

ORDINANCE NO. 18, 2015 SERIES

AN ORDINANCE AMENDING THE CITY OF FRANKFORT CODE OF ORDINANCES, CHAPTER 71, Sections 71.50, 71.51, 71.52, 71.53, 71.54, 71.55, 71.56, 71.57, and 71.99 concerning the holding of Parades and Special Events in the City of Frankfort, and adopting Sections 71.58, 71.59, 71.60, 71.61, 71.62, 71.63, and 71.64 that will also address the holding of Parades and Special Events in the City of Frankfort.

BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, that City of Frankfort Code of Ordinances Chapter 71, Sections 71.50, 71.51, 71.52, 71.53, 71.54, 71.55, 71.56, 71.57, and 71.99 concerning the holding of Parades and Special Events in the City of Frankfort are hereby amended, and Sections 71.58, 71.59, 71.60, 71.61, 71.62, 71.63, and 71.64 concerning the holding of Parades and Special Events in the City of Frankfort 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.

PARADE.

Any parade, march, ceremony, show, exhibition, race, pageant or procession of any kind, or any similar display, consisting of persons, animals or vehicles or a combination thereof, in or upon any street, sidewalk, park or other public place in the city.

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 fairs, festivals, and block parties. Private social gatherings which will not require the use of City streets other than for lawful parking are not included.

PARADE PERMIT OR SPECIAL EVENT PERMIT.

A permit required by this subchapter.

ROUTE.

The predetermined route established by this ordinance, 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 eighteen (18) minutes per mile.
(Example: 5K Race- 3.1miles X 18 minutes = 55.8 minutes from start of race)

71.51 PERMIT REQUIRED.

(A) No person or persons shall engage in, participate in, aid, form, or start any parade or special event unless the required permit has been obtained from the Chief of Police.

(B) This subchapter shall not apply to:

- (1) Funeral processions; or
- (2) A governmental agency acting within the scope of its functions.
Penalty, see 71.99

71.52 APPLICATION FOR PERMIT.

A person seeking issuance of a parade or special event permit shall file an application with the Chief of Police, or his designee, on forms provided by the Police Department.

(A) The application for a parade or special event permit shall be filed not less than forty-five (45) days or not more than ninety (90) days before the date on which it is proposed to conduct the parade or special event.

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

(C) The Chief of Police or designee 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, the Chief of Police determines that the waiver will not present a hazard to public safety. Failure on the part of the requesting party to file an application for permit in a timely manner as required by this ordinance will not, alone, fulfill the requirement to request this waiver.

(D) The application for a parade or special event permit shall set forth the following information:

- (1) The name, address and telephone number of the person seeking to conduct the parade/special event;
- (2) The applicant will provide, by picture identification, proof that the applicant is at least 18 years of age;
- (3) If the parade or 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 parade or special event chairperson and who will be responsible for its conduct;
- (5) The date when the parade or 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 parade or special event, the type of animals, if any, and the description of the vehicles;
- (8) The hours when the parade or special event will start and terminate;
- (9) A statement as to whether the parade or 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 parade or special event;
- (11) The time at which units of the parade or special event will begin to assemble at any assembly area or areas;
- (12) If the parade 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); and
- (13) Any additional information reasonably necessary to a fair determination as to whether a permit should be issued.

(C) There shall be paid at the time of filing an application for the parade permit or special event permit, a fee in the amount applicable according to the following fee schedule payable to the City of Frankfort Finance Department:

Permit Type	Fee
Parade Permit	\$150
Special Event Permit (Oversight required and/or parking restrictions)	\$100
Special Event Permit (No oversight required and no parking restrictions-simple barricaded closure)	\$50

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.

A. PARADE ROUTES

Route A (Downtown):

Estimated 8 Officers Needed

- Begin and assemble in parking lot behind Old State Office Building on Clinton Street
- Left on High Street
- Right onto Broadway
- Left onto Washington Street
- Left onto West Main Street
- Left onto High Street
- Finish and disband in parking lot behind Old State Office Building on Clinton Street.

Route B (Capital Avenue):

Estimated 14 Officers Needed

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

Route C (Capital Avenue):

Estimated 8 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. 3K RACE ROUTES

Route A:

Estimated 13 Officers Needed

- Assemble and begin on West Main Street at Saint Clair Street toward Washington Street
- Right on Washington Street
- Right on Broadway
- Right on Ann Street
- Left on West Main Street
- Right on Capital Avenue
- Turn at Todd Street back down Capital Avenue
- Left on West Main Street
- Finish on West Main Street at Saint Clair Street

C. 5K RACE ROUTES

Route A:

Estimated 12 Officers Needed

- Assemble and begin on the Old Capitol side of Broadway at Saint Clair Street toward Wilkinson Boulevard
- Left onto Wilkinson Street
- Left onto West Main Street
- Right onto Capital Avenue
- Continue around and behind the Capitol Building then back down Capital Avenue
- Left onto West Main Street
- Right onto Wilkinson Street
- Right onto Broadway
- Finish on Broadway at Saint Clair Street

Route B:

Estimated 17 Officers Needed

- Assemble and begin on West Main Street at Saint Clair Street toward Washington Street
- Left onto Washington Street
- Right onto Wapping Street
- Right onto the shop side of Broadway
- Right onto Ann Street
- Left onto West Main Street
- Right onto Capital Avenue continuing around and behind the Annex Building then back down Capital Avenue
- Left onto West Main Street
- Finish on West Main Street at Saint Clair Street

Route C:

Estimated 17 Officers Needed

- Assemble and begin on the shop side of Broadway at Saint Clair Street toward Ann Street
- Right onto Ann Street
- Left onto West Main Street
- Right onto Capital Avenue continuing around and behind the Annex Building then back down Capital Avenue
- Left onto West Main Street
- Left onto Washington Street
- Right onto Wapping Street
- Right onto Wilkinson Street
- Right onto Broadway
- Finish on Broadway at Saint Clair Street

D. 10K RACE Routes

Route A:

Requires coordination with County and estimated 6 City Officers

- Assemble and begin at intersection of Capital Avenue and Todd Street toward KY 676
- Continue on KY 420 then left onto Big Eddy Road
- Loop at Travis Circle and back onto Big Eddy Road toward KY 420
- Right onto KY 420
- Finish on Capital Avenue at intersection of West Todd Street

Route B:

Estimated 18 Officers Needed

- Start on West Main Street at Saint Clair Street heading toward Wilkinson Blvd
- Left onto Washington Street
- Right onto Wilkinson Street
- Left onto West Main Street into the River View Park path
- Continue on River path to Fair Oaks Lane
- Turn around returning via right lane of Wilkinson Boulevard
- Right into Riverview Park and return to River path
- Up walk ramp to Farmers Market Lot towards Wilkinson Boulevard
- Left onto Wilkinson Boulevard
- Right onto Clinton Street
- Right onto High St towards
- Right onto Broadway
- Turn around back down Broadway (shop Side) towards Ann Street
- Right onto Ann Street
- Left onto West Main Street
- Right onto Capital Avenue continue around and behind the Capital Annex then back down Capital Avenue
- Left onto West Main Street
- Finish on West Main Street at Saint Clair Street

71.54 Minimum Pace Requirements (Foot Races)

The permittee shall advertise and make known to all race participants that the event will be held to an 18 minute per mile pace. If any participants remain on the course past the designated completion time of the race, the permittee and City personnel shall direct those participants to the sidewalks and the race course will be opened to traffic. Once notification has been made that the race course will be opened, any participants who have been directed to the sidewalk will be considered pedestrian traffic and must comply with the laws applicable to such traffic.

71.55 INSURANCE

The permittee shall obtain and present evidence of comprehensive liability insurance naming the City as an additional insured in an amount set forth in 71.57(L) and from an insurance company satisfactory to the City.

71.56 SECURITY PLAN AND REIMBURSEMENT

The permittee shall cooperate with the City's Police Department in implementing and adhering to the security/emergency response plan for the parade or special event. The decision to use City police officers, whether on-duty or off-duty, or police cadets, shall be within the sole discretion of the Chief of Police, or his/her designee. The City shall be reimbursed the cost of providing police officers at the percentage set forth below.

1. Private (for profit) and Post-Secondary Education Institutions 100%
2. Non-profit organization and schools located in the City 50%
3. Police services shall be provided at no cost for the following parades:
Gubernatorial Inauguration;
Annual Jaycee's Christmas Parade,
Frankfort High School Homecoming Parade, and;
Kentucky State University Homecoming Parade.

71.57 NOTICES.

The permittee shall advertise the parade or special event in the local newspaper on at least two occasions, with one advertisement being published no less than 14 days prior to the event and an advertisement being published in the week prior to the event.

71.58 STANDARDS FOR ISSUANCE OF PERMIT.

The Chief of Police or other authorized city official 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 parade/special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (B) The conduct of the parade/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 parade/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 or the special event;
- (D) The concentration of persons, animals and vehicles at assembly points of the parade/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 parade/special event will not interfere with the movement of firefighting equipment en route to a fire;
- (F) The parade/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 parade/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 parade/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 parade/special event.
- (I) The applicant provides proof that it has provided notice to the public by newspaper, radio, television, and/or flyers delivered to properties adjacent to the parade/special event route no less than seven days prior to the date of the parade/special event, of the date and time a parade/special event will be held and the route of the parade/special event.
- (J) 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 the DFI and City Website calendars as they are approved.
- (K) 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 Paragraphs 71.52, 71.56, and 71.57 above.
- (L) The applicant shall be required to provide proof of comprehensive liability insurance that includes limits of no less than \$1,000,000.00. The Chief of Police may require higher insurance limits based on the activities of the parade or special event.
- (M) 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.

71.59 SANITATION AND CLEAN-UP.

A parade or special event permit may be issued only after adequate waste disposal facilities have been identified and obtained by permittee. 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. If the permittee fails to clean up such refuse, such clean up shall be arranged by the City and the permittee shall pay the cost of the cleanup.

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, 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.

71.61 NOTICE OF REJECTION OF PERMIT.

The Chief of Police, or other authorized city official shall act on the application for a parade/special event permit within three 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 three 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.

71.62 DUTIES OF PERMITEE.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade/special event chairperson or other person heading or leading the activity shall carry the parade/special event permit on his or her person during the conduct of the parade/special event.

Penalty, see 71.99

71.63 PUBLIC CONDUCT DURING PARADES.

(A) No person shall unreasonably hamper, obstruct, impede or interfere with any parade or special event assembly or with any person, vehicle or animal participating or used in a parade/special event.

(B) No driver of a vehicle, except a police car or other emergency vehicle, shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

Cross reference:

Parking on parade routes, see 72.07

71.64 REVOCAION OF PERMIT.

The city shall have the authority to revoke a parade/special event permit issued hereunder on application of the standards for issuance as herein set forth.

71.65 ENFORCING OFFICE.

The Frankfort Police Department is hereby charged with the enforcement of the provisions of this Subchapter.

71.99 PENALTY.

- (1) Whoever violates any provision of this chapter for which no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$500.
- (2) Any person found guilty of speeding in the city shall, upon conviction, be fined not less than \$10 nor more than \$100 for each offense.

First Reading on the 19 day of November, 2015.
Final adoption on the 21 day of December, 2015.

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

S/Chermie Maxwell
T/City Clerk

SUMMARY: This ordinance amends City of Frankfort Code of Ordinances Chapter 71, Sections 71.50, 71.51, 71.52, 71.53, 71.54, 71.55, 71.56, 71.57, and 71.99 and adopts Sections 71.58, 71.59, 71.60, 71.61, 71.62, 71.63, and 71.64. The purpose of this ordinance is to amend these sections concerning the holding of parades in the City of Frankfort and to provide rules governing Special Events occurring on private or public property that will affect the use of public property, public streets, rights-of-way, on street parking or sidewalks. The ordinance revises the standards for submitting an application for a parade or a special event, provides for pre-determined routes, provides minimum pace requirements for races, provides for a security plan and reimbursement of the cost of implementing the plan. The ordinance also revises the event notice requirements and penalties found in Section 71.99.

Ordinance No. 18, 2015 series was adopted by the City of Frankfort on December 21, 2015.

S/Robert C. Moore
T/City Solicitor

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