

HOME RULE RESOLUTION NO. HR-2005- 8

NOW, on this 7 day of July, 2005, the Board of County Commissioners of the County of Shawnee, Kansas, meeting in regular session and intending to exercise its power of home rule legislation pursuant to K.S.A. 19-101a, does hereby resolve as follows:

SECTION 1. POLICY REGULATING THE LOCATION OF TEMPORARY HAUNTED HOUSE

BUSINESSES.

Except within the corporate limits of any city located in Shawnee County, the Board of County Commissioners of the County of Shawnee, Kansas, may authorize and permit the temporary operation of haunted house businesses in Shawnee County, Kansas in accordance with the provisions of this resolution. Approval of temporary haunted house locations and operations shall be determined on the basis of compliance with the provisions of this resolution.

SECTION 2. DEFINITIONS.

For the purposes of this resolution, the term "haunted house" means any indoor or outdoor structure or facility used for the gathering together of persons during the Halloween season for the purpose of scaring, thrilling, entertainment or amusement.

SECTION 3. OPERATIONAL REQUIREMENTS.

Operation of a haunted house shall conform to the following requirements:

- (1) The proposed structure shall be on property zoned "C-4" Commercial District, "I-1" Light Industrial District, or "I-2" Heavy Industrial District. Properties located in other zoning districts must obtain a Conditional Use Permit in accordance with Section 48-25.01 of the Shawnee County Zoning Regulations.
- (2) The applicant must comply with minimum fire department and building safety recommendations, as well as all applicable local, state and federal laws.

- (3) Suitable arrangements for restroom facilities and sanitary sewage disposal must be provided as determined by the Shawnee County Health Agency.
- (4) Suitable parking must be available as determined by the Shawnee County Planning and Public Works Departments to accommodate the anticipated volume of vehicle patronizing the site.
- (5) The property and structure shall be maintained in a clean and sanitary manner by the owner or operator.
- (6) The audience of any haunted house must be orderly at all times and it shall be unlawful for any person attending such haunted house to create a disturbance in the audience.
- (7) Amplified sound equipment operated inside or outside of the haunted house structure or facility shall not be audible at a distance of more than fifty feet (50') from the structure or facility, or at the property line of an adjoining residential property.
- (8) Haunted houses may be open to the public from September 1<sup>st</sup> through November 1<sup>st</sup> of any calendar year. Haunted houses shall not be opened earlier than 9:00 a.m. nor remain open later than midnight.

**SECTION 4. REQUIRED.**

It shall be unlawful to conduct or operate any haunted house that is open to the public, whether or not an admittance fee is charged, without having first secured a permit. Failure to obtain a permit and continued operation of a haunted house after notification from the Shawnee County Zoning Administrator may result in legal action against the owner and/or operator of the haunted house in accordance with Section 8 of this resolution.

**SECTION 5. APPLICATION.**

Application for a haunted house permit for any calendar year shall be made no later than October 1<sup>st</sup> of that year to the Shawnee County Planning Department. The application letter shall contain the following information:

- (1) Applicant's name, address and phone number;
- (2) Building owner's name, address and phone number;
- (3) Proposed location of the haunted house;
- (4) Written consent of the building owner;
- (5) Dates and hours of operation;
- (6) Number of personnel to be present when open for business;
- (7) Name and telephone number for person having on-site supervisory responsibility while open;
- (8) A hold-harmless agreement executed between the County, applicant, and owner;
- (9) Verification of public liability insurance with a minimum single occurrence coverage of \$300,000;
- (10) Floor plan of the proposed use of the structure;
- (11) Sketch plan of the property including parking and restroom facilities; and,
- (12) Payment of a non-refundable fee of \$500.

Applications received after October 1<sup>st</sup> of any calendar year shall be returned and no action shall be taken on them. Applicants are advised to submit applications as early as practical to allow for the application to be reviewed by the appropriate departments and entities. Applicants are further advised that the approval of the application will be substantially delayed, and additional fees incurred, when a Conditional Use Permit is requested pursuant to Section 3(1) above.

**SECTION 6. ISSUANCE.**

Upon receipt and review of the application, the Zoning Administrator shall forward the application to the appropriate Shawnee County Public Works Department, Shawnee County Sheriff's Department, Shawnee County Health Agency and applicable Fire District and township for review. Following review and response, the Zoning Administrator shall forward the application to the Board of County Commissioners for final determination. The Zoning Administrator may recommend conditions of approval or disapproval based upon the response of the different review entities and the requirements of this resolution. The County Commission may approve, approve subject to conditions or disapprove the application based on stated reasons.

**SECTION 7. REVOCATION.**

The Board of County Commissioners specifically retains the right to revoke a haunted house permit, any time it deems such revocation to be in the interest of public safety or where the permittee has failed to comply with applicable requirements.

**SECTION 8. PENALTIES.**

Any person who violates any provision of this resolution shall be deemed guilty of a misdemeanor, and upon conviction or a plea of guilty thereto may be fined a definite sum of money not exceeding \$500 or confined in the County jail for a definite term not exceeding one (1) month, or both.

**SECTION 9. REVOCATION OF FORMER RESOLUTION.**

Shawnee County Home Rule Resolution No. HR-99-5 is hereby revoked.

**SECTION 10. PUBLICATION.**

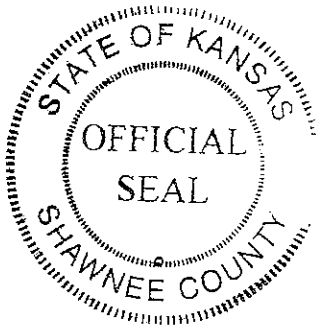
This resolution shall take effect upon publication in the official County newspaper as required by law.

BOARD OF COUNTY COMMISSIONERS  
SHAWNEE COUNTY, KANSAS

*Vic Miller*  
Vic Miller, Chairman

*Theodore D. Ensley*  
Theodore D. Ensley, Vice-Chairman

*Marice A. Kane*  
Marice A. Kane, Member



ATTEST:

*Cynthia A. Beck*  
Cynthia A. Beck, County Clerk

Approved as to Legality  
and Form: Date 7-7-05  
*[Signature]*  
SHAWNEE CO COUNSELOR