

(First Published in the Columbus News Report _____, 2015)

ORDINANCE NO. 135D

AN ORDINANCE ESTABLISHING CHAPTER 5, ARTICLE 1, SECTION 1-113, IN THE CODE FOR THE CITY OF COLUMBUS, KANSAS, PERTAINING TO HAUNTED HOUSES, HALLOWEEN HOUSES, ATTRACTIONS, MYSTERY MANSIONS AND GHOST WALKS

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

SECTION 1. Section 1-113(a) of the Code of the City of Columbus, Kansas, is hereby established to read as follows:

Definitions. ‘Chief of Police’ means the Chief of the Columbus Police Department or his/her designee; ‘Fire Chief’ means the Director of the Fire Department of the City of Columbus, Kansas, or his/her designee;

‘Halloween Season’ means the period of time from September 1st through November 2nd of any calendar year.

A ‘Haunted House, Indoor’ means any indoor permanent or temporary building, structure or facility, or portion thereof, which provides walkways or any other system that transports passengers through a facility or course so arranged that the means of egress are not readily apparent due to theatrical distractions or displays, are not plainly visible due to low illumination, or are not readily accessible or available due to the type of course, pathways or method of transportation through the building or structure, and wherein the public is invited to view, be entertained, scared and/or amused by simulated creations of sound, theatrical displays or distractions, or sight and feeling of a ghoulish, ghostly, spectral, imaginary and haunting nature in the spirit of and celebration of the holiday known as Halloween. Unless otherwise specified, such term shall include temporary and permanent haunted houses, indoor.

‘Haunted Walk/Field, Outdoor’ means an attraction similar to haunted houses, indoor, which occurs primarily outdoors but may include both outdoor or indoor areas where egress to a public way is not readily identifiable, where the public is invited to view, be entertained, scared or amused by simulated creations of sound, theatrical distractions, sight and feeling of a ghoulish, ghostly, spectral, imaginary and haunting nature in the spirit of and celebration of the holiday known as Halloween.

‘Haunted House, Indoor’ is required to meet all City of Columbus building, fire, electrical, elevator, mechanical, plumbing and sewer codes.

'Person' means any individual, firm, association, company, partnership, or other legal entity.

SECTION 2. Section 1-113(b) of the Code of the City of Columbus, Kansas, is hereby established to read as follows:

Enforcement of provisions of Code. (A) The City of Columbus, the Columbus Police Department, the Columbus Fire Department, the Columbus Department of Public Works & Utilities and the authorized representatives of such departments, shall be responsible for the enforcement of all provisions of this Code.

(B) The provisions of this Code are in addition to any other health, fire, zoning, building code or life safety requirements within the ordinances of the Code of the City of Columbus or laws of the State of Kansas.

SECTION 3. Section 1-113(c) of the Code of the City of Columbus, Kansas, is hereby established to read as follows:

License or permit required--Fee. (A) It is unlawful for any person to engage, conduct, pursue, or operate, authorize or permit, within the corporate limits of the city, a temporary haunted house, indoor or haunted walk/field, outdoor, whether or not an admittance fee is charged, without first obtaining a license from the City Clerk and paying a license fee of one hundred dollars (\$100.00).

In addition to the application fee, an inspection fee not to exceed fifty dollars (\$50.00) will be assessed for each subsequent inspection(s) of the property by the City's designated inspector or the Fire Department to determine compliance with the provisions of this Code at the time of licensing. No inspection fee shall be assessed for the initial inspection. Further, the applicant or his/her contractors or other agents are responsible for obtaining any and all permits and inspections required pursuant to the building, fire, electrical, mechanical, plumbing and elevator codes of the City of Columbus.

(B) It is unlawful for any person to engage, conduct, pursue, operate, authorize or permit, within the corporate limits of the city, a permanent haunted house, indoor, whether or not an admittance fee is charged, without first obtaining a license from the City Clerk and paying a license fee of two hundred fifty dollars (\$250.00).

In addition to the application fee, an inspection fee not to exceed fifty dollars (\$50.00) will be assessed for each subsequent inspection(s) of the property by the City's designated inspector or the Fire Department to determine compliance with the provisions of this Code at the time of licensing, or during the annual license period when modifications to egress paths or systems, theatrical distraction, attractions or displays, or egress path illumination are made. Such modifications must be inspected and approved by the City of Columbus Fire Department and/or the City's designated inspector. No inspection fee shall be assessed for the initial annual license inspection. Further, the applicant or his/her contractors or other agents are responsible for obtaining any and all permits and inspections required pursuant to the building, fire, plumbing, sewer, mechanical, elevator and electrical codes of the City of Columbus.

(C) No such license shall be issued for the operation of a haunted house, indoor or haunted walk/field, outdoor, in any residential area except those located in buildings of churches, schools or upon public property with the written approval of the municipality, department or agency authorized to issue such approval for use of the property.

(D) The license for temporary haunted houses, indoor or haunted walks/fields, outdoor shall only be good effective for one annual Halloween Season, as defined by this chapter.

(e) The license for permanent haunted houses, indoor shall be effective for twelve months.

SECTION 4. Section 1-113(d) of the Code of the City of Columbus, Kansas, is hereby established to read as follows:

Application. (A) Before any license is granted or issued for a haunted house, indoor or haunted walk/field, outdoor, or similar attraction, an application shall be filed with the City Clerk, setting forth the following facts:

(1) The name, address, date of birth of the applicant and a telephone number where the applicant can be reached between the hours of eight (8:00) a.m. and five (5:00) p.m. and during the hours of operation of the haunted house, indoor or haunted walk/field, outdoor;

(2) Address of the haunted house, indoor or haunted walk/field, outdoor;

(3) Property owner's name, address and phone number;

(4) Business name, federal and state identification and tax numbers;

(5) Dates for which the license is desired;

(6) Hours and days the haunted house, indoor or haunted walk/field, outdoor is to be open and closed;

(7) A statement that the applicant is familiar with the conditions imposed by the terms of this chapter;

(8) Written consent of the property owner;

(9) Site and/or floor plan of all proposed indoor or outdoor permanent or temporary buildings, structures, facilities or property;

(10) Plan for parking and restroom facilities;

(11) Maximum occupant load of the buildings, facilities or areas.

(B) In addition, the applicant must furnish:

(1) The name(s) and address(es) of the owner(s) of the premises where such haunted house, indoor or haunted walk/field, outdoor is located;

(2) The manager or operator and, if a corporation or partnership, all the names and addresses of the officers of such corporation or partnership and any individual who owns twenty-five percent (25%) or more of the stock of such corporation. If the license is to be held by a corporation, the resident officer of the corporation. If the applicant is a partnership, all the names, addresses, social security numbers and dates of birth of all partners of the partnership;

(3) The name, address and date of birth of the applicant, owner, manager or other responsible person of the haunted house, indoor or haunted walk/field, outdoor;

(4) An emergency management plan, consisting of, but not limited to, fire and storm evacuation, patron crowd control and emergency access for police, fire and ambulance;

(5) Detailed plans and drawings of the haunted house, indoor or haunted walk/field, outdoor shall be submitted to the Columbus Fire Department and the Columbus Police Department, indicating the waiting area for persons seeking admission, the parking areas, all restrooms, emergency exits and all other areas accessible by patrons;

(6) A statement as to whether the applicant has ever had any license denied, revoked or suspended by the City of Columbus or the State of Kansas or any other governmental entity, the reason therefore and the business activity or occupation of the individual subsequent to such suspension, revocation or denial;

(7) A statement as to whether the applicant has ever been convicted of a felony or other crime as set forth in this section which would make the applicant ineligible to be licensed pursuant to the terms of this Chapter;

(8) A statement that the applicant consents and agrees that any member of the Police Department, Fire Department, Department of Public Works & Utilities and an inspector designated by the City, may at any time, enter and inspect any part of such premises.

(C) A license shall be denied if one or more of the following conditions exist:

(1) Any applicant, owner, officer, manager or director of a corporate applicant, any person owning twenty-five percent (25%) or more of the stock of a corporate applicant, or any partner of a partnership applicant if the partner has, within the preceding ten years, been convicted of or placed on diversion for a:

a. Felony;

b. A crime for which the individual is required to register as a sex offender pursuant to K.S.A. 22-4901, et seq. or laws or statutes in other local, state or federal jurisdictions which require an offender to be registered as a sex offender;

c. For any conviction or diversion of a misdemeanor within the last three years involving:

i. Laws pertaining to any controlled substance(s) prohibited by the Uniform Controlled Substance Act, K.S.A. 65-4101, et seq. or other laws of the state of Kansas or the United States and amendments thereto;

ii. Prostitution;

iii. Public Indecency;

iv. A sex crime or other person crime as defined by Chapter 21 of the Kansas Statutes Annotated;

v. Any weapons charge.

(2) An applicant is less than twenty-one (21) years of age;

(3) The premises do not comply with the health, building, fire, electrical, mechanical, plumbing, and elevator codes of the City of Columbus

(4) The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process;

(5) The application is incomplete or if it contains any material misrepresentation.

(6) The applicant, in the last two years has violated the provisions of this Chapter or has had a previous haunted house, indoor or haunted walk/field, outdoor license revoked for failure to comply with the term and conditions of the license or for violations of the ordinances of the City of Columbus or a city where the applicant had a previous haunted house.

(D) The application is filed with, and the license fee is paid to the City Clerk. The license will not be issued until the application has been reviewed and approved by the Chief of Police, the Fire Chief and an inspector designated by the City.

(E) All activities of a permanent haunted house, indoor must occur completely inside the structure or facility licensed as a permanent haunted house, indoor.

(F) Applications for a license or renewal will not be accepted by the City Clerk less than thirty (30) days prior to the opening of the haunted house, indoor or haunted walk/field, outdoor, or expiration of a current license.

SECTION 5. Section 113(e) of the Code of the City of Columbus, Kansas, is hereby established to read as follows:

Liability insurance. (A) No person within the corporate limits of the city shall be licensed to engage in the operation of a haunted house, indoor or haunted field/walk, outdoor until he or she has deposited and filed with the City Clerk, a public liability insurance policy with coverage of not less than five hundred thousand dollars (\$500,000.) for injury or death to any one person and one million dollars (\$1,000,000.) for injury or death to any number of persons in any one accident.

(B) It is unlawful for any person to operate a haunted house, indoor or haunted walk/field, outdoor without obtaining and maintaining in force, during the operation of the haunted house, indoor or haunted walk/field, outdoor, liability insurance in the amounts required by this Code.

(C) It is the responsibility of the licensee to notify the City Clerk of any change, cancellation or termination of insurance coverage.

SECTION 6. Section 113(f) of the Code of the City of Columbus, Kansas, is hereby established to read as follows:

Standards, rules and regulations. Every person engaging in, conducting, pursuing or operating a haunted house, indoor or haunted walk/field, outdoor, within the corporate limits of the city, shall comply with the following standards, rules and regulations covering the operation of the haunted house, indoor or haunted walk/field, outdoor:

(A) Before any license permit or special permit is issued, the building or structure shall be inspected and approved by representatives of the Fire Department, Police Department and inspectors designated by the City.

(B) The building or structure shall be of sound structural condition.

(C) The licensee, owner, operator or other person responsible for the facility shall provide fully operational fire protection systems and equipment as required by the Fire Department and

all currently adopted construction and safety codes. This shall include, but not be limited to, fire extinguishers, an approved automatic fire detection system, sprinkler system and an emergency notification system with a prerecorded, approved message.

(D) Each floor level shall be provided with at least two approved exits, and steps with three (3) or more risers shall be equipped with handrails.

(E) Exit and Emergency lighting shall be provided.

(F) All mazes and/or hallways shall not be less than forty-two inches (42") wide.

(G) All mazes shall have exit facilities each twenty feet (20').

(H) All decorations and materials used shall be flame resistant or treated and maintained fire retardant.

(I) All employees must be trained in emergency procedures regarding evacuation of the facility.

(J) All emergency staff shall carry flashlights and know the location of all exits, fire extinguishers, light switches, electrical panels and emergency phones;

(K) Open flames or space heaters are prohibited;

(L) Storage or use of flammable or combustible liquids, gasses and solids is prohibited.

(M) All buildings or structures and the surrounding grounds and premises shall be cleaned, inspected and secured after the operation is closed for the season.

(N) A telephone shall be available on the premises for emergency use at all times when the premises are open to the public.

(O) Off-street parking shall be located on the licensed premises or on an abutting lot immediately adjacent to the structure or facility.

(P) All electrical facilities, wiring, appliances, motors and devices of whatever nature shall be approved by the inspector designated by the City.

(Q) Structural materials, electrical facilities, mechanical devices, decorations, appliances, motors and other devices of whatever nature shall be constructed, used and maintained so that no hazard is created.

(R) Suitable arrangements for restroom facilities and sanitary sewage disposal must be provided. A minimum of one toilet or portable toilet shall be provided for every two hundred (200) people based on the approved maximum premises capacity (occupant load) of the facility. Each facility will have at least one toilet which is handicap accessible.

(S) The property and all structures shall be maintained in a clean and sanitary manner by the owner or operator.

(T) The audience of any haunted house, indoor or haunted walk/field, outdoor must be orderly at all times and it shall be unlawful for any person attending such haunted house, indoor or haunted walk/field, outdoor to create a disturbance in the audience.

(U) Noise shall not be of such volume, intensity or duration as to disturb a person or reasonable sensibilities. The licensee, manager or responsible person shall be strictly liable for all noise produced within the licensed facility or structure.

(V) Haunted houses, indoor and haunted walks/fields, outdoor shall not be opened earlier than noon nor remain open later than eleven (11:00) p.m. Sunday through Thursday or later than twelve (12:00) midnight on Friday or Saturday.

(W) Any modifications to plans submitted and approved, at the time of licensing or licensing renewal, must be inspected and approved by the City Fire Department.

SECTION 7. Section 1-113(g) of the Code of the City of Columbus, Kansas, is hereby established to read as follows:

Right of Access. During any hours in which any person is present on the premises, all haunted houses, indoor and haunted walks/fields, outdoor shall be open to inspection by the Columbus Fire Department, Columbus Police Department or other law enforcement agencies, Department of Public Works & Utilities, or other official representatives designated by the City.

SECTION 8. Section 1-113(h) of the Code of the City of Columbus, Kansas, is hereby established to read as follows:

Premises capacity. It shall be the duty of the Fire Chief and the inspector designated by the City to determine the number of persons who can be safely accommodated at any one time in any building, premises or location where any haunted house, indoor or haunted walk/field, outdoor is located. The Fire Chief and the inspector shall rate and limit the maximum occupant load of the building, premises or location and furnish a certificate thereof to the owner or operator of such haunted house, indoor or any building or structure which is part of a haunted walk/field, outdoor, which owner shall be required to post such certificate near the main entrance in the facility. Such owner, operator, licensee or responsible person is hereby required to limit the attendance at such haunted house, indoor or haunted walk/field, outdoor to such maximum occupant load capacity as has been determined by the Fire Chief and inspector. It shall be unlawful to post a certificate of maximum occupant load showing a greater capacity than that shown by the inspector and Fire Chief.

SECTION 9. Section 1-113(i) of the Code of the City of Columbus, Kansas, is hereby established to read as follows:

Inspection of Premises. It shall be unlawful to conduct or operate any haunted house, indoor or haunted walk/field, outdoor which has not been inspected and approved by the inspector designated by the City and the Fire Department.

SECTION 10. Section 1-113(j) of the Code of the City of Columbus, Kansas, is hereby established to read as follows:

Penalty for violation of chapter. Any person whether as principal or agent, who violates any provisions of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each day's violation shall be a separate offense.

SECTION 11. Section 1-113(k) of the Code of the City of Columbus, Kansas, is hereby established to read as follows:

Administrative procedures. (A) A haunted house, indoor or haunted walk/field, outdoor license may be suspended, or revoked if:

- (1) Any information furnished on the application is incomplete, false or is not updated as required by this Chapter;
- (2) Failure to comply with any condition of the haunted house, indoor or haunted walk/field, outdoor license;
- (3) The licensee or a manager has become ineligible to hold a license;
- (4) The owner, manager, partner, director or other person owning twenty-five percent or more of the stock of a corporate licensee or a partner of a partnership licensee is convicted of any violation or crime which would make them ineligible to obtain a haunted house, indoor or haunted walk/field, outdoor license;
- (5) The premises are in violation of the health, building, fire, electrical, mechanical, plumbing, or elevator codes of the City of Columbus regarding the location of the haunted house, indoor or haunted walk/field, outdoor, or the laws of the State of Kansas;
- (6) Evidence of a material variance in the actual plan and design of the premises from the plans submitted pursuant to this Chapter, or from the original design of the premises when initially licensed;
- (7) Any law enforcement officer, Fire Department, Public Works & Utilities or inspection official, is refused access to inspect the premises during normal business hours;
- (8) The premises are in violation of the maximum occupant load of such building, structure or facility;
- (9) The licensee or any employee or agent of the licensee is found to be in violation of the provisions of this chapter or any other ordinance, rule or regulation of the City of Columbus.

For the purposes of this section, 'conviction' or 'violation' shall include being placed on diversion or being adjudged guilty upon entering a plea of no contest.

(B) The Fire Chief or Chief of Police shall provide written notice of the intent to revoke or suspend a haunted house, indoor or haunted walk/field, outdoor license by personal service or by certified mail, return receipt requested. The notice shall be sent to the mailing address of the licensee on file with the City Clerk. The notice shall provide the effective date of the revocation or suspension of the license. Such notice shall detail the reasons or basis for the revocation or suspension of the license. No revocation or suspension shall be imposed on less than five days notice to the licensee, and shall specify the rights of the licensee to appeal any such revocation or suspension.

SECTION 12. Section 1-113(l) of the Code of the City of Columbus, Kansas, is hereby established to read as follows:

Appeal Procedure. (A) Any applicant or licensee aggrieved by the denial, suspension or revocation of a haunted house, indoor or haunted walk/field, outdoor license may file with the City Clerk a written notice of appeal to the City Council within ten (10) business days of the decision by the Chief of Police or Fire Chief or their designees. The Notice of Appeal shall specify:

- (1) the name and address of the appellant;
- (2) the date of application;
- (3) the date of the denial, suspension or revocation of the license or application;
- (4) the factual basis for the appeal.

(B) Upon receipt of a complete and timely filed Notice of Appeal, the City Clerk shall schedule a hearing before the City Council, no later than twenty (20) days from the date of the filing of the Notice of Appeal with the City Clerk. Any appeal shall stay the suspension or revocation of the license until the matter is heard by the City Council.

(C) The City Council may approve the denial, suspension or revocation, overrule the denial, suspension or revocation or modify the decision of the Chief of Police or Fire Chief.

(D) The Council's decision may be appealed to the Eleventh Judicial District Court of the State of Kansas pursuant to K.S.A. 60-2101 and any amendments thereto. Any such appeal to the District Court shall not stay the denial, revocation, modification or suspension of the license by the City Council.


SECTION 13. This ordinance shall be included in the Code of the City of Columbus, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Columbus, Kansas, this 7th day of July, 2015.



DEXTER OPELA, MAYOR

ATTEST:



CHERRI CHANCELLOR, CITY CLERK

(SEAL)