

ORDINANCE NO. 031

AN ORDINANCE PROVIDING FOR THE REGULATION OF PARADES, MARATHONS, BIKEATHONS, AND SIMILAR ACTIVITIES; PROVIDING FOR REVIEW OF PARADE APPLICATIONS; PROVIDING FOR A PARADE PERMIT; PROVIDING FOR EXEMPTIONS; PROVIDING FOR DENIAL AND CANCELLATION OF PERMITS; PROVIDING FOR FEES; PROVIDING FOR INDEMNIFICATION OF THE TOWN; PROVIDING FOR THE CONDUCT OF PARADES, ETC.; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Annetta South, Texas is a general-law municipality located in Parker County, created in accordance with the provisions of Chapter 11 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Board of Aldermen of the Town of Annetta South has determined that the conduct of parades, marathons, bikeathons and similar activities upon the public streets within the town may infringe upon the rights of individual property owners and the public unless such conduct is properly regulated; and

WHEREAS, the Board of Aldermen has further determined that the conduct of parades, marathons, bikeathons and similar activities upon the public streets and other public places may impede the flow of pedestrian and vehicular traffic and may create an unsafe situation unless properly regulated;

WHEREAS, the Board of Aldermen has determined that the regulations set forth herein are the minimum requirements necessary to adequately protect the public health, safety and welfare and the rights of individuals residing, working or owning property within the corporate limits of Annetta South.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ANNETTA SOUTH, TEXAS:

SECTION 1 - DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

CITY: Town of Annetta South, Texas.

CITY COUNCIL: Board of Aldermen

MAYOR: Mayor of the Town of Annetta South or his designee.

PARADE: Any march, marathon, bikeathon, bicycle race, jogging race, walkathon, ceremony, pageant, show, exhibition or procession of any kind, moving upon any public street or public place in the town.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

SECTION 2 - PERMIT REQUIREMENT

No person shall conduct or participate in any parade for which a parade permit has not been issued by the Mayor. Parade permits shall be of three kinds, classified as follows:

(1) A CLASS A permit shall be required for all parades with less than 25 persons and less than 3 vehicles and traveling no more than one mile.

(2) A CLASS B permit shall be required for all parades with 25 or more persons or 3 or more vehicles or traveling more than one mile, except those meeting the requirements of Class C.

(3) A CLASS C permit shall be required for all parades with 100 or more persons or 25 or more vehicles, or traveling more than 3 miles.

EXCEPTIONS: No parade permit shall be required for the following:

(1) The armed forces of the United States of America, the military of the State of Texas, and the forces of the police

and fire departments acting within the scope of their duties.

(2) Funeral processions operated in accordance with all applicable laws and ordinances.

SECTION 3 - PARADE MARSHAL; RULES OF CONDUCT

Each person applying for a parade permit shall designate one person to be Parade Marshal. The Parade Marshal shall be responsible for determining what persons or units shall be allowed to participate in the parade and what position the persons or units shall occupy. The Parade Marshal will consult with the Mayor to determine rules of conduct for those persons or units taking part in the parade and shall deny permission to participate in the parade to those persons who, by words or actions, violate the rules of conduct. These rules of conduct shall be made available to the public.

SECTION 4 - APPLICATION FOR PERMIT

An application for a parade permit shall be on forms provided by the City. The application shall be filed with the city secretary according to the following guidelines:

CLASS A - No less than three (3) days before the date on which the parade is to be conducted.

CLASS B - No less than five (5) days before the date on which the parade is to be conducted.

CLASS C - No less than fifteen (15) days before the date on which the parade is to be conducted.

An application for a parade permit shall contain the following information:

(1) The name, address and telephone number of the applicant and of any other person on whose behalf the application is made.

(2) The date requested for the parade.

(3) The hours when the parade will start and terminate.

(4) Specific route to be traveled, the starting point and the termination point.

(5) The estimated number of persons, animals and vehicles participating in the parade; the type of animals and a description of the vehicles and marching units, such as bands, color guards and drill teams.

(6) A statement whether the parade will occupy all or portion of the width of the streets proposed to be traversed.

(7) The location by streets of any assembly areas for such parade and the time when units of the parade will begin to assemble at any such assembly area.

(8) The type of permit being requested.

(9) The purpose of the proposed parade.

(10) The name, address, and telephone number of the parade Marshal.

SECTION 5 - FEES

The following fees shall be charged for the issuance of permits:

CLASS A permit - \$ 10.00

CLASS B permit - \$ 25.00

CLASS C permit - \$100.00

Parades will be conducted with an appropriate number of escort and traffic assistance peace officers certified by the State of Texas, such number to be determined by the Mayor in his sole discretion. This number shall be based upon the size of the parade, the distance traveled and other traffic control considerations and further based upon additional considerations because of the type of parade conducted, such as the need for police protection from hostile demonstrators.

Further the applicant shall be assessed a reasonable fee to reimburse the City for cleanup and repair costs of City streets. A thorough cleaning of the area by the permittee shall immediately take place, particularly in the event that animal droppings are involved. Litter, debris and animal droppings must be removed within 24 hours following the closing of the event. Fees for cleanup and repair costs shall be determined by the Building Official of the City. Other costs not previously estimated which are associated with the operation of the parade shall be assessed following the event.

All fees must be paid in advance at least five (5) City working days prior to the event. All collected fees shall be appropriated to the general fund.

Any applicant who is unable to pay the above required fees may apply to the Mayor for a waiver of such fees. Said fees shall be waived in whole or in part upon showing that payment of the fees would constitute an undue hardship or would otherwise prevent the applicant from exercising his First Amendment rights.

SECTION 6 - INDEMNIFICATION FROM LIABILITY

The applicant shall agree to assume all liability and responsibility associated with the operation of the parade and the use of City streets and personnel and shall further agree to indemnify and hold harmless the Town of Annetta South from any damage or liability occurring therefrom.

SECTION 7 - ALTERNATE PERMIT

Upon denial of a parade permit, the person requesting same may file an amended request for the parade permit. Such request shall be marked "Alternate Permit" and shall be filed as follows:

CLASS A - Not less than five (5) days prior to the date for which such parade is requested.

CLASS B - Not less than fifteen (15) days prior to the date for which such parade is requested.

CLASS C - Not less than twenty-five (25) days prior to the date for which such parade is requested.

No additional permit fees shall be required.

SECTION 8 - REVOCATION OF PERMIT

The Mayor may revoke a permit when:

- (1) The permit will result in a violation of this ordinance or any other law;
- (2) The information contained in the application for a parade permit is found to be false in any material detail;
- (3) The parade fails to begin within thirty (30) minutes of the appointed time of commencement;
- (4) The Mayor finds any condition which would result in a denial of the permit.

SECTION 9 - APPEAL

Any person aggrieved by a decision of the Mayor in the granting, denial, alteration or revocation of a parade permit shall have the right to appeal the decision to the Board of Aldermen. The Board of Aldermen shall hear the appeal within ten (10) working days after receipt of appeal unless extended by agreement of the appellant and the Board of Aldermen.

SECTION 10 - CONDUCT OF PARADE

All parades shall be conducted at all times in a peaceful manner and shall not unreasonably interfere with the rights of surrounding property owners, individuals not participating in the parade, or the general public. All parades must be conducted along the route approved in the parade permit and no parade may be conducted on private property without the permission of the property owner. No participant in a parade shall employ the use of sound

amplification devices or create noises of such a degree of magnitude so as to offend persons of ordinary sensibilities.

Any peace officer who observes a person or unit in a parade performing such acts in an unsafe manner or that reasonably would incite others to violence or would create a substantial risk of injury to any person, shall immediately take appropriate actions to abate such acts. To accomplish this abatement, a peace officer may stop the parade and remove the persons or unit committing the acts from the parade. If appropriate, the peace officer may also issue appropriate citations and/or effect the arrest of any such person who violates this section or any other laws.

SECTION 11 - CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta South, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 12 - SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 13 - PENALTY CLAUSE

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any provisions of this ordinance shall be fined not more than Five-Hundred-Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 14 - SAVING CLAUSE

All rights and remedies of the Town of Annetta South are expressly saved as to any and all violations of any ordinances affecting parades which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 15 - PUBLIC NOTICE

The Secretary of the Town of Annetta South is hereby directed to publish in the local newspaper the caption, penalty clause and effective date clause of this ordinance.

SECTION 16 - EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 12th DAY OF October, 1989.



Larry C. Dehn
Mayor

John S. Styrsky
Secretary