

## PROPOSED ORDINANCE

*An Ordinance by the City Council of the City of St. Martinville*

WHEREAS the City of St. Martinville desires to enact an ordinance to provide for granting of permits for parades, marches, and rallies,

THEREFORE be it ordained that Section 18 -33 through 18-46 of the Code of Ordinances for the City of St. Martinville be and the same is hereby amended and restated to read as follows:

### **“ARTICLE III. PARADES**

#### **Sec. 18-33. Definitions**

As used in this article:

*Parade* is any parade, march, rally, pageant, or **other type** procession of any kind, in or upon any street, park or other public place in this municipality.

*Parade permit* is a permit as required by this article.

#### **Sec. 18-34. Permit required.**

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit has been obtained from the city after approval by the city council.

#### **Sec. 18-35. Permit application.**

(a) A person seeking issuance of a parade permit shall file an application with the city not less than sixty (60) days before the date on which it is proposed to conduct the parade.

(b) The application for a parade permit shall set forth the following information:

- (1) The name, address, and telephone number of the person seeking to conduct such parade;
- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization, **the tax and profit/non-profit status of the**

**organization,** and of the authorized and responsible heads of such organization;

- (3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conducts;
- (4) The date when the parade is to be conducted;
- (5) The route to be traveled, the starting point and the termination point;
- (6) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles;
- (7) The hours when such parade will start and terminate;
- (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- (9) The location by streets of any assembly areas for such parade;
- (10) **An acknowledgment that** units of parade will begin to assemble at such assembly area or areas at least one (1) hour before the time to start the parade.
- (11) If the parade is designated to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the city a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
- (12) Any additional **relevant and material** information, **with regard to public safety and security,** which the city council shall find necessary to a fair determination as to whether a permit should issue. **Such request by the Council for such additional information shall be made within 20 days of the application for the permit.**

( c ) The city council, where good cause is shown therefor **and all requirements of this ordinance can be complied with,** shall have the authority to consider any application hereunder which is filed less than sixty (60) days before the date such parade is proposed to be conducted. **“Good cause” shall include proof that the applicant was prevented from applying earlier by circumstances beyond its control.**

#### **Sec. 18-36. Permit fee and other costs.**

- (a) **Permit fee:** There shall be paid at the time of filing the application for a parade

permit a fee of twenty-five dollars (\$25.00).

**(b) Costs and expenses: (1) The City will not charge for the services of any on-duty police personnel who provide security services in connection with the parade, nor will the City charge for the use of any barricades owned by the City.**

**(2) However, an additional fee shall be charged for those parades for which the Council has determined, based on the recommendation of the police chief, that is necessary for the city to (A) rent barricades, (B) pay overtime pay to its policemen, or (C) pay law enforcement officers from other jurisdictions to assist in providing security for the parade.**

**The additional fee shall be the amount of any such extra costs that the city incurs.**

**The City shall give the applying organization an estimate of such charges (with documentation as to such costs) as soon as the City can make such an estimate, and the estimate must be paid at least 10 days before the scheduled date of the parade.**

#### **Sec. 18-37. Standards for issuance of permits.**

**(a) Upon application for a parade permit, the Council shall refer the matter to the Chief of Police to assess the safety and security issues related to the proposed parade, and make an written assessment to the Council on the level of security which the Chief of Police, considering all relevant factors, believes would be necessary for the safe conduct of the parade. Such assessment shall be considered but not controlling by the Council. In making such assessment, the Chief of Police shall consider:**

- (1) Whether the organization has held any similar parades in the past, and if so, the experience with such parades;**
- (2) Whether the parade is primarily intended to be for children or adults, or a combination thereof;**
- (3) If such a parade has previously been held by the applying organization, whether alcohol was normally consumed at such previous parades, whether any arrests were made at such previous parades, and whether any weapons were confiscated at any such previous parades.**
- (4) The size of the crowd at any such previous parades, and whether there is any reason to believe that the crowd at the current parade would be any smaller or larger.**
- (5) For “first time” parades, the best estimate of the size and composition**

of the crowd.

- (6) the start and end time of the event.
- (7) the route and end time of the event.
- (8) the existence of a route for emergency vehicles.
- (9) the number of persons, animals, and vehicles that will participate in the parade;
- (10) the type and amount of security utilized by a similar parade in the past.

(b) The City Council shall issue a permit for a parade if, from a consideration of the application, the safety and security assessment of the Chief of Police, and such other information as the Council may determine to be relevant, and material, the Council finds that:

- (1) The conduct of a parade will not substantially interrupt the safety and orderly movement of other traffic on any other adjacent streets;
- (2) The conduct of such parade will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the rest of the city;
- (3) The concentration of persons, animals and vehicles at the assembly areas of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas;
- (4) The conduct of such parade will not prevent the movement of firefighting equipment en route to a fire;
- (5) The conduct of such parade is not reasonably likely to cause injury to persons or property;
- (6) Such parade will move from its point of termination in two (2) hours or less;
- (7) The conduct of such parade will not obstruct any construction or maintenance work scheduled to take place upon the public streets;
- (8) The applicant meets with all the requirements of this ordinance.

**The Chief of Police is directed to provide such pre-parade route clearance as he determines to be useful and necessary to clear the commencement portion of the route to allow for safe and orderly staging and beginning of the parade.**

**( c ) The U.S. Supreme Court has recognized that a city may impose reasonable restrictions on the time, place, or route of a parade in the interest of public safety and security, and the city council reserves the right to impose such restrictions in appropriate circumstances, based on the factors and considerations set forth in this section.**

**Sec. 18-38. Minimum rules for the conduct of parades.**

Rules for conducting a parade:

- (1) No profanity or illegal throws (Ordinance 99-1, section 15-65).
- (2) No person participating in the parade shall leave the vehicle or float in which they are riding.
- (3) No person who is operating any vehicle that is in the parade, **or anyone else in the cab of such vehicle**, shall consume any alcoholic beverage **or have any alcoholic beverage in an open container.**
- (4) The operator of any vehicle shall not permit anyone regardless of age to sit on their lap during the parade; nor is he/she allowed to throw anything from the vehicle.
- (5) No vehicle that is equipped with hydraulic lifts will be permitted to participate in the parade.
- (6) **No glass bottles or glass containers, or other glass items, are allowed on any float.**
- (7) Only bands, drill teams, and dance groups will be allowed to stop at designated areas for the purpose of performance only.
- (8) All participants in the parade will be present and lined up ONE (1) hour before the start time.
- (9) Any violation of these rules will authorize the removal of any participant **or float.**
- (10) **Only street legal vehicles may participate in the parade. ATV's, 4 Wheelers, etc., are prohibited (except for tractors pulling floats).**

- (11) **Once the parade permit is granted, every operator of any vehicle in the parade must have a parade float vehicle permit issued by the St.Martinville Police Department. Such a permit will be issued upon presentation of a valid operator's permit/license by the proposed operator of the vehicle, and proof of liability insurance (unless the insurance required in Section 18-46 specifically covers all parade vehicles).**
- (12) **Horses will not be permitted unless the entire parade route is barricaded.**

**Sec. 18-39. Reserved.**

**Sec. 18-40. Contents of permit.**

Each parade permit shall state the following information:

- (1) Starting time, **starting point, and ending point;**
- (2) The portions of the streets to be traversed that may be occupied by the parade;
- (3) Such other information as the city council shall find necessary to the enforcement of this article.

**Sec. 18-41. Permit revocation.**

**Any permit issued hereunder is automatically revoked if the applicant fails to pay any of the extra charges described in section 18-46, below, by the due date, or fails to provide evidence of the required insurance coverage by the due date.**

**In addition, the city council shall retain the authority to revoke a parade permit issued hereunder, after notice and an opportunity to be heard, in the following circumstances: the City Council determines that (1) the parade will present a danger to the residents of the city, persons attending the parade, or their property; or (2) some unforeseen catastrophic weather or similar uncontrollable event makes it unsafe to conduct the parade.**

**Sec. 18-42. Possession of permit.**

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

**Sec. 18-43. Compliance with all laws.**

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

**Sec. 18-44. Exemptions.**

The ordinance shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;
- (3) A government agency acting within the scope of its functions, **to include functions authorized by the St.Martin Parish School Board.**
- (4) **Parades by the Armed Forces of the United States, the military forces of the State of Louisiana, or the police department of this city.**

**Sec. 18-45. Penalty.**

Any person who **violates any provision of this article shall be guilty of a misdemeanor and subject to the maximum penalty for misdemeanors under the Charter and Ordinances of this city.**

**Sec. 18-46. Insurance.**

The organizer of the parade shall provide **proof of liability insurance which covers claims related to the parade** in the amount of one million dollars (\$1,000,000.00) and shall designate the City of St. Martinville as co-insured and loss payee.

The foregoing Ordinance was offered by Mr. \_\_\_\_\_, duly seconded by Mr. \_\_\_\_\_, and upon being submitted to a vote, the vote was :

Yeas:

Nays:

Absent:

The Ordinance was thereon declared adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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THOMAS NELSON, Mayor