

ORDINANCE NO. 9-2021

FIRST READING 7/20/2021
SECOND READING 8/17/2021

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE ANNUAL OCTOBER COURT DAY FESTIVAL HOSTED BY THE CITY OF MT. STERLING, KENTUCKY

BE IT ORDAINED by the City of Mt. Sterling, Kentucky, by and through the City Council, that this Ordinance shall govern the annual October Court Day Festival. All prior Ordinances pertaining specifically to the October Court Day Festival, which include Ordinance 356-1999 passed 11/16/1999; Ordinance 9-2002 passed 10/15/2002; and Ordinance 9-2008 passed 7/18/2008; are hereby repealed.

DATES AND TIMES FOR FESTIVAL

The activities for each October Court Day Festival shall be limited to and include only the period beginning at 12:01 AM local time on the Friday immediately proceeding to the third Monday of each October of each year and concluding at 6:00 PM local time on the third Monday of October of each year. The festival length is ninety-three (90) hours total.

VENDOR SET UP

Set up for the festival officially begins on city owned property at 5:00 PM on the Thursday proceeding the festival. However, property owners who lease or rent spaces for the event may negotiate an earlier set up time. At no time will any vendor begin selling, peddling, distributing, renting, trading, auctioning, or otherwise disposing of food, beverages, goods, services, items, or wares prior to the start date and time of the festival. Any vendor found to be engaging in festival activities prior to the start date and time shall be fined not less than \$50.00 nor more than \$100.00 for each offense during the prohibited times before or after the festival. Additionally, vendors who engage in festival activities outside of the established festival hours may have their permit revoked and directed to depart the festival area.

PERMITS REQUIRED FOR FESTIVAL

All vendors must obtain a license, or permit, from the City of Mt. Sterling to sell, peddle, distribute, rent, trade, or auction food, beverages, goods, services, items, or wares. This festival license is valid for the entire duration of the festival. The fee for a permit is \$25.00 and will be paid to City Hall, where it will be placed in the General Fund of the City. All permits must be displayed and posted so that the permit can be seen by the public. Vendors who do not obtain a license will be directed to depart the festival area immediately. Local civic organizations, church groups, registered non-profit groups and local school groups or clubs are not required to purchase a license or permit. Businesses which obtain an annual business license from the City of Mt. Sterling and which occupy an established "brick and mortar" location are not required to obtain a festival license.

This Ordinance does not apply to resident “yard sales” which is addressed in Ordinance 303-97, passed 6/17/1997.

FOOD PERMITS REQUIRED FOR FESTIVAL

Vendors who wish to sell, peddle, distribute, trade, or auction food must have a permit from the Montgomery County Health Department. All food permits should be obtained prior to the start of the festival.

ALCOHOL LICENSES REQUIRED FOR FESTIVAL

Vendors who wish to sell alcohol must have a valid alcohol license issued by the Department of Alcohol Beverage Control of the Commonwealth of Kentucky. Those licenses which permit sale at fairs and festivals (under KRS 243.155, KRS 243.157, KRS 243.0305) are valid within the festival area limits. Hours for sale of alcohol may be found in Ordinance #1-2021 passed 2/16/2021.

SPACE RENTAL FEES

The rental fee for spaces owned by the City of Mt. Sterling shall be set annually by the City.

FESTIVAL AREA AND STREET CLOSURES

The area for the festival may change from year to year based on the private property owners who wish to rent or lease vendor spaces for the festival. The following is a list of city owned properties and streets which will be used for the festival each year. Any permits or parking privileges issued by the City for use outside of the festival may not be used during the festival event.

1. City Parking Lot #1 -vendors
2. City Parking Lot #2 - parking
3. City Parking Lot #3 – vendors and City Hall
4. City Parking Lot #4 – vendors
5. Main Street Park – Public gathering space or Tourism related activities only.
6. The Adena Trail and Park area – vendors
7. Market Pavilion - vendors
8. South Maysville Street – festival area and vendors
9. East Locust Street – festival area
10. South Queen Street – festival area
11. Railroad Street – festival area
12. Broadway – Handicap parking
13. Court Street – Handicap parking
14. US 460 (North Maysville Road) and US 60 (Main Street) will have portions of the route restricted for parking and marked with blue barrels to for safety reasons. The Mayor may designate other roads or streets for closure due to public safety concerns. Additionally, the Mayor may designate areas along public streets or roads as “No Parking Zones” should the need arise. The Mayor should make every effort to

designate these areas at least seven days prior to the festival to provide for proper public notification.

For safety reasons, streets in the festival area will be closed to all vehicle traffic each day. The times for closure will be announced prior to each festival and provided to each vendor during the registration process or during festival set-up. Vendors or property owners may obtain a "vehicle pass" from City Hall for the festival if their duties and responsibilities require movement within the festival area during the event. Any vendor who wishes to depart the festival early must obtain approval from the Mt. Sterling Police Department. At no time will a vehicle be allowed to enter the festival area while the streets are closed unless permission has been obtained from the Mt. Sterling Police Department.

Any vehicle found to be parked in an area that is designated as a "No Parking Zone" or found to be parked in an area in which it creates an obstruction to other vehicle or pedestrian traffic shall be towed at the expense of the owner.

PROHIBITED ACTIVITIES

The following activities shall be prohibited within the city limits during the festival.

1. Riding of a horse, pony, mule, donkey, or other four-legged animal.
2. Activities involving the sale or public display of any animal (riding, petting, viewing, selling). However, a business with a valid business license that normally engages in such activity, such as a pet store, may continue to operate during the festival at its regular place of business.
3. Operation of any circus, motorized ride, or carnival exhibition show.
4. Any form of gambling which is prohibited by Kentucky Revised Statutes.
5. Discharge of a weapon of any kind. This provision does not apply to a person who is legally armed and who is not engaged in an unlawful activity, and who is attacked in any other place where he or she has a right to be.
6. Riding of skateboards, rollerblades, motorized carts, or scooters within the festival area or on any city-owned property, public street, or sidewalk. Vendors or property owners may obtain a permit for a motorized cart through City Hall if there is a demonstrated need for movement along city streets within the festival area. Motorized wheelchairs or scooters for handicapped individuals are permitted.
7. No animals, except for service animals, shall be brought by patrons to the festival. Service animals with proper documentation are permitted.
8. Mobile sales of any type inside of the festival area. Mobile vendors are not permitted to sell, peddle, or distribute wares on any public streets or in any other designated area for motor vehicle or pedestrian traffic.
9. Private for-profit taxi, shuttle, or passenger services of any kind are prohibited within the city limits or festival limits. This provision does not apply to any business which

possesses a valid full time business license issued by the City and provides this service on a full-time basis. For these businesses, they may provide services outside of the festival area only. The service must provide adequate liability insurance coverage and must abide by all state and city statutes and ordinances.

10. Vendors may not rent or lease space from a property owner and then sub-rent or lease the space to other individuals or entities during the festival. Property owners who wish to rent or lease spaces within the festival area must be registered with City Hall prior to the festival.
11. Vendors may not dump or dispose of any grey water, black water, grease, trash, debris, or waste in, on, or along Hinkston Creek or any tributary; in, on or along any City owned or leased property; or in, on along any storm drains within the festival area or within the city limits.

LIMITATIONS OF VENDORS

1. No person or entity shall be permitted to sell, peddle, distribute, trade, or auction any item, or otherwise block any portion of a sidewalk within the city limits, except within the barricaded area of the festival.
2. No person or entity shall be permitted to sell, peddle, distribute, trade, or auction any item, or otherwise block any portion of a street within the city limits. Vendors are only permitted to operate within the leased or rented spaces which have been negotiated with a festival property owner.
3. All vendors shall cooperate fully with the City to permit street sweepers and garbage trucks to move about the festival.
4. Any person or entity who offers for lease or rent any parcel or parcels of property during the festival shall place at least one trash can every one-thousand (1,000) square feet of rented or leased property. This provision shall not apply to persons engaged solely in leasing or renting parking spaces in their private property or yards.
5. Vendors may bring personal pets to the festival must provide proper restraint and must always exercise proper care and control of the pet. All pets must have water and shelter from the elements at all times.

PENALTIES

1. Each violation of this ordinance shall constitute a separate offense.
2. Any person or entity violating this ordinance shall be subject to a fine of \$50.00 to \$100.00 per violation.
3. Any person or entity violating this ordinance and who has been issued a citation by the Mount Sterling Police Department shall be subject to a shutdown of activities until the fine is paid. Based on the severity of the violation, vendors who engage in

prohibited activities may have their permit revoked and directed to depart the festival area.

SEVERABILITY

Each word, phrase, sentence, section, and provision (each "portion") of this Ordinance is hereby declared to be independent and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any portion of said Ordinance, the adoption thereof, or the application thereof to any person or circumstance is held to be invalid, the remaining portions and the application of such portions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is declared that such portions would have been passed independently of such portion or portions so held to be invalid.

CONFLICTING CODE PROVISIONS REPEALED

Any provision(s) in the City of Mt. Sterling Code of Ordinances specifically in conflict with any provision in this Ordinance is hereby deemed inoperative and repealed.

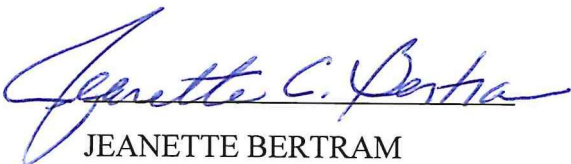
PUBLICATION

This Ordinance shall become effective upon passage and publication. Publication is authorized to be made in summary form as authorized in KRS 83.060 (9).



AL BOTTS, MAYOR

ATTEST:



JEANETTE BERTRAM

CITY CLERK