

(Published in the Topeka Metro News December 12, 2016)

**ORDINANCE NO. 20038**

AN ORDINANCE introduced by Interim City Manager Doug Gerber, repealing in their entireties § 10.50.010, § 10.50.050 through § 10.50.150 and § 12.05.010, as well as creating new Chapter 12.70, all concerning special events, parades, and block parties.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 10.50.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby repealed.

**Definitions.**

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~“Parade” means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, sidewalk, park or other place in the city~~

~~“Parade permit” means a permit required by this chapter.~~

Section 2. That section 10.50.050, Required – Exceptions, of The Code of the City of Topeka, Kansas, is hereby repealed.

**Required – Exceptions.**

~~(a) No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the chief of police.~~

~~(b) This section shall not apply to:~~

~~(1) Funeral processions.~~

29           ~~(2) Students going to and from school classes or participating in educational~~  
30 ~~activities, provided such conduct is under the immediate direction and supervision of the~~  
31 ~~proper school authorities.~~

32           ~~(3) A governmental agency acting within the scope of its functions.~~

33           Section 3. That section 10.50.060, Application, of The Code of the City of  
34 Topeka, Kansas, is hereby repealed.

35           **Application.**

36           ~~(a) A person seeking issuance of a parade permit shall file an application with the~~  
37 ~~chief of police on forms provided by such officer.~~

38           ~~(b) An application for a parade permit shall be filed with the chief of police not~~  
39 ~~less than 15 days nor more than 60 days before the date on which it is proposed to~~  
40 ~~conduct the parade.~~

41           ~~(c) The application for a parade permit shall set forth the following information:~~

42           ~~(1) The name, address and telephone number of the person seeking to conduct~~  
43 ~~such parade;~~

44           ~~(2) If the parade is proposed to be conducted for, on behalf of or by an~~  
45 ~~organization, the name, address and telephone number of the headquarters of the~~  
46 ~~organization and of the authorized and responsible heads of such organization;~~

47           ~~(3) The name, address and telephone number of the person who will be the~~  
48 ~~parade chairperson and who will be responsible for its conduct;~~

49           ~~(4) The date when the parade is to be conducted;~~

50           ~~(5) The route to be traveled, the starting point and the termination point;~~

51           ~~(6) The approximate number of persons, and animals, if any, participating and~~  
52 ~~the description of the vehicles;~~

53           ~~(7) The hours when such parade will start and terminate;~~

54           ~~(8) A statement as to whether the parade will occupy all or only a portion of the~~  
55 ~~width of the streets, sidewalks, parks or other public places proposed to be traversed;~~

56           ~~(9) The location by street of any assembly area for such parade;~~

57           ~~(10) The time at which units of the parade will begin to assemble at any such~~  
58 ~~assembly area;~~

59           ~~(11) The interval of space to be maintained between units of such parade;~~

60           ~~(12) If the parade is designed to be held by, on behalf of or for any person other~~  
61 ~~than the applicant, the applicant for such permit shall file with the chief of police a~~  
62 ~~communication in writing from such person authorizing the applicant to apply for the~~  
63 ~~permit in his behalf; and~~

64           ~~(13) Any additional information which the chief of police shall find reasonably~~  
65 ~~necessary to a fair determination as to whether a permit should be issued.~~

66           Section 4. That section 10.50.070, Fee, of The Code of the City of Topeka,  
67 Kansas, is hereby repealed.

68           **Fee.**

69           ~~There shall be paid at the time of filing the application for a parade permit a fee of~~  
70 ~~\$25.00.~~

71           Section 5. That section 10.50.080, Standards for issuance, of The Code of the  
72 City of Topeka, Kansas, is hereby repealed.

73           **Standards for issuance.**

74           ~~The chief of police shall issue a permit as provided for under this article when,~~  
75           ~~from a consideration of the application and from such other information as may~~  
76           ~~otherwise be obtained, the chief finds that:~~

77           ~~(a) The conduct of the parade will not substantially interrupt the safe and orderly~~  
78           ~~movement of other traffic contiguous to its route;~~

79           ~~(b) The conduct of the parade will not require the diversion of so great a number~~  
80           ~~of police officers of the city to properly police the line of movement and the areas~~  
81           ~~contiguous thereto as to prevent normal police protection to the city;~~

82           ~~(c) The conduct of such parade will not require the diversion of so great a~~  
83           ~~number of ambulances as to prevent normal ambulance service to portions of the city~~  
84           ~~other than that to be occupied by the proposed line of march and areas contiguous~~  
85           ~~thereto;~~

86           ~~(d) The concentration of persons, animals and vehicles at assembly points of the~~  
87           ~~parade will not unduly interfere with proper fire and police protection of, or ambulance~~  
88           ~~service to, areas contiguous to such assembly area;~~

89           ~~(e) The conduct of the parade will not interfere with the movement of firefighting~~  
90           ~~equipment en route to a fire;~~

91           ~~(f) The parade is scheduled to move from its point of origin to its point of~~  
92           ~~termination expeditiously and without unreasonable delays en route; and~~

93           ~~(g) The parade is not to be held for the sole purpose of advertising any product,~~  
94           ~~goods or event, and is not designated to be held purely for private profit.~~

95           Section 6.   That section 10.50.090, Alternative permit, of The Code of the City  
96           of Topeka, Kansas, is hereby repealed.

97                   ~~**Alternative permit.**~~

98                   ~~The chief of police, in denying an application for a parade permit, shall be~~  
99                   ~~empowered to authorize the conduct of the parade on a date, at a time or over a route~~  
100                  ~~different than that named by the applicant. An applicant desiring to accept an alternate~~  
101                  ~~permit shall, within three days after notice of the action of the chief of police, file a~~  
102                  ~~written notice of acceptance with the chief of police. An alternate parade permit shall~~  
103                  ~~conform to the requirements of, and shall have the effect of, a parade permit under this~~  
104                  ~~article.~~

105                  Section 7.     That section 10.50.100, Notice of rejection, of The Code of the City  
106                  of Topeka, Kansas, is hereby repealed.

107                  ~~**Notice of rejection**~~

108                  ~~The chief of police shall act upon the application for a parade permit within five~~  
109                  ~~days, Saturdays, Sundays and holidays excepted, after the filing thereof. If the chief of~~  
110                  ~~police disapproves the application, the chief shall mail to the applicant, within five days,~~  
111                  ~~Saturdays, Sundays and holidays excepted, after the date upon which the application~~  
112                  ~~was filed, a notice of action, stating the reasons for denial of the permit.~~

113                  Section 8.     That section 10.50.110, Appeal procedure, of The Code of the City  
114                  of Topeka, Kansas, is hereby repealed.

115                  ~~**Appeal procedure.**~~

116                  ~~Any person aggrieved shall have the right to appeal the denial of a parade permit~~  
117                  ~~to the city council. The appeal shall be taken within 30 days after notice. The council~~  
118                  ~~shall act upon the appeal within 30 days after its receipt.~~

119           Section 9.   That section 10.50.120, Notice to city and other officials of The  
120 Code of the City of Topeka, Kansas, is hereby repealed.

121           ~~**Notice to city and other officials.**~~

122           ~~Immediately upon the issuance of a parade permit, the chief of police shall send~~  
123 ~~a copy thereof to the following:~~

124           ~~(a) The city manager;~~

125           ~~(b) The city attorney;~~

126           ~~(c) The traffic engineer;~~

127           ~~(d) The fire chief; and~~

128           ~~(e) The general manager or responsible head of each transportation utility, the~~  
129 ~~regular routes of whose vehicles will be affected by the route of the proposed parade.~~

130           Section 10.   That section 10.50.130, Contents of permit, of The Code of the City  
131 of Topeka, Kansas, is hereby repealed.

132           ~~**Contents of permit.**~~

133           ~~Each parade permit shall state the following information:~~

134           ~~(a) — Starting time;~~

135           ~~(b) — Minimum speed;~~

136           ~~(c) — Maximum speed;~~

137           ~~(d) — Maximum interval of space to be maintained between the units of the~~  
138 ~~parade;~~

139           ~~(e) The portions of the streets, sidewalks, parks or other public places to be~~  
140 ~~traversed that may be occupied by the parade;~~

141           ~~(f) The maximum length of the parade in miles or fractions thereof; and~~

~~(g) Such other information as the chief of police shall find necessary to the enforcement of this chapter~~

Section 11. That section 10.50.140, Duties of permittee, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Duties of permittee.~~**

~~(a) A permittee under this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances.~~

~~(b) The parade chairperson or other person heading or leading such activity shall carry the parade permit on his person during the conduct of the parade, and shall display such permit to officers of the city when so requested.~~

Section 12. That section 10.50.150, Revocation, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Revocation.~~**

~~The chief of police shall have the authority to revoke a parade permit issued under this article upon application of the standards for issuance as set forth in this article.~~

Section 13. That section 12.05.010, Special event permits, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Special event permits.~~**

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

~~“Block party” means an organized celebration, commemoration, occasion or activity, that occurs on public property that is held on one or more block areas and that does not exceed five days in length, and involves the participation of~~

~~individuals or any group including but not limited to social, private, professional, philanthropic, charitable or religious entities.~~

~~“Block party permit” means a letter of approval issued to an organizer or sponsor of a block party. Depending on the scope of the event, additional permits may be required by city code.~~

~~(b) Application. Applications for a block party permit shall be made to transportation operations superintendent at least 10 business days prior to the block party event. Applicants shall provide:~~

~~(1) Name and location of block party.~~

~~(2) Beginning and ending dates and times of block party.~~

~~(3) Organizer or sponsor of block party.~~

~~(4) Address of organizer or sponsor.~~

~~(5) Local address of organizer or sponsor, if different from subsection (b)(4) of this section.~~

~~(6) Participants’ names, addresses, and commodities or services offered.~~

~~(7) Such other information as deemed necessary.~~

~~(8) Certificate of public liability insurance in the amount of \$500,000; provided, however, a hold harmless agreement with the city may be substituted for the insurance requirement for block parties which will be limited exclusively to the serving of food.~~

~~(9) Obtain at organizer or sponsor’s sole expense all traffic control equipment as required by the city traffic engineer.~~



~~(10) Furthermore, applicant shall comply with all rules imposed by the city traffic engineer. Any changes to the application must be made in writing prior to the block party. The applicant shall, as continuing responsibility, monitor and update the list of participants. Failure to submit and maintain an accurate application, list of participants, and other required information shall void the permit. The city reserves the unilateral right to deny or revoke any block party permit.~~

~~(c) Permit.~~

~~(1) Upon approval of their application the applicant shall be given a block party permit.~~

~~(2) The applicant shall have the block party permit available at the site of the block party and shall present it at the request of any city official or law enforcement officer.~~

~~(d) Violation.~~

~~(1) It shall be unlawful for any person, organizer or sponsor to hold a block party without having beforehand secured a block party permit.~~

~~(2) Further, it shall be unlawful for any person, organizer, or sponsor to fail to comply with any of the requirements contained in this section during the entire period of the block party.~~

~~(e) Access for Emergency Vehicles. Access for emergency vehicles must be provided during the entire period of the block party.~~

~~(f) Disabandonment for Unlawful Activities or Threat to Public Safety. Any member of the police department or other properly constituted authority shall have the power and it shall be the duty of each of them to cause any block party~~

210 ~~to be disbanded whenever any portion of this section, or of any ordinance,~~  
211 ~~regulation or law concerning public health and safety or public peace and order~~  
212 ~~has been or is being violated.~~

213 ~~(g) Relationship to Other Ordinances. Complying with the requirement of this~~  
214 ~~section shall not relieve any person, organizer or sponsor from complying with all~~  
215 ~~other ordinances.~~

216 Section 14. That The Code of the City of Topeka, Kansas, is hereby amended  
217 by adding a Chapter to be numbered 12.70, titled “Special Events; Parades; Block  
218 Parties.”

219 Section 15. That The Code of the City of Topeka, Kansas, is hereby amended  
220 by adding a section to be numbered 12.70.010, which said section reads as follows:

221 **Definitions.**

222 “Block party” means a temporary gathering of area residents held on a blockaded  
223 portion of local residential streets that may or may not include a “Neighborhood  
224 Procession.”

225 “Exigent circumstances” means a situation that could not have been anticipated,  
226 including an unexpected loss of venue for an event. “Exigent circumstances” shall not  
227 include situations caused by inadequate planning.

228 “Holiday” includes New Year’s Day, Dr. Martin Luther King, Jr.’s birthday,  
229 Memorial Day, Independence Day, Labor Day, Veteran’s Day, Thanksgiving Day, the  
230 day after Thanksgiving Day, Christmas Eve and Christmas Day.

231 “Neighborhood Procession” means an organized procession of people, motor  
232 vehicles, bicycles, floats, animals or any combination, traveling in unison for a period of

time that does not exceed two hours in length (from start through tear down) along or upon a sidewalk or streets; provided, however, that at least 75% of the streets being traveled upon are classified in the Federal Highway Administration (FHWA) and Metropolitan Planning Organization (MPO) Approved Functional Classification Map for Topeka and Shawnee County, as amended, as being local residential streets (as opposed to arterial and/or collector streets).

“Parade” means an organized procession of people, motor vehicles, bicycles, floats, animals or any combination, traveling in unison along or upon a sidewalk or any classification of street that may require closure of streets and the regulation of vehicular traffic by law enforcement to prevent a conflict with the normal or regular flow of traffic.

“Parade” shall not include a Neighborhood Procession associated with a block party.

“Person” means a natural person or legal entity such as, but not limited to an individual, firm, corporation, association, partnership or limited liability company.

“Public property” means any street, alley, sidewalk, right-of-way or property owned by the city.

“Special event” means an outdoor event held on public property organized for a particular and limited purpose and time. Special events shall include, but not be limited to, the following: parades, block parties, running/walking/bicycling events, motor vehicle events, festivals and concerts.

“Sufficient application” means that the application: (1) contains all of the information and documents required in TMC 12.70.050; and (2) includes the application fee.

255           “Vendor” means a transient vendor, sidewalk vendor, or a mobile food vendor as  
256 defined at TMC 5.115.010.

257           Section 16. That The Code of the City of Topeka, Kansas, is hereby amended  
258 by adding a section, to be numbered 12.70.020, which said section reads as follows:

259           **Permit required; Exceptions.**

260           (a)   Permit required. It shall be unlawful for any person to conduct a special  
261 event without a special event permit issued by the city manager or designee.

262           (b)   Exceptions. A special event permit is not required for the following  
263 activities:

264                   (1)   Special events conducted by the city;

265                   (2)   Funeral processions;

266                   (3)   Processions or marches conducted entirely on sidewalks where the  
267 participants comply with traffic regulations and traffic control devices.

268           Section 17. That The Code of the City of Topeka, Kansas, is hereby amended  
269 by adding a section, to be numbered 12.70.030, which said section reads as follows:

270           **Administration; Regulations.**

271           The city manager or designee shall administer the provisions of this chapter. In  
272 reviewing and approving special event applications, the city manager or designee shall  
273 consult with representatives of city departments, including but not limited to: traffic,  
274 street/transportation, police, fire and legal. The city manager or designee may adopt  
275 administrative regulations that are consistent with this chapter.

276           Section 18. That The Code of the City of Topeka, Kansas, is hereby amended  
277 by adding a section, to be numbered 12.70.040, which said section reads as follows:

278           **Fees; Deposit for Debris Removal.**

279           (a)    Application fee. Except for governmental entities, an applicant for a  
280 special event permit shall submit a nonrefundable application fee of \$50 to the city clerk  
281 at the time of application. For block parties, the nonrefundable application fee shall be  
282 \$25 for each block party.

283           (b)    Debris deposit. The Applicant shall pay a deposit in an amount to be  
284 determined by the city manager or designee. In the event the applicant fails to comply  
285 with TMC 12.70.090(c), all or a portion of the deposit will be used to reimburse the City  
286 for the costs of removing all debris from the property.

287           Section 19. That The Code of the City of Topeka, Kansas, is hereby amended  
288 by adding a section, to be numbered 12.70.050, which said section reads as follows:

289           **Application.**

290           (a)    A sufficient application shall be submitted to the city clerk according to the  
291 following timelines:

292                   (1)    If the event requires approval by the governing body for alcoholic  
293 liquor or cereal malt beverages, at least 60 business days before the event.

294                   (2)    If the event occurs on a holiday, at least 45 business days before  
295 the event.

296                   (3)    If the event does not occur on a holiday, at least 30 business days  
297 before the event.

298                   (4)    If the application is for a block party only, at least 20 business days  
299 before the event.

- 300                   (5)    An application shall not be accepted more than 12 months prior to  
301                   the event.
- 302                   (6)    The city manager or designee may waive an application deadline if  
303                   the city manager or designee determines that exigent circumstances exist.
- 304                   (b)    The applicant shall provide the following information:
- 305                   (1)    The type of event;
- 306                   (2)    The date and times of the event, including specific times for set-up  
307                   and tear-down;
- 308                   (3)    The name and contact information of the applicant and the sponsor,  
309                   if not the same. If the event is sponsored by a person other than the applicant,  
310                   the applicant shall provide authorization from the sponsor;
- 311                   (4)    The name and contact information for the individual who will be  
312                   responsible for the conduct of, and be present during the event;
- 313                   (5)    The public property to be utilized. If the event is a parade,  
314                   identification of one of the routes approved by the police chief and traffic  
315                   engineer or their designees, as well as the approximate of number of people,  
316                   motor vehicles, floats and/or animals;
- 317                   (6)    The size of the anticipated crowd;
- 318                   (7)    Whether alcohol or cereal malt beverages will be available;
- 319                   (8)    A site plan that includes the following:
- 320                   (i)    A map identifying potential street closures and placement of  
321                   barricades.
- 322                   (ii)   Location of stages and vendors.

(iii) Location of fencing.

(iv) Location of toilets and lavatory facilities.

(v) Sound and sound amplification to be used, if any; including number, location and power of amplifiers and speakers.

(vi) Seating, including chairs, tables and bleachers.

(vii) Location of barricades for areas serving cereal malt beverages and/or alcoholic liquor.

(viii) Location of designated fire access lanes.

(ix) Parking areas if street closure requested.

(9) If the applicant is requesting street closures, written notice must be provided as follows:

(i) If the applicant is requesting street closures for a block party, the applicant shall provide written notice to all residents within the blockaded area at least 10 business days prior to the event.

(ii) If the applicant is requesting street closures in any other situation, the applicant shall provide written notice at least 10 business days prior to the event to: (a) all residents and/or businesses that may be affected by the street closures; and (b) any business improvement district established pursuant to K.S.A. 12-1781 et seq., in care of its board president, (as well as the executive director of Downtown Topeka, Inc. ("DTI"), if within the downtown business improvement district).

(10) A certificate of liability insurance required by TMC 12.70.080.

(11) Any additional information requested by the city manager or

346 designee to assist in making a determination regarding whether to issue a permit.

347 Section 20. That the Code of the City of Topeka, Kansas, is hereby amended  
348 by adding a section, to be numbered 12.70.060, which said section reads as follows:

349 **Vendors; Sponsor approval.**

350 (a) At least forty-eight (48) hours prior to the event, the applicant or sponsor  
351 shall provide the city clerk with the following:

352 (1) names of all of the vendors who have been approved by the  
353 sponsor to participate in the event; and

354 (2) a statement that the applicant or sponsor has secured the consent  
355 of each business owner to the presence of a sidewalk vendor conducting the  
356 vendor's operation in front of the business owner's premises.

357 (b) The applicant or sponsor shall provide written notification of approval to  
358 each vendor. Each vendor shall display the notification in a prominent place so that it is  
359 clearly visible to the public.

360 Section 21. That The Code of the City of Topeka, Kansas, is hereby amended  
361 by adding a section, to be numbered 12.70.070, which said section reads as follows:

362 **Alcohol and cereal malt beverage consumption.**

363 Each applicant who intends to allow the sale and/or consumption of alcoholic  
364 liquor or cereal malt beverages at a special event shall request approval from the  
365 governing body pursuant to TMC 9.15.020.

366 Section 22. That The Code of the City of Topeka, Kansas, is hereby amended  
367 by adding a section, to be numbered 12.70.080, which said section reads as follows:

368 **Insurance requirements.**



369           (a) Each applicant shall provide a certificate of liability insurance evidencing  
370 an insurance policy from an insurance company authorized to do business in the State  
371 of Kansas, which provides general liability coverage in an amount not less than  
372 \$500,000 combined single limit per occurrence for bodily injury and property damage  
373 with the city named as an additional insured.

374           (b) Notwithstanding subsection (a), an applicant for a block party may execute  
375 an indemnity agreement in a form required by the city, indemnifying and holding  
376 harmless the city and its officers and employees against all claims, damages or causes  
377 of action arising from the event.

378           Section 23. That The Code of the City of Topeka, Kansas, is hereby amended  
379 by adding a section, to be numbered 12.70.090, which said section reads as follows:

380           **Barricades; debris removal.**

381           (a) The police chief and traffic engineer or their designees will determine the  
382 level of street barrier required for special events.

383           (b) Each applicant shall be responsible to secure, place and remove street  
384 barricades in the manner and location approved by the police chief and traffic engineer,  
385 or their designees.

386           (c) Each applicant shall be responsible for removing all debris from the  
387 property promptly after the event so that the street or right-of-way can be open to traffic  
388 within thirty (30) minutes after the ending time indicated on the permit. All other  
389 associated clean-up must be completed within twelve (12) hours after the ending time  
390 indicated on the event permit.

391           Section 24. That The Code of the City of Topeka, Kansas, is hereby amended  
392 by adding a section, to be numbered 12.70.100, which said section reads as follows:

393           **Standards for issuance.**

394           (a) The city manager or designee may issue a special event permit, after  
395 consultation with the chief of police or designee and other relevant city departments, if  
396 the city manager or designee determines the following:

397                   (1) The event will not interfere with the operation of law enforcement,  
398 fire or emergency vehicles in the permitted area;

399                   (2) The event does not present a public safety or traffic hazard or  
400 impose a significant hardship for pedestrian or vehicular traffic;

401                   (3) The conduct of the event will not require the diversion of so great a  
402 number of law enforcement officers or emergency medical personnel to the  
403 detriment of overall community safety;

404                   (4) Street closures have been approved by the traffic engineer or  
405 designee.

406           (b) The city manager or designee may impose restrictions, including time  
407 restrictions, to minimize any inconvenience that may be caused by street closures,  
408 traffic congestion or noise.

409           Section 25. That The Code of the City of Topeka, Kansas, is hereby amended  
410 by adding a section, to be numbered 12.70.110, which said section reads as follows:

411           **Display of permit.**

412           A copy of the special event permit shall be provided upon the demand of any law  
413 enforcement officer or city official.

414           Section 26. That The Code of the City of Topeka, Kansas, is hereby amended  
415 by adding a section, to be numbered 12.70.120, which said section reads as follows:

416           **Other permits, licenses, fees; Limitations, restrictions.**

417           (a) Other permits, licenses, fees. The issuance of a special event permit  
418 does not relieve any person from the obligation to obtain any other permit or pay any  
419 additional fees required pursuant to this code or other state, city or county regulation.

420           (b) Limitations; restrictions. The issuance of a special event permit does not  
421 relieve any person from restrictions or limitations contained in this code or state law  
422 relating to noise, consumption of cereal malt beverages or alcoholic liquor.

423           (c) Notwithstanding the issuance of a permit, the police chief or designee may  
424 cancel a special event in the interest of public safety.

425           Section 27. That The Code of the City of Topeka, Kansas, is hereby amended  
426 by adding a section, to be numbered 12.70.130, which said section reads as follows:

427           **Denial; Appeal.**

428           (a) Denial of permit. The city manager or designee may deny an application  
429 for a special event permit if the city manager or designee determines any of the  
430 following:

431                   (1) One or more of the application criteria in TMC 12.70.050 is not met;

432                   (2) The applicant has knowingly made a false, misleading or fraudulent  
433 statement of fact in the application or during the review process;

434                   (3) The application was not submitted timely, lacks the required  
435 information or documentation or does not include the required fees;

436                   (4)    The applicant, in the last two years prior to the date of application,  
437                   has organized a special event that did not conform to the requirements of this  
438                   chapter or failed to comply with any conditions imposed on the permit;

439                   (5)    The city does not have the necessary resources to accommodate  
440                   the event because of its size, location or duration; or

441                   (6)    The event will significantly inconvenience the residents or  
442                   businesses in the affected area due to street closures, traffic congestion or noise.

443                   (b)    Appeal. Except for a denial based upon TMC 12.70.130(a)(3), an  
444                   applicant may appeal the denial of an application for a special event if a written notice of  
445                   appeal is submitted to the city clerk within five business days of the date of the denial.  
446                   The notice of appeal shall specify the following:

447                   (1)    The name and contact information of the appellant;

448                   (2)    The date of application;

449                   (3)    The date of the denial of the application; and

450                   (4)    The factual basis for the appeal.

451                   Upon receipt of a complete and timely filed notice of appeal, the city clerk shall  
452                   schedule the matter for the governing body's consideration at the next available  
453                   meeting. The governing body may affirm, reject or modify the decision of the city  
454                   manager or designee after taking into consideration the public health, safety and  
455                   welfare of the community.

456                   Section 28. This ordinance shall take effect on January 1, 2017, after its  
457                   passage, approval and publication in the official City newspaper.

Section 29. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 30. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on December 6, 2016.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk