

## **ORDINANCE NO. 904 (19)**

**AN ORDINANCE AMENDING PART 10, CHAPTER 4, SECTION 10-404, AMENDING THE DEFINITION OF A SPECIAL EVENT AND ADDING DEFINITIONS FOR AN EXPRESSIVE SPECIAL EVENT AND SPONTANEOUS EXPRESSIVE EVENT, AND SETTING DEADLINES IN THE APPLICATION PROCESS FOR A SPECIAL EVENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.**

### **SECTION 10-404 – Parades, public assemblies, and special events.**

(a) As used in this section, the term "parade" means any parade, march, ceremony, show, demonstration, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

(b) No person shall use any street, alley, public way, park or other property owned or controlled by the city, except those places specifically designed and intended for such use, for the purpose of holding, conducting, causing or participating in any parade, street fair, street dance, carnival, assemblage or activity of any nature which may cause the disturbance or interference of the normal and ordinary use of the property by other persons, without first having obtained a permit for such purpose. The permits may be granted by the city manager under such conditions as deemed appropriate.

(c) Permits shall not be required under this section in the case of construction or repairs to or within any such street or property, provided all other requirements of this Code are complied with.

(d) Not less than two weeks prior to the closing or use of a street or property for a parade, an application shall be submitted by the party to the city. The time requirements may be waived by the city manager at his discretion if sufficient time exists for the proper review of the application as herein provided. The application shall be submitted upon a form prescribed by the city. The application shall provide such other information as requested.

(e) The city manager shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

(3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;

(4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;

(6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and

(7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

(f) The city manager, in such cases as shall be determined in his discretion, may require as a condition to the issuance of a permit herein such insurance or bond holding the city harmless from any and all liability for injury or damage of any kind whatsoever occurring during such activity covered by the permit.

(g) Without regard to the above provision of this section, the city manager, from his consideration of available, appropriate and necessary information, shall deny the application for a permit provided for by this section when, from this information, he has reason to believe that any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action.

(h) The city manager, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall so indicate within five days after notice of the action of the city manager. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this section.

(i) As used in this section, the term "special event" means any activity which occurs upon private or public property that (1) may reasonably affect the ordinary use of public streets, rights-of-way or sidewalks, or (2) include the erection of any temporary structure (inflatables/bouncy toys, or tents or canopies larger than 400 square feet, etc.) where the public is invited, or (3) include the sale or consumption of alcoholic beverages on a premises not currently licensed by the state for the sale or consumption of alcohol on the premises where the public is invited. This includes, but is not limited to, fairs, festivals, foot races, bike races, block parties, grand opening celebrations, and other temporary assemblages of people. The term "Expressive Special Event" means a special event as defined above, organized or conducted solely or primarily for the purpose of engaging in speech protected by the First Amendment of the United States Constitution. The term "Spontaneous Expressive Event" shall mean an expressive special event that is occasioned by news, affairs, or circumstances coming into public knowledge less than (5) five days prior to the date of such event.

(1) No person, organization, business or corporation shall conduct any type of special event as defined above without a Special Event permit from the city.

(2) An application for a special event shall be submitted to the city no later than (30) thirty days prior to the proposed event. In the event of an Expressive Special Event, the application must be submitted within five business days prior to the proposed event. In the event of a Spontaneous Expressive Event, the event must not present a substantial safety or traffic hazard and must not unduly impede, obstruct, impair or interfere with the public's use of the street or other public property, the operation of emergency vehicles, the provision of the city services, or any lawful competing use of the location where the event is located. If any portion of the preceding cannot be met, then the event organizer must make a diligent and good faith effort to relocate the event to another location. If the location cannot be relocated due to the special communicative value of the event's location or the unavailability of another location, then the Chief of Police shall take appropriate action to the extent reasonably necessary to eliminate the hazard, risk, interference, or impairment; provided however, that the Chief of Police shall not order the area cleared or the cessation of spontaneous expressive activities unless reasonably necessary to avoid imminent danger to person or property. Applicants may file application as early as desired by the applicant.

(3) Reasons for denial of a special events permit include, but are not limited to, the event will disrupt traffic within the city beyond practical solution; will interfere with access to fire stations and the fire hydrants; the location of the special event will cause undue hardship to adjacent businesses or residents; the event would require the diversion of so many city, public safety and/or and public works employees that allowing the event would unreasonably deny service to the remainder of the city; and the application contains incomplete or false information.

(4) This section shall not be construed as imposing upon the city or its officials or employees any liability or responsibility for any injury or damages to any person in any way connected to the use for which permits have been issued. The city and its officials and employees shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit or the approval of any use of the right-of-way.

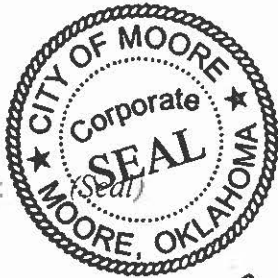
(5) A special event permit may be issued only after adequate waste disposal facilities and toilet facilities as necessary have been identified and obtained by the permittee. The permittee will clean their property, city property and any adjacent properties of trash, rubbish, or debris generated by the special event, returning it to its pre-event condition within 24 hours of the conclusion of the event. If the permittee fails to clean up such refuse, such clean up shall be as required by law or other sections of this Code and the costs charged to the permittee.

(6) The permittee shall obtain other permits that may be required from other jurisdictions for this special event.

**Severability.** If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be severable and unaffected.

**Repealer.** Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED THIS 15<sup>th</sup> DAY OF APRIL, 2019.



ATTEST:

Vanessa Kemp  
VANESSA KEMP, City Clerk

Glenn Lewis  
GLENN LEWIS, Mayor

APPROVED AS TO FORM AND LEGALITY:

Randy C. Brink  
RANDY C. BRINK, City Attorney