 12-21-15)

§ 71.60 OTHER PERMITS REQUIRED.

Permittee shall obtain all other permits that may be required from all City and non-City departments prior to the date of the Special Event. This would include, but is not limited to, alcoholic beverage licenses and permits, permits from any State Agency with roadway oversight authority, Historic Properties for any event that seeks to utilize the grounds of the Capitol Building(s), and County Roads.

(Ord. 18, 2015, passed 12-21-15)

§ 71.61 NOTICE OF REJECTION OF PERMIT.

The City Manager or his or her designee shall act on the application for a Special Event permit within thirty (30) days, Saturdays, Sundays and holidays excepted, after filing thereof. If he or she disapproves the application, he or she shall mail to the applicant within the thirty (30) days, Saturdays, Sundays and holidays excepted, after the date on which the application was filed, a notice of his or her action stating the reasons for his or her denial of the permit.

(Am. Ord. 18, 2015, passed 12-21-15)

§ 71.62 DUTIES OF PERMITTEE.

A permittee hereunder shall comply with all written guidelines concerning Special Events provided by the City, all permit directions and conditions, and all applicable laws and ordinances. The Special Event chairperson or other person heading or leading the activity shall carry the Special Event Permit on his or her person during the conduct of the Special Event. (Am. Ord. 18, 2015, passed 12-21-15) Penalty, see § 71.99

First reading on this 9 day of March, 2020.

Second reading on this 23 day of March, 2020.

S/William I. May, Jr.
T/Mayor

Attest:

S/Chermie Maxwell
T/City Clerk

Summary: Sections 71.50 to 71.62 replace “special event/parade” and “special event/parade permit” with “Special Event” and “Special Event Permit” throughout. Section 71.50 is amended to add sub definitions of special events. Section 71.52 is amended to change the filing deadline from 45 days to 30; to add a \$500 late filing fee excluding first time events; to allow applications to be filed beginning January 1 for the calendar year; to remove the “Special Events Committee” and replace with community partners and regulatory entities, and to change permit fees to \$100 for all Special Events Permits and \$50 for Barricaded Side Street Closures. Section 71.53 is amended to designate one Capital Avenue Parade Route, and one Downtown Race Route with 3K and 5K options. Section 71.56 is amended to designate the Office of Emergency Management as the contact for security plans and to add ranks of police officers who may provide event security. Sections 71.57 and 71.58 are amended to allow social media as an acceptable means of public notification of the event. Section 71.59 is amended to require a refundable damage deposit of \$250.00 for all Special Events and to clarify that one deposit may be retained for multiple events. Section 71.61 is amended to require the City Manager or designee to respond to a permit within 30 days.

S/Laura Milam Ross
T/City Solicitor

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