



Legislation Details (With Text)

File #: Ord 15-66 **Version:** 3

Type: Ordinance **Status:** Passed

In control: City Council

Final action: 12/16/2015

Title: Amending Section 366A.06 of the Legislative Code pertaining to Races, Runs, and Public Assemblies.

Sponsors: Dave Thune

Indexes:

Code sections:

Attachments: 1. Zeigler Email, 2. Securian email

Date	Ver.	Action By	Action	Result
12/21/2015	3	Mayor's Office	Signed	
12/16/2015	3	City Council	Adopted	Pass
12/9/2015	2	City Council	Amended and Laid Over for Final Adoption	Pass
12/2/2015	1	City Council	Laid Over to Final Adoption	Pass
11/18/2015	1	City Council	Laid Over to Third Reading/Public Hearing	
11/12/2015	1	City Council	Laid Over to Second Reading	Pass

Amending Section 366A.06 of the Legislative Code pertaining to Races, Runs, and Public Assemblies.

Sec. 366A.06. - Standards for issuance.

(a) The chief of police shall issue a permit as provided for herein 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, race or public assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
- (2) The conduct of the parade, race or public assembly will not require the diversion of so great a number of city police officers to properly police the line of movement and the areas contiguous thereto that the deployment of police services for the proposed parade, race or public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property;
- (3) The concentration of vehicles, persons and animals at public assembly points of the parade, race or public assembly will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such parade, race or public assembly;
- (4) The conduct of the parade, race or public assembly is not reasonably likely to cause injury to persons or property and will not, on its face, violate any federal, state or city law, regulation, or

ordinance;

- (5) The parade, race or public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any parade, race or public assembly areas;
- (7) There are sufficient parking places near the beginning and end sites of the parade, race or public assembly to accommodate the number of vehicles reasonably expected;
- (8) The applicant has paid all fees required under [section 366A.05](#);
- (9) No parade, race or public assembly permit application for the same time and location is already granted, or has been received and will be granted, and no event listed in [section 366A.03](#) is already scheduled for the same time and location;
- (10) The conduct of the parade, race or public assembly will not interfere with previously scheduled construction or maintenance projects upon or along streets or sidewalks;
- (11) No parade, race or public assembly permit application for the same time but different location is already granted or has been received and will be granted, and the police resources required for that prior parade, race or public assembly are so great that, in combination with the subsequent proposed permit, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and
- (12) No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed parade, race or public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

(b) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a city street, sidewalk or right-of-way unless advance approval for the erection or replacement of the structure is obtained from the city council.

(c) No permit shall be granted that allows a parade, race or public assembly to occur between the hours of 11:00 p.m. and 7:00 a.m.

(d) No permit may be granted for a parade, race, or public assembly on Shepard Road that would reduce the roadway open to vehicular traffic between Sibley Street and Randolph Avenue to fewer than two lanes, one lane in each direction. **The open lanes of traffic may be maintained on a common side of the median.**

(1) Exception. Out-and-back races that have taken place on Shepard Road between January 1, 2013, and January 1, 2016, are exempt from this requirement until January 1, 2018. Races meeting this exception must propose an alternative route to one half of the out-and-back course for all races occurring on or after January 1, 2018.

(e) No permit may be granted for a parade, race, or public assembly that would locate the start or finish of a race or run or the source of any amplified sound on Spring Street or Chestnut Plaza within Upper Landing.

(df) In determining whether to grant or deny a permit, the chief of police shall not consider:

- (1) The content of the speech, message, views or expression of the parade, race or public assembly or its participants;
- (2) The potential conduct of spectators and other nonparticipants in response or reaction to the content of the speech, message, views or expression of the parade, race or public assembly or its participants.

SECTION 2

This ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.