



# CITY OF TOPEKA

## ADMINISTRATIVE REGULATIONS

related to

### SPECIAL EVENTS – PARADES – BLOCK PARTIES

#### Introduction

The special events ordinance was proposed for the primary purpose of enhancing the safety of Topekans who choose to support their community by attending special events. Revising and updating the application process and forms for various events and establishing deadlines for submittal has provided City staff the ability to review special event requests in a more coordinated and organized manner. [Topeka Municipal Code (TMC) Chapter 12.70 (“Special Events” – “Parades” – “Block Parties”)]

Understanding the potential need for flexibility in certain unique situations, **TMC Section 12.70.030** provides that the City Manager with the authority to adopt administrative regulations consistent with Chapter 12.70, which may be applied during the process of reviewing and approving special event applications. **TMC Section 12.70.100** provides that the City Manager may issue a special event permit if certain determinations are made; and subsection (b) states that the City Manager may impose restrictions to minimize any inconvenience that maybe caused by street closures, traffic congestion or noise.

Since the ordinance was enacted, the City Clerk’s Office has promptly contacted any organization(s) that “represents” the residents or businesses located within an area that has been identified in an application as the proposed site for a future special event. (This notification typically occurs on the same day, or within no more than 48 hours of receiving the application). As an example, Downtown Topeka Inc. (DTI) is contacted when an event organizer has submitted an application to hold a special event downtown. Feedback is often received following this notification -- and sometimes this feedback comes in the form of requesting the City to restrict certain aspects of the special event request. This is the type of situation for which these administrative regulations were written.

#### Regulations

**1. *Reducing Length of Time Street Closed.*** The City Manager may reduce the length of time affected streets are closed (i) for pre-event preparation, (ii) during the actual event or (iii) for post-event clean-up if he believes the total length of time the street will be closed would adversely affect the residents or businesses located in the area.

**2. *Using Alternative Streets.*** The City Manager may direct the event organizer to close down a street or streets other than those requested in the special event application

if he reasonably believes that closing such street or streets would adversely affect the businesses located in the area. For example, if a special event organizer submits an application requesting that a portion of Kansas Avenue be closed, the City Manager could direct the organizer to use a street or streets with less commercial activity (such as the 8<sup>th</sup> and Jackson area).

**3. *Objection to Proposed Street Closure within NOTO Arts District.*** Because what is commonly known and referred to as “NOTO” encompasses a small area, (three (3) blocks along Kansas Avenue and side streets, to include Morse, Fairchild, Gordon and Laurent (one block radius east and/or west),) if an event organizer proposes as part of its application that this specific area be closed, the City Manager may consider whether or not such closure would adversely affect the residents or businesses; *provided*, however, that

(a) A majority of all residents and/or business owners/tenants located within the above-referenced area are opposed to the requested street closure.

(b) The Executive Director of the NOTO Arts and Entertainment District provides a written statement relaying such objection, which shall include the name, address, telephone number, email address and signature of each business owner and shall be delivered to the City Manager’s Office (in person, via mail or via email).

If these requirements are met and the City Manager, after considering the type of event involved, the length of the event, as well as other relevant factors, believes the street closure is not in the overall best interests of NOTO, he shall inform the event organizer that no street closure will be authorized.

**4. *Notice to Surrounding Property Owners.*** It is imperative that applicants are mindful of the manner and timeliness of notification provided to residents and/or business owners/tenants who live and work within the surrounding area, as these individuals will be affected in one way or another by the sponsor’s event. As such, the **applicant must notify each individual resident and/or business owner/tenant** within the area proposed for use as part of the special event ten days prior to the event.

In recognition of the fact that the majority of special events held within the City occur either downtown or in NOTO, the City Manager requires that contact information be provided by an entity that is in the best position to possess accurate and up-to-date information. More specifically:

(a) Events held Downtown: Downtown Topeka Incorporated (“DTI”) shall provide a list containing the name of each property owner within the area along SW Kansas Avenue, SW Jackson Street and SW Quincy Street from SW 6<sup>th</sup> Street to SW 10<sup>th</sup> Street, as well as his/her/their most recent contact information (preferably emails and/or telephone numbers), to the City Clerk’s Office, on a quarterly basis, no later than the 15<sup>th</sup> day of February, May, August and November.

(b) Events held in NOTO: The North Topeka Arts and Entertainment District (“NOTO Arts District”) shall provide a list containing the name of each business owner within the NOTO Arts District, as well as his/her/their most recent contact information (preferably emails and/or telephone numbers), to the City

Clerk's Office, on a quarterly basis, no later than the 15<sup>th</sup> day of February, May, August and November.

Any applicant who intends to hold an event downtown or in NOTO shall use the contact information provided by DTI or the NOTO Arts District when providing the notification required. Once notification has been completed, the applicant shall execute a Statement indicating that all owners within the affected area were notified at least ten days prior to the event and shall provide such Statement to the City Clerk 48-hours prior to the event.

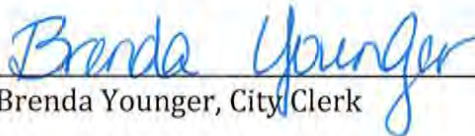
**5. Consideration of Noise.** If noise is a primary decision-making consideration related to restricting the parameters of a specific special event application, the City Manager must apply a "reasonable sensibilities" standard (using the factors set out in TMC 9.45.160):

- (a) volume and intensity of the noise;
- (b) whether the nature of the noise is usual or unusual;
- (c) whether the origin is natural or unnatural;
- (d) the presence of any background noise;
- (e) the proximity to residences;
- (f) the nature and zoning of the area from which the noise emanates (e.g. residential vs industrial);
- (g) the time of day and duration of the noise;
- (h) whether the noise is constant, recurrent or intermittent; and
- (i) whether the noise is created by commercial or noncommercial activity.

No decibel meter, or similar instrument, shall be required in order to make a determination as to whether a person of reasonable sensibilities would object to the noise.



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Brent Trout, City Manager



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Brenda Younger, City Clerk

Originally Promulgated: May 20, 2020

Most Recently Updated: \_\_\_\_\_