

DIVISION V. - SPECIAL EVENTS AND MOBILE FOOD VENDING

SUBDIVISION 1. - SPECIAL EVENTS

Sec. 6.1510. - Purpose and intent.

The purpose and intent of this article is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this article to protect nearby property owners, residents and businesses from special events that may be disruptive, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed event.

Sec. 6.1520. - Definitions.

The terms used in this article, for purposes of the regulations in this article, shall be defined as follows:

Non-profit group or organization means any person(s), partnership, association, non-profit corporation, a 501(c)3 corporation, or other group that does not distribute its surplus funds to its owners, shareholders or members, and whose activities are conducted for charitable, civic, or humanitarian motives, or for the benefit of others, and not for the private gain of any individual or group and may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

Special event means a temporary, short-term use of land or temporary structure(s), located or conducted outside, that is, not within a permanent building or structure. A special event may be on public or private street right-of-way, public property, or private property within the corporate limits of the City of Lee's Summit, Missouri ("corporate limits"), and may include, but not be limited to, the following types of activities:

1. Athletic event. An organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including but not limited to: running, jogging, walking, bicycling or skating, on any public street right-of-way or upon public property in the corporate limits.
2. Auction/estate sale. Any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.
3. Auto sales tent. A tent located on an auto sales lot for the purposes of a sales event and/or a promotional activity.
4. Block party. A neighborhood event, in which a street is temporarily closed and designated as a "play street."
5. Commercial event. Commercial activities, either on the same property as the primary commercial use, or on other private commercial property, which are intended to sell, lease, rent or promote specific merchandise, services or product lines, including, but not limited to: Tent sales, sidewalk sales, trade shows, flea markets, product demonstrations or parking lot sales of food, art work or other goods. This definition does not include mobile food vending (see Subdivision 2 of this division).

6. Entertainment event. An organized event having as its primary purpose the entertainment or amusement of a group of people, including but not limited to: Carnivals, festivals, public firework displays, fairs, or concerts, on public or private property within the corporate limits.
7. Film production. The process of making a film on public or private property within the corporate limits.
8. Fireworks sales tent. A tent for the retail sale of allowed fireworks within the city limits of Lee's Summit, during a specified time period preceding July 4 of each year, as further described in the Code of Ordinances.
9. Garage sales. The sale of personal property that is conducted on premises within a residential district upon which is located a dwelling, or on any portion of a lot used for residential purposes.
10. Non-commercial events. Fund-raising or non-commercial events sponsored by non-profit groups or non-profit organizations.
11. Parade. Any march or procession consisting of people, animals, or vehicles, or any combination thereof, except funeral processions, upon any public street, sidewalk, alley, jogging trail, or bike path, which does not comply with normal and usual traffic regulations or controls.
12. Political event. An organized event, not including an athletic or entertainment event, having as its primary purpose the exercise of expressive activities of a political nature, including but not limited to speech making, picketing, protesting, marching, demonstrating or debating public issues.
13. Seasonal sales. Farmer's market, Christmas tree sales, fruit, flower or vegetable sales, or sale of other seasonal products, when sold on property other than on the site where grown, constructed or assembled.
14. Private events. Events held on private property meeting all applicable codes and ordinances, including but not limited to wedding receptions and birthday events.

Special event signage means signage that is temporary in nature, is not permanently attached to the ground or sign surface, and is used to advertise any type of special event as listed herein, whether or not a special event permit is required.

Sec. 6.1530. - Permit required.

- A. Except as otherwise provided under the exemptions section of this article (Section 6.1540), a Special Event Permit is required for the following special events, as defined above:
 1. Athletic event.
 2. Commercial event.
 3. Entertainment event.
 4. Non-commercial event, unless conducted entirely on private property owned or leased by the sponsoring non-profit group or organization.
 5. Seasonal sales event.
 6. All special events requiring street closure.
 7. All special events which include street vendors to be located on public right-of-way.

- B. A special event permit is not required for the following types of events, but other Code of Ordinance based permits are required. The Code of Ordinance sections for the applicable permits are listed below:
1. Fireworks sales (Chapter 13, Article III, of the Code of Ordinances).
 2. Parades (Chapter 29, Article VI, of the Code of Ordinances).
 3. Play streets (block parties) (Chapter 29, Article I, Section 29-12, of the Code of Ordinances).

Sec. 6.1540. - Exemptions.

The following special events are exempt from the requirements of this section and do not require a permit, unless the special event requires street closure:

- A. Auctions/estate sales.
- B. Auto tent sales located on private property and on an existing, legal, or legal non-conforming auto sales lot, and having a maximum duration of six weeks.
- C. Commercial event, if it has a minimal impact on the community. Criteria for determining minimal versus significant impact shall include, but not be limited to the following: 1) public services required, 2) tent or other structure, 3) traffic circulation, 4) parking considerations, and 5) anticipated attendance. This could include centralized special events held within a shopping center parking area, not connected to individual businesses within the shopping center, with no off-site impact. The Director shall determine whether a permit is required for a specific commercial event, based upon the proposed extent of activities.
- D. Garage sales (up to four times per year), not to exceed five days per event and 20 days per year.
- E. Non-commercial event, if conducted entirely on private property owned or leased by the sponsoring non-profit group or organization, with a maximum duration of 72 hours.
- F. Political events.
- G. Private events.
- H. Any special event sponsored or co-sponsored by the City. Such events shall comply with the performance standards set forth herein. A City event requiring street closure requires a special event permit.
- I. Any special event held within a public park. These events shall be governed by other provisions of the Municipal Code regulating conduct in City parks and recreation areas.
- J. Any business already operating under a special use permit that regulates the display and sale of outdoor goods or authorizes the operation of any special event as defined herein.

Sec. 6.1550. - Fees for special event permits.

- A. Application fee. An application fee shall be required upon submittal of each special event application in accordance with the City's Schedule of Fees and Charges.
- B. Fees for City services. If the permit applicant requests City services, or City staff determines the need or the City Council upon referral or appeal, as described in this article, determines, as a condition of granting the permit, that public services or equipment must be

provided to protect the public health or safety, the applicant shall be required to pay a fee for City services in accordance with the City's Schedule of Fees and Charges. Payment for City services shall be paid prior to issuance of the permit.

- C. Fees for athletic events. Specific routes have been designated for athletic events. See the City's Schedule of Fees and Charges.

Sec. 6.1560. - Application requirements.

- A. Application required. A special event application shall be submitted for any special event requiring a special event permit, as outlined above under "permit required."

- B. Application deadline. A complete application shall be submitted at least 20 calendar days prior to the requested start date of a special event. The Director shall have the authority to waive the application deadline.

- C. Submission requirements. The application shall set forth and contain the following information:

1. Name and/or brief description of the event.
2. Description of City services required for the event such as traffic control, street sweeping, etc.
3. Fees, as required.
4. A written narrative, fully describing the proposed event, including:
 - a. Location.
 - b. Hours of operation.
 - c. Anticipated attendance.
 - d. Buildings or structures to be used in conjunction with the event.
 - e. Proposed signs or attention attracting devices.
 - f. Public streets to be used, if any.
5. A statement that the standards set forth in this article have been satisfied.
6. A site plan in the form and the level of detail as required by the Director, showing the location of all existing or proposed uses, structures, parking areas, outdoor display areas, signs, streets, and property lines.
7. Date and time of the event to include start and ending dates and times.
8. Contacts: Name and address of the owner of the premises on which the proposed event is to be held and the name and address of the applicant.
9. Written approval from the property owner agreeing to the proposed event, if the applicant is not the same as the property owner.
10. Location and number of proposed temporary public toilets.
11. Proposed temporary potable water supplies, which shall be reviewed by the Water Utilities Department, pursuant to the Code of Ordinances.
12. A recycling plan, which shall include the following information:
 - Name of the sanitation company, hauler, and/or staff that will be providing bins, emptying bins, and transporting the bins for proper disposal.

- Location where the recyclables will be transported for disposal.
 - Site plan indicating the location of bins.
 - Number of bins provided.
 - Description of any signage that will be used to advertise the recycling opportunity.
 - List of materials to be utilized at the event, and whether all of the materials will be offered for recycling.
 - Description of how often recycling bins will be emptied.
 - Description of how recycling bins will be differentiated from other trash bins. The recycle bins must be clearly labeled as such so as not to create confusion with regular trash bins.
 - Any other information deemed necessary by the Director in order to ensure compliance with the standards set forth in this article.
13. Proof of liability insurance. If the special event will take place on public property, said certificate of insurance shall name the City as an additional insured party in an amount determined by the City Manager based on the nature of the special event.
14. A statement that ensures indemnification of the City and that public property will be protected and/or restored to its condition prior to the Special Event.

Sec. 6.1570. - Performance standards.

Special events shall comply with the following standards:

- A. Location. Special events that do not require the use of public right-of-way shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may conduct special events on any property where the owner has granted permission. For all special events that require the use of public right-of-way, the permit shall clearly specify the streets to be used for the event and the time that the streets will be closed, if applicable.
- B. Land-use compatibility. The special event shall be compatible with the purpose and intent of this section and with adjacent land uses. The special event shall not impair the normal, safe and effective operation of a permanent use on the same site. The special event shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to it.
- C. Compliance with other regulations. All applicable provisions of the Building Code (Chapter 7 of the Code of Ordinances) and the Design and Construction Manual shall be met. Permit holders must at all times comply with all applicable legal and regulatory provisions, including, without limitation, health code regulations.
- D. Restoration of the site. Any temporary structure shall be promptly removed upon the cessation of the event. Within 48 hours of cessation of the event, the site shall be returned to its previous condition, including the removal of all litter, signage, attention-attracting devices or other evidence of the special event. If the site is not returned to its previous condition, the City may restore the site at the expense of the applicant.
- E. Hours of operation. The hours of operation of a special event shall be consistent with the surrounding land uses.

- F. Duration. The maximum duration of a special event shall be as set forth below, unless modified by conditions attached to the issuance of the special event permit.
1. Athletic event: Three days.
 2. Auto tent sales (exempt): Six weeks.
 3. Commercial event: Three days.
 4. Commercial event (exempt): Three days.
 5. Entertainment event: Seven days.
 6. Garage sales (exempt): Five days per event, up to four times per year, not to exceed 20 days per year.
 7. Non-commercial event: Three days.
 8. Non-commercial event (exempt): Three days.
 9. Seasonal sales event:
 - a. Ninety days if up to 20 percent of the parking lot is used for the event;
 - b. One hundred eighty days if up to ten percent of the parking lot is used for the event.
- G. Traffic circulation. The special event shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls. All sidewalks shall be left open for pedestrian traffic unless special approval is received for blockage. No alleys, driveways, fire lanes or other access points shall be blocked by the special event unless specific approval is granted for the special event.
- H. Parking restrictions. Approval of a short-term parking restriction can be granted through a special event application as determined by the City Traffic Engineer. Special event permit recipients shall be responsible for securing, installing and immediate removal of all required no parking signs upon cessation of the event.
- I. Street closings and temporary traffic control. Special event permit holders shall be responsible for securing, installing and immediate removal upon cessation, all required temporary traffic control, including but not limited to all barricades and signs when street or lane closures are approved. All temporary traffic control shall be in accordance with the Manual on Uniform Traffic Control Devices, subject to approval by the City Traffic Engineer. The approval of a Special Event Permit shall waive the requirement for any applicable Temporary Traffic Control Permit required.
- J. Off-street parking.
1. All off-street parking surfaces used for the special event shall be concrete or asphalt.
 2. No more than 20 percent of the parking stalls required for the structure associated with the parking lot in which the special event occurs shall be permitted to be used for a special event.
 3. For seasonal sales events with a duration of over 90 days and up to 180 days, no more than ten percent of the required parking stalls shall be permitted to be used for the special event.

4. Special events shall not cause a shortage of parking for the primary use on the property on which they are located. Special events shall not create a shortage of parking for uses on properties surrounding the property on which they are located.
- K. Anchoring devices. No spikes, nails, anchors or other devices shall be driven into any public street or sidewalk. Such devices may be used on private parking lots provided any damage resulting therefrom shall be repaired upon cessation of the event and removal of the devices.
- L. Fire safety. The City's Fire Department shall be consulted for the following requirements and inspection, as necessary:
1. Fire lanes a minimum of 20 feet in width and 12 feet in height or as otherwise approved by the Fire Chief, must be provided in order to allow Fire Department access within 150 feet of all structures and on at least two sides of all two-story structures within 500 feet of the location of the special event.
 2. All fire hydrants in the area of the special event must be left with five feet of clearance on all sides and shall be accessible from the fire lanes that are designated with the event.
 3. No open fires shall be permitted unless advance approval is obtained from the Fire Department.
 4. Fire extinguishers shall be available as determined by the Fire Chief.
 5. Temporary electrical wiring for the special event shall be installed in accordance with the requirements of the National Electrical Code.
 6. Tents shall comply with the Fire Code and applicable building codes.
 7. Exit signs and proper exiting aisles shall be provided in temporary special event structures.
- M. Public conveniences and litter control. Adequate on-site restroom facilities and solid waste containers shall be provided. The applicant shall calculate the demand for such facilities and specify how the need will be addressed.
- N. Recycling. A recycling plan shall be required. Beginning January 1, 2012, styrofoam and glass food and beverage containers will be prohibited at all special events. A recycling haulers report shall be required after the completion of the event.
- O. Nuisances. The special event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.

Sec. 6.1580. - Special event signs.

- A. No separate sign permit shall be required for signs related to a special event.
- B. Signs related to a special event which requires a special event permit, as defined and regulated in this article, shall be allowed only as authorized in the approval of the special event by the Director. The time limit for temporary signs advertising the event shall be specified in the special event approval, with 30 days being the standard guideline.
1. Signs for community-wide special events, as determined by the Director, may be placed off-site throughout the community, on private property, subject to approval of the location(s), and permission of the property owner(s).

2. Signs for special events that are not community-wide, as determined by the Director, may only be placed on the property where the event is being held.
- C. Signs related to a special event not requiring a special event permit shall be allowed only on the property where the event is being held.

Sec. 6.1590. - Consideration of special event application.

- A. The Director may approve any special event permit after determining that the event will comply with all special event performance standards and application criteria and requirements.
- B. Appeal of denial.
1. The denial of any application by the Director shall be in writing.
 2. The applicant, in the event of a denial of a special event permit, and a permit holder, in the event of the revocation of a special event permit, shall have the right to appeal a decision of the Director to the City Council.
 3. Appeal to City Council. Applicants denied a special event permit may appeal to the City Council by filing such appeal with the City Clerk with full documentation supporting his or her application within ten days of the denial.
 4. Schedule. Appeals shall be placed on the first available City Council meeting agenda for consideration.
 5. City Council consideration. The City Council action shall be final and may include additional fees to cover the cost of providing city services and/or any other conditions deemed necessary to protect the general welfare of the City and the public.
- C. Prohibition on transfer. No special event permit issued under the provisions of this section shall be assignable or transferable to any other person or transferable to another location for the operation of a special event by that person or at a different location.
- D. Conditions of approval. When issuing a special event permit, the Director or City Council may establish additional conditions deemed necessary to ensure compatibility with adjacent land-uses and to minimize potential adverse impacts on nearby uses, including, but not limited to:
1. Limitation of events. Special events which require City services during the event shall be limited to one per day or per weekend subject to availability of personnel, as determined by City staff. Scheduling shall be on a first come-first served basis.
 2. Pre-established routes. Specific routes have been designated for athletic events. Applicants will be given their choice of the pre-established routes from the selection list maintained by the Police Department. Such routes are subject to change due to unforeseen circumstances and as such, applicants should check the route status and confirm their route choice prior to advertising their event. Denial of a specific route may be appealed to the City Council pursuant to Subsection B. above.
 3. Signs. The number, size, location, or time limit for signs may be limited.
 4. Temporary arrangements for parking and traffic circulation.
 5. Modifications or restrictions on the hours of operation, duration of the event, size of the event or other operational characteristics.

6. The provision of traffic control or security personnel to ensure the public safety and convenience.
7. Posting of security, in an amount required by the City Manager, for special events where the anticipated attendance is 1,000 or more people to help ensure that the operation of the event and the subsequent restoration and cleanup of the site are conducted according to required special event standards and conditions of approval.