

DR-76-11 - Amendment to Zoning Ordinance re Halloween Haunted Houses

ACTION

DATE

COMMITTEE

9/30/76

Approved

M.A.P.C.

10-26-76

Approved

B.C.C./B. CO. C.

closed.

(84581)

Daily Record Pub. Nov. 5, 1976

ORDINANCE NO. 34-715

AN ORDINANCE AMENDING SECTION 28.04.180 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE ESTABLISHMENT OF HAUNTED HOUSES, HALLOWEEN HOUSES, OR MYSTERY MANSIONS AS TEMPORARY USES WITHIN ANY ZONING DISTRICT BY SPECIAL PERMIT; BY ADDING THERETO, PARAGRAPH 6 TO SECTION 28.04.180 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

Section 28.04.180 of the Code of the City of Wichita, Kansas shall be amended by adding the following:

"6. The Board of City Commissioners may by special permit and subject to such restrictions as it deems necessary, authorize the temporary occupancy of a structure in any zoning district within the city for the operation of a haunted house, halloween house, mystery mansion, etc.; and provided, however, that no such special permit shall be issued in any residential zoning district except those located in buildings, of churches, schools or other institutional uses. Such permit shall also be subject to the issuance of the appropriate license as required by Section 3.22 of the Code of the City of Wichita, Kansas."

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall take effect upon its passage and publication once in the official city paper.

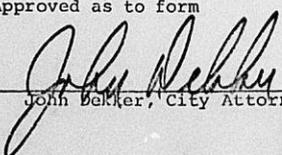
ADOPTED at Wichita, Kansas, this _____ day of _____, 1976.

James M. Donnell, Mayor

ATTEST:

Donald C. Gisick, City Clerk

Approved as to form



John Bekker, City Attorney

WICHITA-SEDGWICK COUNTY

DATE

October 11, 1976

METROPOLITAN AREA PLANNING DEPARTMENT

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning
SUBJECT DR-76-11 - Amendment to the Zoning Ordinance
Re: Special permit provision for Haunted Houses

Attached hereto is a delineated copy of an ordinance as recommended by the Planning Commission, amending the zoning ordinance providing for a special permit for haunted houses. Please place this on the planning agenda for consideration by the City Commission at the meeting of October 26, 1976.

BACKGROUND

At the request of the City Commission, the Department of Law drafted an ordinance to regulate the use of properties for haunted houses. In the preparation of the licensing ordinance requiring the licensing of such uses, it was deemed necessary to revise the zoning ordinance to allow such uses, as temporary uses, when approved by the City Commission.

This ordinance was advertised for public hearing, and was considered by the MAPC at their meeting of September 30, 1976. A copy of an excerpt of the MAPC meeting on that date is attached for your information.

SUMMARY

The ordinance will make only one basic change in the zoning regulations. It grants the Board of City Commissioners the authority to allow the temporary occupancy of a structure for a haunted house, subject to complying with the provisions of the licensing ordinance, without being required to comply with all standards generally required for permanent occupancy.

RECOMMENDATION

It is recommended by the Planning Commission that this ordinance be adopted.



Robert A. Lakin
Director of Planning

RAL:GEL:rme
Attachment

E. H. Denton
City Manager
October 11, 1976
Page 2

cc: Ray Bruggeman, Director of Public Works
Robert Feldner, Superintendent of Central Inspection
Ralph Klose, City Treasurer

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 30, 1976:

19. DR 76-11 - Amendment to zoning ordinance Re: Haunted Houses.

LYTLE reviewed briefly the following memorandum submitted to the Commission.

Attached hereto is a copy of a possible amendment to the zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of September 30, 1976.

BACKGROUND

Over the past several years the development of the use of haunted houses on a commercial basis, either as a temporary commercial business or as a fund raising enterprise, has created certain problems in neighborhoods during their operation, or in the condition of the property after the Halloween period is over. There was also the concern of the safety of the persons attending such an event expressed by Fire Department and Central Inspection.

The City Commission requested that ordinances be prepared to regulate such uses to protect the public.

An ordinance requiring a license to operate such a use was placed on first reading September 14, 1976, by the Board of City Commissioners, and was adopted September 21, 1976. A copy of this ordinance is attached for your information. As you will note, the license is subject to approval by the Board of City Commissioners and the Central Inspection Division of the Department of Public Works. No reference is made to the zoning ordinance in the licensing ordinance, however, the zoning ordinance regulates the use and occupancy of all private property. Without some provision in the zoning ordinance to permit the temporary use of a property, the occupancy is required to comply with all provisions of the ordinance as if it were to be a continuous operation.

At the City Commission meeting of September 14, 1976, this provision as advertised was presented. With the concurrence that churches, schools and other institutions would not be prohibited from obtaining a license to hold such events, the ordinance was placed on first reading.

SUMMARY

The proposed amendment will make only one basic change in the zoning ordinance. This would be to allow the temporary occupancy of a structure for a haunted house, subject to complying with the provisions established by the licensing ordinance, without complying with all standards possibly imposed by the zoning ordinance for a permanent occupancy of the structure.

RECOMMENDATION

Forward the ordinance to the Board of City Commissioners with a recommendation for adoption.

LYTLE stated also that by issuance of a special permit by the City Commission, the permitted uses within any district is not changed, and the special permit can be allowed whether the property complies with the full requirements applicable in that particular zoning district or not, such as parking, but it would be a decision of the City Commission whether or not to allow such a request at a certain location. He pointed out that without an amendment to the zoning ordinance, the licensing ordinance passed by the City Commission would not be appropriate.

There was no one from the general audience to speak on this matter. When BAYOUTH raised the question of fire hazard, LYTLE said such is covered by the fire ordinance and that the Fire Department and Central Inspection Division would be making recommendations to the City Commission prior to issuance of any special permit by the City Commission.

MOTION: Savina moved, Gragg seconded and it carried unanimously (Porter and Barrier absent), that the Planning Commission recommend to the City Commission that the zoning ordinance be amended as follows:

Section 28.04.180 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

6. The Board of City Commissioners may by special permit and subject to such restrictions as it deems necessary, authorize the temporary occupancy of a structure in any zoning district in the city for the operation of a haunted house, Halloween house, mystery mansion, etc.; and provided, however, that no such special permit shall be issued in any residential zoning district except those located in buildings, of churches, schools, or other institutional uses. Such permit shall also be subject to the issuance of the appropriate license as required by Section 3.22 of the Code of the City of Wichita, Kansas.
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ADOPTED at Wichita, Kansas, this _____ day of _____, 1976.

James M. Donnell, Mayor

ATTEST:

Donald C. Gisick, City Clerk

Approved as to form

John Dekker, City Attorney

October 11, 1976

E. H. Denton, City Manager

Robert A. Lakin, Director of Planning

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City Manager
October 11, 1976
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Ralph Klose, City Treasurer

WICHITA-SEDGWICK COUNTY

DATE

October 11, 1976

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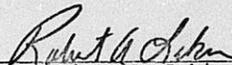
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ADOPTED at Wichita, Kansas, this _____ day of _____, 1976.

James M. Donnell, Mayor

ATTEST:

Donald C. Gisick, City Clerk

Approved as to form

John Dekker, City Attorney

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

September 24, 1976

TO Wichita-Sedgwick County Metropolitan
Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT DR-76-11 - Amendment to the Zoning Ordinance
Re: Special permit provision for Haunted Houses

Attached hereto is a copy of a possible amendment to the zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of September 30, 1976.

BACKGROUND

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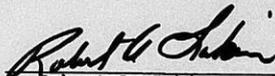
DR-76-11
September 24, 1976
Page 2

SUMMARY

The proposed amendment will make only one basic change in the zoning ordinance. That would be to allow the temporary occupancy of a structure for a haunted house subject to complying with the provisions established by the licensing ordinance, without complying with all standards possibly imposed by the zoning ordinance for a permanent occupancy of the structure.

RECOMMENDATION

Forward the ordinance to the Board of City Commissioners with a recommendation for adoption.



Robert A. Lakin
Director of Planning

RAL:GEL:rme
Attachment

cc: Ray Bruggeman, Director of Public Works
Robert Feldner, Superintendent of Central Inspection
Chamber of Commerce, 350 West Douglas 67202
Wichita Board of Realtors, 626 North Broadway 67214
Wichita Association of Home Builders, 730 North Main 67203

(Published in The Daily Record on September 8, 1976.)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED.

NOTICE IS HEREBY GIVEN that on Thursday, September 30, 1976, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following change in Title 28, the Code of the City of Wichita, Kansas:

An amendment to Section 28.04.180 of the zoning ordinance to allow by special permit, the establishment of haunted houses, Halloween houses, or mystery houses as temporary uses within any zoning district.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will there be discussed and considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes of the zoning ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 8th day of September, 1976.

(SEAL)

Robert A. Lakin, Secretary
Wichita-Sedgwick County Metropolitan Area Planning Commission

POSSIBLE AMENDMENT TO THE ZONING ORDINANCE TO
ALLOW BY SPECIAL PERMIT, THE ESTABLISHMENT OF
HAUNTED HOUSES, HALLOWEEN HOUSES, OR MYSTERY
MANSIONS AS TEMPORARY USES WITHIN ANY ZONING
DISTRICT.

Section 28.04.180 of the Code of the City of Wichita, Kansas shall be amended by adding the following:

6. The Board of City Commissioners may by special permit and subject to such restrictions as it deems necessary, authorize the temporary occupancy of a structure in any zoning district within the city for the operation of a haunted house, halloween house, mystery mansion, etc.; and provided, however, that no such special permit shall be issued in any residential zoning district except those located in buildings, of churches, schools or other institutional uses. Such permit shall also be subject to the issuance of the appropriate license as required by Section 3.22 of the Code of the City of Wichita, Kansas.

ORDINANCE NO. 34-677

AN ORDINANCE CREATING CHAPTER 3.22 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO HAUNTED HOUSES, HALLOWEEN HOUSES, MYSTERY MANSIONS, ETC.

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

Section 3.22.010 of the Code of the City of Wichita, Kansas, shall read as follows:

"Definition. A haunted house, halloween house, mystery mansion, etc., for the purpose of this chapter shall be construed to include and mean a permanent or temporary building, or any other structure or installation, wherein the public is invited to view, be entertained and amused by simulated creations of sound, sight and feeling of a ghoulish, ghostly, spectral, imaginary and haunting nature in the spirit of and celebration of the holiday known as Halloween."

Section 3.22.020 of the Code of the City of Wichita, Kansas, shall read as follows:

"License or Permit Required - Fee. It shall be unlawful for any person to engage, conduct, pursue or operate within the corporate limits of the City a haunted house, halloween house, mystery mansion, etc., as a commercial-for-profit enterprise or noncommercial nonprofit enterprise without having first obtained a license therefor from the City License Collector and pay a seasonal license fee of fifty dollars (\$50.00); provided, however, that no such license shall be issued until the application therefor is approved by Central Inspection, Fire Department, Police Department and the Board of City Commissioners. The license and license fee shall only be good for one annual Halloween holiday season, not to exceed fifteen (15) consecutive days before and fifteen (15) consecutive days after the Halloween holiday."

Section 3.22.030 of the Code of the City of Wichita, Kansas, shall read as follows:

"License - Exception. Nothing in this chapter shall be construed

"to require any license for a haunted house operated in conjunction with an amusement park as determined by Chapter 3.20 of this Code."

Section 3.22.040 of the Code of the City of Wichita, Kansas, shall read as follows:

"Liability Insurance. No person within the corporate limits of the City shall be licensed to engage in the operation of a haunted house until he shall have deposited and filed with the City Clerk for the benefit of the City a public liability insurance policy with coverage of not less than twenty-five thousand dollars (\$25,000) for injury or death to any one person and fifty thousand dollars (\$50,000) for injury or death to any number of persons in any one accident."

Section 3.22.050 of the Code of the City of Wichita, Kansas, shall read as follows:

"Precautions Required. Every person engaging in, conducting, pursuing or operating within the corporate limits of the City a haunted house, halloween house, mystery mansion, etc., shall maintain and conduct such operation at all times in such a manner as not to constitute a hazard of any kind, and shall take every precaution to prevent injury to any person on the premises and to any surrounding property, and shall have on the premises adult supervision when open to the public."

Section 3.22.060 of the Code of the City of Wichita, Kansas, shall read as follows:

"Standards, Rules and Regulations. Every person engaging in, conducting, pursuing or operating within the corporate limits of the City a haunted house, halloween house, mystery mansion, etc., shall comply with the following standards, rules and regulations covering the operation of said haunted house, halloween house or mystery mansion, etc.:

"(a) Before any application for a license, permit or special permit is issued, the house, building or structure shall be inspected by representatives of the Central Inspection Division, the Fire Department and the Police Department.

"(b) The house, building or structure shall be of sound structural condition.

"(c) Fire protection shall be provided as required by the Fire Department.

"(d) Each floor level shall be provided with two (2) approved exits, and steps with four (4) or more risers shall be equipped with handrails.

"(e) Emergency lighting shall be provided.

"(f) All mazes and/or hallways shall not be less than two (2) feet, six (6) inches wide.

"(g) All mazes shall have exit facilities each twenty (20) feet.

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

"(i) The building, house or structure and the surrounding grounds and premises shall be cleaned, inspected and secured after the operation is closed for the season.

"(j) A telephone shall be installed on the premises for emergency use.

"(k) In all locations wherever operated, adequate off-street parking may be required as determined by the Board of City Commissioners.

"(l) All electrical facilities, wiring, appliances, motors and devices of whatever nature shall be approved by the Central Inspection Division of the City of Wichita."

Section 3.22.070 of the Code of the City of Wichita, Kansas, shall read as follows:

"Penalty for Violation of Chapter. Any person, whether as principal or agent, who shall violate any provisions of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each day's violation shall be a separate offense."

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official

city paper.

ADOPTED at Wichita, Kansas, this 21 day of SEPTEMBER,
1976.

MAYOR

ATTEST:

City Clerk

Approved as to form:

John Dekker
John Dekker, Director of Law *Joe Bagley*

September 24, 1976

Wichita-Sedgwick County Metropolitan
Area Planning Commission

Robert A. Lakin, Director of Planning

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Robert Feldner, Superintendent of Central Inspection
Chamber of Commerce, 350 West Douglas 67202
Wichita Board of Realtors, 626 North Broadway 67214
Wichita Association of Home Builders, 730 North Main 67203

LYTLE



THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE September 1, 1976

TO Elmer Karstensen, Exec. Asst. to the City Manager
FROM Lawrence J. Beilman, Assistant City Attorney
SUBJECT Haunted House Ordinance

Attached hereto is the Haunted House Ordinance. If it meets with your approval, please place on the agenda for City Commission action.

Lawrence J. Beilman
Lawrence J. Beilman
Assistant City Attorney *by Ken Baugh*

LJB:kh
cc: Glen Lytle, Special Assistant for Zoning Attachment



POSSIBLE AMENDMENT TO THE ZONING ORDINANCE TO
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84302 (First Published in the Daily Record on September 8, 1976)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, September 30, 1976, the Wichita-Sedgewick County Metropolitan Area Planning Commission, in the City Commission Hearing Room, First Floor, City Hall, 438 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following change in Title 28, the Code of the City of Wichita, Kansas: An amendment to Section 28.04.189 of the zoning ordinance to allow by special permit, the establishment of haunted houses, Halloween houses, or mystery houses as temporary uses within any zoning district.

Copies of the proposed amendment are available upon request from the Wichita-Sedgewick County Metropolitan Area Planning Department.

The proposed amendment will there be discussed and considered by the Wichita-Sedgewick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes of the zoning ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 8th day of September, 1976.

ROBERT A. LAKIN, Secretary, Wichita-Sedgewick County Metropolitan Area Planning Commission

the Daily Record

218 North Main
Wichita, Kansas 67202
724-2823/2277

*Just to
File*

AFFADAVIT OF PUBLICATION

STATE OF KANSAS, SEDGWICK COUNTY, SS:

Karen Gilbert, [redacted] of lawful age, being first duly sworn, deposes and says that she is Business Manager of THE DAILY RECORD formerly known as The Democrat & Daily Record, a newspaper printed in the State of Kansas, and published in and of general paid circulation on a weekly, monthly or yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office of Wichita in said County and State as second class matter.

That a notice, a true copy of which is hereto attached, was published in the regular and entire issue of said newspaper for 1 consecutive time as follows:

- 1st. SEP 8 1976
- 2nd. _____
- 3rd. _____
- 4th. _____
- 5th. _____
- 6th. _____

Karen Gilbert
Business Manager

Subscribed and sworn to before me this 9th day

of Sept 19 76
William G. Sheldon
Notary Public

My commission expires 11/25/78

Publication Fees \$ 4.56

29
WILLIAM G. SHELDON
STATE NOTARY PUBLIC
BUTLER COUNTY, KANSAS
MY COMM. EXP. NOV. 25, 1978

84302 (First Published in the Daily Record on September 8, 1976)

OFFICIAL NOTICE TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, September 30, 1976, the Wichita Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following change in Title 28, the Code of the City of Wichita, Kansas: An Amendment to Section 28.04.180 of the zoning ordinance to allow by special permit, the establishment of haunted houses, Halloween houses, or mystery houses as temporary uses within any zoning district.

Copies of the proposed amendment are available upon request from the Wichita Sedgwick County Metropolitan Area Planning Department.

The proposed Amendment will there be discussed and considered by the Wichita Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes of the zoning ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 8th day of September, 1976.

ROBERT A. LAKIN, Secretary, Wichita Sedgwick County Metropolitan Area Planning Commission



IMPORTANT MESSAGE

FOR Alan
DATE 6-16-76 TIME 9:10 A.M.
P.M.

WHILE YOU WERE AWAY
Harry Bulman

OF _____
PHONE No. 4681

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RETURNED YOUR CALL	<input checked="" type="checkbox"/>

MESSAGE Will get home soon
6-17-76
8-11-76
not ready yet - 8-19-76

SIGNED [Signature]

WICHITA-SEDGWICK COUNTY

DATE

June 3, 1976

METROPOLITAN AREA PLANNING DEPARTMENT

TO Glen Lytle, Special Assistant for Zoning
FROM Jack H. Galbraith, Chief Planner
SUBJECT DR-76-11 - Amendment to Zoning Ordinance re
Halloween Haunted Houses

Lakin has reviewed your comments with Beilman and Feldner,
and Edie has set up the attached DR file. Please draft an
amendment to the Zoning Ordinance for my review prior to
advertising for public hearing.



Jack H. Galbraith
Chief Planner

JHG:el
Att.

*LAKIN - 6-4-76
Get ready but
don't advertise -*

THE CITY OF WICHITA
OFFICE OF City Treasurer

DATE May 27, 1976

JH
7/26

TO Lawrence J. Beilman, Assistant City Attorney
FROM Gene Brown, Deputy City Treasurer

SUBJECT Rough Draft of Proposed
Haunted House Ordinance

Mr. Ralph A. Klose, City Treasurer, has referred your rough draft proposed ordinance to me for review. On May 24, 1976, Joe Donnelly, Maintenance Inspection Supervisor, and I studied the Haunted House draft. Attached is a delineated revision of your ordinance, which contains our views and suggestions.

At the meeting we did not revise page 3 (h), which states, "No combustible material shall be used anywhere in the structure in decorations or otherwise." There is some feeling that this line be changed, since it would tend to eliminate all haunted houses.

If you would like to call a meeting to discuss the ordinance, please feel free to call.

Gene Brown
Gene Brown
Deputy City Treasurer

GB:tp

Attachment

Approved: *Ralph A. Klose*
Ralph A. Klose, City Treasurer

cc: Robert G. Finch, Acting City Manager
Joe Donnelly, Maintenance Inspection Supervisor
Mervyn F. Silverman, M.D., Director of Community Health
Robert Lakin, Director of Planning
Floyd Hobbs, Fire Chief
Jack Ford, Acting Chief of Police
Robert B. Feldner, Superintendent of Central Inspection
John Dekker, Director of Law
Ray Trail, Executive Assistant



ORDINANCE NO. _____

AN ORDINANCE CREATING SECTION _____ OF THE CODE
OF THE CITY OF WICHITA, KANSAS, PERTAINING TO HAUNTED
HOUSES, HALLOWEEN HOUSES, MYSTERY MANSIONS, ETC.

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

Section _____ of the Code of the City of Wichita, Kansas, shall read
as follows:

"Definition. A haunted house, halloween house, mystery mansion, etc.,
for the purpose of this chapter shall be construed to include and mean a
permanent or temporary building, or any other structure or installation,
wherein the public is invited to view, be entertained and amused by
simulated creations of sound, sight and feeling of a ghoulish, ghostly,
spectral, imaginary and haunting nature in the spirit of and celebration
of the holiday known as Halloween."

Section _____ of the Code of the City of Wichita, Kansas, shall read
as follows:

"License or Permit Required - Fee. (a) It shall be unlawful for any
person to engage, conduct, pursue or operate within the corporate limits
of the City a haunted house, halloween house, mystery mansion, etc., as
a commercial for profit enterprise or noncommercial nonprofit enterprise
without having first obtained a license therefore from the city license
collector and pay an annual seasonal license fee of fifty dollars (\$50);
provided, however, that no such license shall be issued until the appli-
cation therefor is approved by Central Inspection, Fire Department, Police
Department, Health-Department and the Board of City Commissioners. The
license and license fee shall only be good for one annual Halloween
holiday season, not to exceed ten (10) consecutive days.

Section _____ of the Code of the City of Wichita, Kansas, shall read
as follows:

"License - Exception. Nothing in this chapter shall be construed
to require any license for a haunted house operated in conjunction with
an amusement park as determined by Chapter 3.20 of this Code."

"(b) It shall be unlawful for any person to engage, conduct, pursue, or operate within the corporate limits of the City a haunted house, halloween house, mystery mansion, etc., as a noncommercial, nonprofit enterprise without first having obtained a permit therefore from the city license collector and pay an annual permit fee of -----dollars; and provided, however, that no such permit shall be issued until the application therefor is approved by Central Inspection, Fire Department, Police Department, Health Department and the Board of City Commissioners.--The permit and permit fees shall only be good for one annual Halloween holiday season,"

Section _____ of the Code of the City of Wichita, Kansas, shall read as follows:

"Liability Insurance. No person within the corporate limits of the City shall be licensed to engage in the operation of a haunted house until he shall have deposited and filed with the City Clerk for the benefit of the City a public liability insurance policy with coverage of not less than twenty-five thousand dollars (\$25,000) for injury or death to any one person and fifty thousand dollars (\$50,000) for injury or death to any number of persons in any one accident."

Section _____ of the Code of the City of Wichita, Kansas, shall read as follows:

"Zoning - Where Allowed - Exception. (a) It shall be unlawful for any person to engage, conduct, pursue or operate within the corporate limits of the city a haunted house, halloween house, mystery mansion, etc. in any zone other than LC, G, D, E and F zones, as defined by the Zoning Ordinance of the City of Wichita; and further, all such operations shall comply with all the ordinances, rules and regulations pertaining to the zone within which said haunted house, halloween house, mystery mansion, etc., is operating, whether it be LC, G, D, E or F zone.

"(b) The Board of City Commissioners may, by special permit and subject to such restrictions as it deems necessary, and upon the payment of a special permit fee of -----dollars, authorize the issuance of a special permit and authorize the operation of a haunted house, halloween house, mystery mansion, etc., in any zone not listed in subsection (a) above; and provided, however, all other conditions are met as herein required in this ordinance. that no such special permit shall be issued until the

application therefor is approved by Central Inspection, Fire Department, Police Department and Health Department. The special permit and special permit fee shall only be good for one annual Halloween holiday season."

Section _____ of the Code of the City of Wichita, Kansas, shall read as follows:

"Precautions Required. Every person engaging in, conducting, pursuing or operating within the corporate limits of the city a haunted house, halloween house, mystery mansion, etc., shall maintain and conduct such operation, at all times, in such a manner as not to constitute a hazard of any kind, and shall take every precaution to prevent injury to any person on the premises and to any surrounding property and shall have on the premises adult supervision when open to the public."

Section _____ of the Code of the City of Wichita, Kansas, shall read as follows:

"Standards, Rules and Regulations. Every person engaging in, conducting, pursuing or operating within the corporate limits of the city a haunted house, halloween house, mystery mansion, etc., shall comply with the following standards, rules and regulations covering the operation of said haunted house, halloween house or mystery mansion, etc.:

"(a) Before any application for a license, permit or special permit is issued, the house, building or structure shall be inspected by representatives of the Central Inspection Division, the Fire Department, and the Police Department, and the Health Department.

"(b) The house, building or structure shall be of sound physical condition.

"(c) Fire protection shall be provided as required by the Fire Department.

"(d) Each floor level shall be provided with two (2) approved exits, and steps with four (4) or more risers shall be equipped with handrails.

"(e) Emergency lighting shall be provided.

"(f) All mazes and/or hallways shall not be less than two (2) feet, six (6) inches wide.

"(g) All mazes shall have exit facilities each twenty (20) feet.

"(h) No combustible material shall be used anywhere in the structure in decorations or otherwise.

"(i) The building, house or structure and the surrounding grounds and premises shall be cleaned and inspected after the operation is closed for the season.

"(j) A telephone shall be installed on the premises for emergency use.

"(k) In all locations wherever operation, there shall be provided adequate off-street parking.

"(l) All electrical facilities, wiring, appliances, motors and devices of whatever nature shall comply with all the provisions of any applicable ordinances of the City of Wichita."

Section _____ of the Code of the City of Wichita, Kansas, shall read as follows:

"Penalty For Violation of Chapter. Any person, whether as principal or agent, who shall violate any provisions of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100). Each day's violation shall be a separate offense."

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

ADOPTED at Wichita, Kansas, this _____ day of _____, 1976.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

John Dekker, Director of Law

June 3, 1976

Glen Lytle, Special Assistant for Zoning

Jack H. Galbraith, Chief Planner

DR-76-11 - Amendment to Zoning Ordinance re
Halloween Haunted Houses

Lakin has reviewed your comments with Beilman and Feldner,
and Edie has set up the attached DR file. Please draft an
amendment to the Zoning Ordinance for my review prior to
advertising for public hearing.

Jack H. Galbraith
Chief Planner

JHG:el
Att.

THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE May 18, 1976



TO For Distribution
FROM Lawrence J. Beilman, Assistant City Attorney

SUBJECT Rough Draft of Proposed
Haunted House Ordinance

Attached is a copy of the first rough draft of the infamous
Haunted House Ordinance for your examination.

Please review same, giving me the benefit of your comments, correc-
tions, additions, deletions and/or suggestions, if any. (If anyone
has any better suggestion regarding the definition section, I would
appreciate hearing it!) As the City Manager's Office and the City
Commission appear to be in a hurry for this ordinance, I would ap-
preciate your response as soon as possible.

If you have any questions, please call.


Lawrence J. Beilman
Assistant City Attorney

LJB:vh
Attachment

Distribution:

Mervyn F. Silverman, M. D., Director of Community Health
Robert Lakin, Director of Planning
Floyd Hobbs, Fire Chief
Ralph Klose, City Treasurer
Jack Ford, Acting Chief of Police
Robert B. Feldner, Superintendent of Central Inspection

cc: Robert G. Finch, Acting City Manager
John Dekker, Director of Law
Ray Trail, Executive Assistant



Comment please.

Jay M's comments

6/2/76 Review w/ Beilman, Feldner See comments in Red

ORDINANCE NO. _____

AN ORDINANCE CREATING SECTION _____
OF THE CODE OF THE CITY OF WICHITA, KANSAS,
PERTAINING TO HAUNTED HOUSES, HALLOWEEN,
HOUSES, MYSTERY MANSIONS, ETC.

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

Section _____ of the Code of the City of Wichita, Kansas, shall

read as follows:

"Definition. A haunted house, halloween house, mystery mansion,
etc. for the purpose of this chapter shall be construed to include and mean
a permanent or temporary building, or any other structure or installation,
wherein the public is invited to view, be entertained and amused by
simulated creations of sound, sight and feeling of a ghoulish, ghostly,
spectral, imaginary and haunting nature in the spirit of and celebration of
the holiday known as Halloween."

Section _____ of the Code of the City of Wichita, Kansas, shall read

as follows:

"License Or Permit Required - Fee. (a) It shall be unlawful for
any person to engage, conduct, pursue or operate within the corporate
limits of the City a haunted house, halloween house, mystery mansion, etc.
as a commercial for profit enterprise without having first obtained a license
therefore from the city license collector and pay an annual license fee of
_____ dollars; provided, however, that no such license shall be
issued until the application therefor is approved by Central Inspection, Fire
Department, Police Department, ~~Health Department~~ and the Board of City
Commissioners. The license and license fee shall only be good for one
annual Halloween holiday season.

"(b) It shall be unlawful for any person to engage conduct,

*What about the
haunted house in
an amusement park
will they also have to
comply w/ this?*

*Doesn't limit it
to Halloween ~~only~~
in celebration of it
redefine as appropriate*

+ 30 days of Halloween

*?
Could operate
year round for
profit is annual fee
into.*

*Define
annual Halloween
holiday season
(length)*

pursue or operate within the corporate limits of the city a haunted house, halloween house, mystery mansion, etc. as a noncommercial, nonprofit enterprise without first having obtained a permit therefore from the city license collector and pay an annual permit fee of _____ dollars; and provided, however, that no such permit shall be issued until the application therefor is approved by Central Inspection, Fire Department, Police Department, Health Department and the Board of City Commissioners. The permit and permit fees shall only be good for one annual Halloween holiday season."

Section _____ of the Code of the City of Wichita, Kansas, shall read as follows:

"Zoning - Where Allowed - Exception. (a) It shall be unlawful for any person to engage, conduct, pursue or operate within the corporate limits of the city a haunted house, halloween house, mystery mansion, etc. in any zone other than LC, C, D, E and F zones, as defined by the Zoning Ordinance of the City of Wichita; and further, all such operations shall comply with all the ordinances, rules and regulations pertaining to the zone within which said haunted house, halloween house, mystery mansion, etc., is operating whether it be LC, C, D, E or F zone.

(b) The Board of City Commissioners may, by special permit and subject to such restrictions as it deems necessary, and upon the payment of a special permit fee of _____ dollars, authorize the issuance of a special permit and authorize the operation of a haunted house, halloween house, mystery mansion, etc., in any zone not listed in subsection (a) above; and provided, however, that no such special permit shall be issued until the application therefor is approved by Central Inspection, Fire Department, Police Department and Health Department. The special permit and special permit fees shall only be good for one annual Halloween holiday season."

affected parking?

Does this amend table 20?

*Wichita, Kansas, 1920
City of Wichita, Kansas
City License Collector*

should not be included in the Z.O. to be proposed (38 Oct. 1920) public hearing reqd. to show

*to 2604180
allow locate only in further School institution & use.*

Section _____ of the Code of the City of Wichita, Kansas, shall read as follows:

Title 3
"Precautions Required. Every person engaging in, conducting, pursuing or operating within the corporate limits of the city a haunted house, halloween house, mystery mansion, etc., shall maintain and conduct such operation, at all times, in such a manner as not to constitute a hazard of any kind, and shall take every precaution to prevent injury to any person on the premises and to any surrounding property and shall have on the premises adult supervision when open to the public."

Section _____ of the Code of the City of Wichita, Kansas, shall read as follows:

Title 3
"Standards, Rules and Regulations. Every person engaging in, conducting, pursuing or operating within the corporate limits of the city a haunted house, halloween house, mystery mansion, etc. shall comply with the following standards, rules and regulations covering the operation of said haunted house, halloween house or mystery mansion, etc:

"(a) Before any application for a license, permit, or special permit is issued, the house, building or structure shall be inspected by representatives of the Central Inspection Division, the Fire Department, the Police Department and the Health Department.

Structural
"(b) The house, building or structure shall be of sound ~~physical~~ condition.

"(c) Fire protection shall be provided as required by the Fire Department.

"(d) Each floor level shall be provided with two (2) approved exits and steps with four (4) or more risers shall be equipped with handrails.

"(e) Emergency lighting shall be provided.

"(f) All mazes and/or hallways shall not be less than 2 feet, six inches wide.

*in these technical definitions
inflammable as alternate*

"(g) All ~~mazes~~ shall have exit facilities each 20 feet.

"(h) No combustible material shall be used anywhere in the structure ^{for} in decorations or otherwise. ~~or otherwise.~~ *basic structure?*

"(i) The building, house or structure and the surrounding grounds and premises shall be cleaned and inspected after the operation is closed for the season.

"(j) A telephone shall be installed on the premises for emergency use.

*what is adequate
none could
remove for a 7 day
operation*

"(k) In all locations wherever operation, there shall be provided adequate off street parking. *write alt w/w/o requirement.*

"(l) All electrical facilities, wiring, appliances, motors and devices of whatever nature shall comply with all the provisions of any applicable ordinances of the City of Wichita."

Section _____ of the Code of the City of Wichita, Kansas, shall read as follows:

"Penalty For Violation of Chapter. Any person, whether as principal or agent, who shall violate any provision of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty five dollars nor more than one hundred dollars. Each days violation shall be a separate offense."

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

ADOPTED at Wichita, Kansas, this ____ day of _____, 1976.

ATTEST:

MAYOR

City Clerk

Approved as to form:

John Dekker, Director of Law