



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 26
Council Meeting Date: 3/1/2007
RFCA Tracking No: R-847

DEPARTMENT: SAPD

DEPARTMENT HEAD: William McManus

COUNCIL DISTRICT(S) IMPACTED:
City Wide

SUBJECT:
Repealing Articles 12, 13 of the City Code and creating Article 17 (Events)

SUMMARY:
This ordinance will repeal Article XII (Parades) and Article XIII (Run, Walk and Cycling Events) of Chapter 19 of the City Code, create Article XVII (Parades, Runs, Walks, and Related Events), exempt certain events from the payment of certain costs, and provide for criminal penalties for violations of the provisions of Article XVII.

BACKGROUND INFORMATION:

The issuance of a parade permits is currently addressed by Article XII (Parades) of Chapter 19 of the City Code and the issuance of a run, walk, or cycling event permits is currently addressed by Article XIII (Run, Walk and Cycling Events) of the City Code. The purpose of this ordinance is to standardize and simplify the permit process for these two types of events.

In order to maintain public safety and avoid congestion when parades, runs, walks, and cycling events are conducted on City streets, the City Code requires submission of an application to the Chief of Police for consideration and the issuance of a permit. The permit application sets out, among other things, the proposed route, the duration of the event, and the estimated number of participants. In reviewing the application, the Chief of Police considers, among other things, whether the event will: (1) substantially interrupt safe and orderly movement of other traffic near its route; (2) require diversion of SAPD police officers to properly staff the line of movement and the areas near the event; and (3) require diversion of ambulances so as not to interrupt normal service to the remainder of the City. The Chief of Police may grant or deny the request. All permits not passed under separate ordinance are issued by the Chief of Police. A decision by the Chief of Police to deny an application may be appealed to the City Manager.

Unless the event is established through separate City Council action, applicants who are granted a permit are required to bear all costs related to: (1) traffic control devices; (2) traffic control personnel; (3) personal injury and liability insurance; and (4) clean-up of the route. In the past, the City Council has recognized the benefit and importance to the community of certain annual parades and events utilizing the City's streets. Historically, these events have been City supported

events based on their broad appeal, historic tradition, cultural significance, association with a national holiday, a day given statewide recognition, or other public benefits. For such events, the costs of traffic control personnel and, in some cases, traffic control devices are either paid for through various City funds or absorbed within the SAPD budget. The following events coordinators will not be responsible for the costs of traffic control personnel: (1) the Community Initiatives Department 60+ Mardi Gras Parade; (2) the San Fernando Good Friday Procession; (3) the Diez Y Seis Parade; and (4) the San Antonio Marathon. The following events will not be responsible for the costs of traffic control personnel or traffic control devices: (1) the Veterans Day Parade and (2) the Martin Luther King March.

Some of the notable provisions of Article XVII will be: (1) the required limit of insurance coverage will be \$1,000,000; (2) a fine as great as \$2,000 may be assessed for a violation of the provisions of Article XVII; and (3) a surety bond guaranteeing payment of the aforementioned costs may, under certain circumstances, be required.

ISSUE:

This ordinance continues City Council's policy of conducting comprehensive reviews and oversight of city operations and regulations to ensure public safety.

ALTERNATIVES:

Continue to issue parade or run, walk, and cycling event permits under two separate articles and require the organizers of certain significant City-wide events to bear the cost of police required to secure their events in accordance with the City Code.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff recommends approval.

ATTACHMENT(S):

File Description	File Name
Parade Code Updated	Parade Code Updated.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

David Head Assistant Police Chief SAPD

APPROVED FOR COUNCIL CONSIDERATION:

Sheryl Sculley City Manager

ARTICLE XVII (PARADES, RUNS, WALKS, AND RELATED EVENTS) OF CHAPTER 19

Sec. 19-630. Definitions.

In the construction hereof, the following definitions shall apply, unless the context clearly indicates otherwise:

"Chief of Police" shall mean the chief of police of the San Antonio Police Department or his designated representative.

"City Manager" shall mean the city manager of the City of San Antonio or his designated representative.

"Permit holder" shall mean a person issued a procession permit pursuant to this article.

"Procession" shall mean any parade, march, walk, run, cycling event (this term does not include bicycle touring or recreational uses regulated by state law), demonstration, public assemblage, ceremony, show, exhibition, pageant or procession of any kind, or any similar display in or upon any street, alley, or public thoroughfare in the city where participants move or are transported in any manner from a point of origin to a point of termination.

"Procession Permit" shall mean the procession permit required by this article.

Sec. 19-631. Permit Required.

No person shall engage in, participate in, aid, organize, promote, form or start, or cause or allow the same to be done for any procession without having first obtained a procession permit.

Sec. 19-632. Exceptions to Application.

This article shall not apply to:

- (1) funeral processions or escorts;
- (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 and will not interfere with the normal movement of traffic;
- (3) a governmental agency acting within the scope of its functions;
- (4) procession authorized by separate ordinance; or
- (5) runs, walks or cycling events involving less than ten participants.

Sec. 19-633. Application for Permit.

- (A) A person seeking issuance of a procession permit shall file an application with the chief of police on forms provided by such officer.
- (B) The application shall be filed with the chief of police not less than forty-five calendar days nor more than one hundred fifty calendar days before the proposed procession date. The chief of police, where good cause is shown, may consider any application filed less than forty-five calendar days before the proposed procession date. The permit holder for a procession actually held during a prior year may receive conditional approval of the route, date, and time not more than thirteen months in advance of the scheduled date of the procession. The chief of police may give conditional approval after receiving a written request from the permit holder. The permit holder shall receive the right of first refusal as to the route, date, and time of the procession that may be exercised until ninety calendar days prior to the approved date of the procession.
- (C) The application shall contain the following:
 - (1) the name, address, and telephone number of the person seeking to conduct the procession;
 - (2) where the procession is to be held for or by an entity, rather than an individual, the name, address, and telephone number of the entity and the name, address, and telephone number of the head of the entity;
 - (3) where the procession is to be held by or for any person other than the applicant, documentation evidencing authority to make the application;
 - (4) the name, address, and telephone number of the person who will be the procession chairman and who will be responsible for its conduct;
 - (5) the date the procession will be conducted;
 - (6) the location of the assembly area, the starting point of the procession, the route of the procession, the ending point of the procession, and the location of the disbanding area;
 - (7) the approximate number of persons who will participate in the procession;
 - (8) the approximate number vehicles that will be included in the procession and a description of those vehicles;
 - (9) the approximate number of animals and the type of animals that will be included in the procession;
 - (10) the time when the procession will begin and end;
 - (11) a statement as to whether the procession will occupy all or only a portion of the width of the streets proposed to be used;
 - (12) the time at which units of the procession will arrive at the assembly area;
 - (13) the purpose of the procession; and
 - (14) any other information which the chief of police finds necessary to an evaluation of the request under the standards for issuance set forth in section 19-634.
- (D) The application shall be accompanied by the appropriate fee:
 - (1) \$50.00 for a category 1 event (zero to ten officers required);
 - (2) \$100.00 for a category 2 event (eleven to twenty-five officers required);

- (3) \$150.00 for a category 3 event (twenty-six to seventy-five officers required);
- (4) \$200.00 for a category 4 event (seventy-six or more officers required).

Sec. 19-634. Standards for Issuance.

The chief of police shall uniformly treat each application in a just, fair, and nondiscriminatory manner bearing in mind that the time, place, duration, and manner of use of the public streets, parks, and other public ways and places for procession shall be subordinated to the public safety, comfort and convenience, the maintenance of order, and avoidance of congestion. The chief of police shall issue a permit when, from a consideration of the application, he finds that:

- (1) the conduct of the procession will not substantially interrupt the safe and orderly movement of other traffic near its route;
- (2) the conduct of the procession 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 near there as to prevent normal police protection to the city;
- (3) the conduct of such procession 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 near there;
- (4) the concentration of persons, animals and vehicles at assembly and disbanding points of the procession will not unduly interfere with proper fire and police protection of, or ambulance service to, areas near such assembly or disbanding areas;
- (5) the conduct of such procession will not interfere with the movement of fire fighting equipment enroute to a fire;
- (6) the conduct of the procession is not likely to cause injury to persons or property, to result in or to provoke disorderly conduct, or create a disturbance;
- (7) the procession is scheduled to move from its point of origin to its point of termination without unreasonable delays enroute; and
- (8) the applicant has fulfilled the requirements of this article.

Sec. 19-635. Notice of Rejection; Appeal.

The chief of police shall act upon the application for a procession permit within ten calendar days after filing thereof. If the chief does not approve the application, he shall mail, by certified mail/return receipt requested, to the applicant, within ten calendar days after the date upon which the application was filed, a notice of his action, stating the reason for his denial of a permit. The applicant shall have the right to appeal a denial of a procession permit to the city manager by filing notice of appeal with the city clerk within seven calendar days after receipt of the notice provided above. The city manager shall hear the appeal within ten calendar days of the filing of the appeal. The decision of the city manager is final.

Sec. 19-636. Contents of Permit.

Each procession permit shall state the following information:

- (1) the starting time and ending time of the procession;
- (2) the date of the procession;
- (3) the permit holder's name, address, and telephone number and the sponsoring entity's name, address, and telephone number;
- (4) the streets or portions of streets to be occupied by the procession;
- (5) the permit holder's signature; and
- (6) such other information as the chief of police shall find necessary to the enforcement of this article.

Sec. 19-637. Duties of Permit Holder.

- (A) Each permit holder shall comply with all requirements of this article, the permit directions and conditions, and with all applicable laws and ordinances.
- (B) Each permit holder is responsible for the costs of (1) providing traffic control devices for the procession route in accordance with section 19-66 of this chapter; (2) providing traffic control personnel, whether on duty or on overtime, for the procession route; and (3) cleaning up the procession route. Traffic control personnel shall be in a number sufficient to adequately safeguard the safety of the event participants and the general public, as determined by the chief of police. Traffic control personnel shall be limited to the furthest extent practicable to city uniformed police officers, and may include, with approval of the chief of police, other uniformed, certified peace officers knowledgeable of traffic control laws. The permit holder shall obtain approval of the traffic control plan described above by the chief of police. The permit holder shall receive from the city an invoice for the required costs within fifteen calendar days after the procession. The payment for these costs shall be due to the city within thirty calendar days after the date of the procession.
- (C) Because of their broad appeal, historic tradition, cultural significance, association with a national holiday or a day given statewide recognition, and other public benefits provided by the the Community Initiatives Department 60+ Mardi Gras, the San Fernando Good Friday Procession, the Deiz Y Seis Parade, and the San Antonio Marathon, the permit holders for these events are not required to pay the costs of traffic control personnel. Because of their broad appeal, historic tradition, cultural significance, association with a national holiday or a day given statewide recognition, and other public benefits provided by the Martin Luther King March and the Veterans Day Parade, the permit holders for these events are not required to pay the costs of traffic control personnel or traffic control devices. Other exceptions to the cost requirements of this article may be made only by city council action.
- (D) If an applicant owes fees not timely paid in connection with a procession previously approved and conducted or if the estimated costs to the city under this section are greater than \$10,000.00, the applicant shall, prior to approval of the application for a procession

permit, file a surety bond in accordance with and as described in section 1-16 of this code in the amount of the estimated costs.

- (E) Prior to approval of the application for a procession permit, the applicant shall submit to the chief of police a certificate of insurance evidencing commercial general liability coverage, including premises/operations, independent contractors, personal injury, and contractual liability, at a combined single limit of \$1,000,000.00 per occurrence, with the City of San Antonio being named as the additional insured. The applicant shall provide at least thirty days' advance notice of cancellation or material alteration of the insurance policy.
- (F) No less than seven calendar days prior to the date on which the procession will be held, the permit holder shall submit to the chief of police a signed statement that a reasonable effort was made to notify all businesses and residences located around the assembly area, along the procession route, and around the disbanding area of the scheduled procession. A copy of any flyer or handout used in making the notification shall be provided to the chief of police at the time the statement is submitted.

Sec. 19-638. Revocation of Permit.

The chief of police shall have the authority to revoke a procession permit issued pursuant to this article when the conditions supporting the findings made by the chief of police pursuant to section 19-634 change in such a way, prior to the date on which the procession is to be held, that a procession permit would not otherwise be issued. The chief of police shall have the authority to revoke a procession permit if the permit holder does not comply with section 19-637.

Sec. 19-639. Public Conduct during Parades.

- (A) It shall be unlawful for any person to hamper, obstruct or impede, or interfere with any procession or procession assembly or with any person, vehicle, or animal participating or used in a procession.
- (B) It shall be unlawful for any driver of a vehicle to drive between the vehicles or persons comprising a procession when such vehicles or persons are in motion and are conspicuously designated as a procession unless directed to do so by a police officer.
- (C) The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route, forming area, disbanding area, or buffer zone of a procession. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.
- (D) It shall be unlawful for any person to sell, possess, or use a pressurized container of the substance commonly known as "liquid string," "silly string," or "super string," or any

quantity of the small explosive devices commonly known as “snappers,” “throw downs,” “pop pops,” or “popping match sticks,” which are paper-wrapped wads of sand coated with a minute quantity of explosive powder and adhesive, producing a small report upon impact with hard surfaces, in any public place or private property.

- (E) Upon initiation of a procession the chief of police shall take over control of the movement of the procession. All participants shall be required to maintain a forward progress. No participant shall throw or give away candy, gifts, tokens, advertisements, or any other objects from any procession unit while the unit is on the procession route. Failure to observe these requirements shall constitute a violation of this article and the chief of police is empowered to remove this unit from the procession immediately.

Sec. 19-640. Criminal Penalties.

(A) It shall be unlawful to engage in, participate in, aid, organize, promote, form or start, or cause or allow the same to be done for any procession without having first obtained a procession permit. Any such violation committed knowingly, intentionally, or recklessly shall be punished by a fine not exceeding \$2,000.00.

(B) The commission of any act made unlawful by section 19-639 shall be punished by a fine not to exceed \$200.00.