

OPTIONS FOR AMENDING CHAPTER 366A PERTAINING TO PARADES, RACES, AND PUBLIC ASSEMBLIES

Legislative Code section 366A.04.

- (a) A person seeking a parade, race or public assembly permit shall file an application with the chief of police on forms provided by such officer and the application shall be signed by the applicant under oath. In order to ensure the timely appeal in the event of a permit denial, it is recommended that applications be filed at least ~~sixty (60)~~ ninety (90) days prior to the event. Nevertheless, any application filed within the minimum filing periods prescribed in subsection (b) below, shall
- (b) For single, nonrecurring parades, races or public assemblies, an application for a permit shall be filed with the chief of police as follows:
 - (1) At least ~~seven (7)~~ fourteen (14) business days in advance of the proposed event for parades or races of less than two hundred (200) participants and less than thirty (30) vehicles and animals;
 - (2) At least ~~ten (10)~~ twenty (20) business days in advance of the proposed event for parades or races of two hundred (200) or more participants, or thirty (30) or more vehicles and animals;
 - (3) At least five (5) calendar days in advance of the proposed event for public assemblies of less than one hundred (100) participants which will not interfere with the normal flow or regulation of vehicular traffic;
 - (4) At least ~~seven (7)~~ fourteen (14) business days in advance of the proposed event for public assemblies of one hundred (100) or more participants or which will, regardless of size, interfere with the normal flow or regulation of vehicular traffic;
 - (5) No application shall be filed more than one hundred eighty (180) days before the parade, race or public assembly is proposed to commence.
 - (6) The chief of police may waive the minimum filing periods set forth above and accept an application filed within a shorter period if, after due consideration of the date, time, place and nature of the parade, race or public assembly, the anticipated number of participants, and the city services required in connection with the event, the chief of police determines that the waiver will not present a hazard to public safety. When determining whether to waive the minimum filing period, the chief of police may not consider the speech content of the event.
- (c) For parades, races or public assemblies held on a regular or recurring basis at the same location, an application for a permit covering all such parades, races or public assemblies during that calendar year may be filed with the chief of police at least ~~sixty (60)~~ ninety (90) and not more than one hundred eighty (180) days before the date and time at which the first such parade, race or public assembly is proposed to commence. The chief of police may waive the minimum ~~sixty (60)~~ ninety (90) days period after due consideration of the factors specified in subsection (b)(6) above.

- (d) The application for a parade, race or public assembly permit shall set forth the following information:
- (1) The name, address and telephone number of the person seeking to conduct such parade, race or public assembly; this person should be the person in charge or chairperson of the parade, race or public assembly;
 - (2) The names, addresses and telephone numbers of the headquarters of the organization for which the parade, race or public assembly is to be conducted, if any, and the authorized and responsible heads of the organization;
 - (3) The requested date of the parade, race or public assembly;
 - (4) The location of the parade, race or public assembly and the route to be traveled, including the starting point and the termination point;
 - (5) The hours when such parade, race or public assembly will start and terminate;
 - (6) The statement as to whether the parade, race or public assembly will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (7) The location by street of any assembly areas for such parade, race or public assembly;
 - (8) The time at which units of the parade, race or public assembly will begin to assemble at any such area;
 - (9) The intervals of space to be maintained between units of such parade or public assembly;
 - (10) If the parade, race or public assembly is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from that person with the chief of police authorizing the applicant to apply for the permit on his behalf;
 - (11) The type of parade, race or public assembly, including a description of activities planned during the event;
 - (12) A description of any sound amplification equipment to be used in connection with the parade, race or public assembly;
 - (13) The locations of all sound amplification equipment and points of origin of amplified sound.
 - (14) The approximate number of participants (spectators are by definition not participants), including the type and number of animals and vehicles;
 - (15) The approximate number of spectators reasonably anticipated;
 - (16) A designation of any public facilities or equipment to be utilized; and
 - (17) Where the event is in an area covering two blocks or less of sidewalks, streets or other public property, the addresses of any properties that abut the location of the parade, race or public assembly;
 - (18) Where the event is in an area covering two (2) blocks or less of sidewalks, streets or other public property, a signed statement by the permit applicant stating that all the addresses of any properties that abut the location of the parade, race or public assembly, have received notification of the event.
 - (19) Any additional information that the chief of police finds reasonably necessary to a fair determination as to whether a permit should issue.

- (e) The Applicant must provide a copy of its application to the city councilmember(s) and the district council(s) representing areas affected by the parade, race, or public assembly at the time of application to the chief of police.

Legislative Code section 366A.08. Notice of grant or denial of application.

- (a) The chief of police shall act promptly upon a timely filed application for a parade, race or public assembly permit but in no event shall grant or deny a permit less than forty-eight (48) hours prior to the event. Applications filed more than thirty (30) days in advance of the proposed event shall be processed within seven (7) days. Applications filed more than ~~sixty (60)~~ ninety (90) days in advance of the event shall be processed within twenty-one (21) days.
- (b) If the chief of police waives the minimum filing period and accepts for processing an untimely application, he shall act upon the application as expeditiously as possible, but must grant or deny the permit prior to the commencement of the proposed event.
- (c) If the chief of police disapproves the application, he shall promptly notify the applicant of his action in writing, either by personal delivery or certified mail or by facsimile or email with confirmation of delivery and transmittal of a copy by U.S. Mail, and state the reasons for denial.

Sec. 366A.11. Notice to city and other officials.

Immediately upon the issuance of a parade, race or public assembly permit, the chief of police shall send a copy thereof to the following:

- (a) The mayor;
- (b) The fire chief;
- (c) The director of the department of public works;
- (d) The manager or responsible head of the metropolitan transit commission; and
- (e) The city council.
- (f) The district council(s) representing areas affected by the parade, race, or public assembly.

Sec. 366A.12. Contents of permit.

Each parade, race or public assembly permit shall state the following information:

- (a) Starting and approximate ending time;
- (b) Minimum speed of parade units;
- (c) Maximum speed of parade units;
- (d) Maximum interval of space to be maintained between parade units;
- (e) The portions of the streets that may be occupied by the parade, race or public assembly;

- (f) The maximum length of the parade or race in miles or fractions thereof;~~and~~
- (g) Whether there will be amplified sound and the locations of all amplified sound; and
- (h) Such other information as the chief of police shall find necessary to the enforcement of this chapter.

Sec. 366A.14. Prohibitions.

The following prohibitions shall apply to all parades, races and public assemblies:

- (a) It shall be unlawful for any person to stage, present or conduct any parade, race or public assembly without first having obtained a permit as herein provided;
- (b) It shall be unlawful for any person to participate in a parade, race or public assembly for which the person knows a permit has not been granted;
- (c) It shall be unlawful for the chairperson or any person in charge of, or responsible for the conduct of, a duly licensed parade, race or public assembly to knowingly fail to comply with any condition of the permit;
- (d) It shall be unlawful for any person to engage in any parade, race or public assembly activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;
- (e) It shall be unlawful for any person participating in any parade, race or public assembly to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is one-fourth ($\frac{1}{4}$) inch or less in thickness and two (2) inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths ($\frac{3}{4}$) inch in its thickest dimension;
- (f) It shall be unlawful for any person participating in a parade, race or public assembly to utilize sound amplification equipment at decibel levels that exceed those limits imposed by federal, state or city law, regulation, or ordinance without a **<permit / variance>** granted by the Council pursuant to Legislative Code chapter 293; and
- (g) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven, any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.