

ORDINANCE NO. PAR-2842

AN ORDINANCE RELATING TO PARADES IN THE CITY OF OVERLAND PARK, KANSAS; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 12.16.010 REGARDING PARADE DEFINITIONS AND 12.16.035 REGARDING PARADE FEES.

WHEREAS, based on testimony and other information before it, the Overland Park City Council finds that certain parade activities require the commitment of city resources to close city streets and conduct traffic control activities, and;

WHEREAS, these parade activities have, in the past, been subsidized by the City through free traffic control by police department employees, public works employees and other City staff, and;

WHEREAS, current economic circumstances and sound financial management practices dictate the implementation of a method to stop the drain on the city's scarce resources and to enable the City to recover its costs from individuals and groups conducting parade activities, and;

WHEREAS, the City Council desires to recover its fees from such individuals and groups conducting parade activities unless the parade is sponsored by the City or another governmental entity or the city personnel fee for a particular event is considered *de minimus*.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS

SECTION 1. Overland Park Municipal Code Section 12.16.010 is hereby amended to read as follows:

12.16.010 Definitions.

- A. "City Personnel and Equipment Fee" is an amount of money that the City requires a parade permittee to pay to cover the reasonable costs associated with providing City personnel and equipment in connection with the parade activity.
- B. "City Sponsored Parade" is a parade that receives financial or promotional assistance from the City.
- C. "De Minimus" means that the City Personnel and Equipment Fee as defined above is expected to be \$350 or less.
- D. "Government Sponsored Parade" is a parade that receives financial or promotional assistance from a taxpayer-supported entity, to include, but not be limited to, school districts.

AE. "Parade" is any march, ceremony, show, exhibition, pageant, foot race, bike race, athletic or sporting event or procession of any kind, or any similar display, in or upon any street, park or other public place in the **e**City so as to interfere with or have a tendency to interfere with the normal flow or regulation of traffic upon the street, park, or other public place.

BF. "Parade permit" is a permit as required by this **e**Chapter.

CG. "Person" is defined in **Section** 1.04.010 (13).

SECTION 2. Overland Park Municipal Code Section 12.16.035 is hereby amended to read as follows:

12.16.035 Fees.

A. **Processing Fee.** At the time of filing of an application for a parade permit, there shall be paid a processing fee of \$50.00 for the administrative costs associated with processing the application.

B. **City Personnel and Equipment Fee.** Except for City Sponsored Parades, Government Sponsored Parades and Parades where the City Personnel and Equipment Fee is *de minimus*, on and after the effective date of this ordinance, in addition to the processing fee, applicants for permits for parades shall pay upon issuance of the permit a City Personnel and Equipment Fee. The City personnel and equipment costs subject to recovery shall be established by Governing Body resolution, and adjusted annually thereafter by the City Manager or his or her designee. The determination of the number of City personnel and type of equipment required will be determined by the City Manager, or his or her designee, and will be based solely upon the size, location, duration, time and date of the event, the number of streets and intersections blocked and the amount of traffic to be re-routed, as this information impacts normal traffic on the public streets. The speech content of the parade activity shall not be a consideration in determining the City Personnel Fees.

C. **Fee Reconsideration.** If any person or organization disagrees with the determination of the amount of the City Personnel and Equipment Fee, that person or organization may request reconsideration in accordance with the appeal procedures set forth in Section 12.16.060. This reconsideration procedure shall be exclusive means for fee reconsideration, and no elected or appointed official may otherwise waive or fail to assess processing fees and personnel and equipment fees.

D. **Fee Refunds.** If the permittee is unable to hold or conduct the approved parade due to inclement weather or some other cause not within the permittee's control, the permittee may submit a written request for the refund of City Personnel and Equipment Fees to the City Clerk within ten days after the date on which the parade was to be held. The City

Clerk shall reduce the City Personnel and Equipment Fee to ensure that the permittee is charged only for the actual costs of City personnel and equipment provided in support of the parade activity. The City Clerk shall refund any excess City Personnel and Equipment Fees paid, except for the \$50 processing fee.

SECTION 3. Existing Overland Park Municipal Code Sections 12.16.010 and 12.16.035 are hereby repealed.

SECTION 4. This ordinance shall take effect immediately upon its publication in an official City newspaper.

PASSED by the City Council this ____ day of March 2010.

APPROVED by the Mayor this ____ day of March 2010.

Carl Gerlach, Mayor

ATTEST:

Marian Cook
City Clerk

APPROVED AS TO FORM:

John J. Knoll
Senior Assistant City Attorney