

ORDINANCE NO. 2002-37

PARADE ORDINANCE

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS PROVIDING REGULATIONS FOR ISSUANCE OF PARADE PERMITS; REVOCATION OF PARADE PERMITS; DENIAL OF PARADE PERMITS; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE, EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, OR FOR ANY VIOLATION OF ANY PROVISION WHICH GOVERNS PUBLIC HEALTH OR SANITATION WHICH SHALL BE PUNISHED BY PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING A SEVERABILITY CLAUSE.

**1.0 DEFINITIONS**

**Parade** - Any march or procession consisting of more than three (3) people, animals or vehicles or a combination thereof, upon any public street or alley.

**Arterial Intersection** - Any intersection of any street, sidewalk or a crosswalk that traverses any state highway, or is identified in the City Thoroughfare Master Plan.

**2.0 STREET CLOSURE PROCEDURE**

All individuals, groups, or entities, "Applicant", that propose to conduct a parade upon any street within the city limits of the City of Taylor must comply with the following procedures:

1. The "Parade Street Closure Application" (Attachment A) "Application", all fees and insurance must be submitted to the Main Street Manager, City of Taylor, 400 Porter St., Taylor, Texas 76574, (512) 352-5448 no less than forty-five (45) calendar days or more than sixty (60) calendar days prior to the date and time of the commencement of the parade.
2. The City of Taylor, Taylor Chamber of Commerce and Taylor Independent School District sponsored events are exempt from fees but are not exempt from application and permit procedures.
3. The Main Street Manager, City Manager and Police Chief will review and approve or deny all parade street closure applications.
4. The Main Street Manager will provide direct assistance during all parade street closures.

5. For closure of a State right-of-way within the City limits for less than two (2) hours, a "Right-of-Way Use Agreement" with the Texas Department of Transportation must be approved.
6. A Traffic Control Plan, which incorporates the requirements of the Texas Manual on Uniform Traffic Control Devices (TMUTCD), signed and sealed by a registered professional civil engineer, must be prepared for any event on a State right-of-way within the City limits for street closure of longer than two (2) hours. Applicant is required to abide by the engineer's Traffic Control Plan and assistance in the processes of obtaining an engineering Traffic Control Plan can be obtained from the Main Street Manager.
7. The City or the Texas Department of Transportation, "TxDOT", may require traffic control devices for any parade. Any traffic control devices required must be installed by the Applicant and must comply with the TMUTCD.
8. It shall be a criminal offence for an individual, group or entity to knowingly organize, engage in, participate in, aid or commence a parade upon any street of the City without making written application for and receiving a parade permit from the City Manager or Manager designee, a Parade Street Closure Application, and complying with this Ordinance.
9. No parade permit shall be required for the following:
  - a. The armed forces of the United States of America, the military forces of the state and the forces of the police and fire departments acting within the scope of their duties.
  - b. Funeral processions proceeding by vehicle by the most reasonable route from a funeral home, church or residence of a deceased to the place of service or place of interment.
  - c. Sidewalk processions which observe and comply with traffic regulations and traffic control devices, utilizing that portion of a sidewalk nearest the street, but at no time more than one-half of the sidewalk.
10. Candy, gum, beads, paper or any other article(s) shall not be thrown from any type of vehicle during a parade nor transferred directly to the hand of a spectator. This shall include, but not be limited to, persons on horseback.
11. Parade participants, spectators, and the public are prohibited from disembarking from or attempting to board a moving vehicle during a parade.

### **3.0 APPLICATION REQUIREMENTS**

1. A nonrefundable parade permit fee as contained in the City's Fee Ordinance shall be submitted with the Application.

2. The Parade Street Closure Application shall contain the following information and shall be signed by the Applicant:
  - a. The name, address and telephone number of the Applicant and of any other persons, organizations, firms or corporations on whose behalf the Application is made.
  - b. Date requested for the parade and the proposed schedule of start and stop times,
  - c. The specific route (include a map) to be traveled including city, county, highway numbers, and physical location, and the starting and termination points.
  - d. A brief description of the proposed activities, including the proposed placement of event staff and equipment on the right-of-way.
  - e. A letter from the law enforcement agency that will be providing the traffic control for the event, a contact name, and a telephone number for the responsible law enforcement agency.
  - f. An original Certification of Insurance submitted on TX DOT Form 1560.
  - g. Staging areas for the start of the parade and disassembly areas at the termination point must be designated and fully described. Applicant must sign a statement that all staging and disassembly areas on private or public property have been approved by the owner/management of the property. The name, address and phone numbers for the owner/manager authorizing the use of property must be included in the Application, including without limitation public rights-of-way and property operated by the City, if applicable.
  - h. The estimated number of persons to participate in the parade. Marching units or organizations shall require an individual count for each member. The total number of people shall be included.
  - i. The estimated number, if any, of animals without riders, animals with riders, animal-drawn vehicles, floats, motor vehicles, motorized displays.
  - j. A signed statement ensuring that each marching unit or organization will only be allowed to conduct a maximum of one stationary performance at a specified and approved location during the parade route. The marching unit or organization shall then continuously march along all other portions of the parade route
  - k. A signed statement that sponsors will ensure that assembly and disassembly of the parade will be directed and orderly so as not to block or interfere with traffic flow.

1. A signed statement ensuring that the Applicant will be responsible for the ground maintenance of the assembly and disassembly areas that occur in public rights-of-way including with out limitation cleaning and removal of animal droppings.

#### **4.0 ISSUANCE OF APPLICAION APPROVAL "PERMIT"**

Upon receipt of the Parade Street Closure Application and the parade permit fee, the City Manager or Manager designee shall normally furnish to the Applicant, within ten (15) working days, excluding Saturdays, Sundays and legal holidays, appropriate approval or denial of the Application. Approval or denial of the Application may be delayed if the Applicant fails to give complete information, if the proposed route requires staff research, or if other aspects of the Application require staff review that exceeds the normal process.

In the event the Application reveals that the parade staging, parade route and parade disassembly requested will interfere with the orderly flow of vehicular or pedestrian traffic, the City Manager or Manager designee shall have authority to establish a reasonable alternate route and to regulate the width and the duration of the parade.

#### **5.0 DENIAL OF APPLICATION "PERMIT"**

The City Manager or Manager designee shall deny an Application (permit) when:

1. The Applicant fails to provide complete information on the Application required under this Ordinance.
2. The movement of the parade will conflict in time and location with another parade for which a permit has previously been granted.
3. The parade could damage roadways or other facilities of the City.
4. The Applicant has not paid the permit fee and estimated traffic control and security fees as contained in the City's Fee Ordinance.
5. The Applicant refuses to sign a statement ensuring that each marching unit or organization will only be allowed to conduct a maximum of one stationary performance at a specified and approved location during the parade route.
6. The Applicant refuses to sign a statement ensuring that appropriate property owner/managers have authorized their property for use as staging and disassembly areas.
7. The Applicant refuses to sign a statement ensuring that the parade assembly and disassembly will be directed and orderly so as not to block or interfere with traffic flow.

## **6.0 REVOCATION OF APPLICATION "PERMIT"**

1. The City Manager or Manager designee shall revoke an Application or parade permit when the information contained in the Application is found to be inaccurate in any material detail.
2. The City Manager or Manager designee may revoke the Application or parade permit if the parade fails to begin within thirty (30) minutes of the appointed time of commencement.
3. The City Manager or Manager designee may revoke the parade permit if the Applicant misrepresents the number of participants in the parade and/or does not provide a final parade participation count at least seven (7) days before the date of the parade.
4. The City Manager or Manager designee shall revoke an Application or permit based on reasonable grounds to believe that the parade is being conducted in a manner constituting a danger to any person or property.
5. Any failure to comply with this Ordinance.

## **7.0 ROUTE PLAN**

Applications shall include a route that shall not pass through arterial intersections, as defined above, during the hours of 7:00 a.m. to 9:00 a.m.; 12:00 noon to 1:00 p.m.; or 4:30 p.m. to 6:30 p.m. on weekdays, except major holidays. Applicants shall be notified if the proposed route conflicts with this requirement.

## **8.0 TRAFFIC CONTROL AND SECURITY**

Applicants or Parade sponsors shall pay the cost of police officers and police vehicles as contained in the City's Fee Ordinance for traffic control and security required for the parade. The City Manager or Manager designee shall determine the number of employees and equipment required. Estimates for fees required for police officers and police vehicles, traffic control and security, or other cost associated with the parade shall be paid twenty-four (24) hours before the parade start. Additional costs not paid as part of the estimate or excess fees paid as part of the estimate shall be paid or refunded within three days of the date of the parade.

## **9.0 INDEMNIFICATION**

An Applicant and or the sponsors, and or any other individual or entity reasonable required by the City must execute a written indemnity agreement, in the form and substance required by the City, indemnifying and holding harmless, the City and its officers and employees and parties in interest with the City against all claims, damages, or causes of action arising from the parade or Application resulting in injury, damage or death to persons or property, whether public or private. The applicant shall take all reasonable measures necessary to protect the parade participants. Insurance shall be furnished prior to the parade and when required by the City Manager or Manager designee in the form, substance, and limits required by the City Manger or Manager designee.

## **10.0 REPEALING CLAUSE**

All Ordinances and all provisions of any Ordinance of the City of Taylor, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed.

## **11.0 PENALTY CLAUSE**

Any person, firm, corporation or any entity violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction in the Municipal Court of Taylor, Texas, shall be subjected to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by state law for such offense, and for any violation of any provision which governs public health or sanitation, which shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

## **12.0 SEVERABILITY CLAUSE**

If any word, phrase, paragraph, section or phrase of this Ordinance to be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part of provision thereof other than the part so decided to be unconstitutional, illegal or invalid.

## **13.0 INTRODUCTION**

In accordance with Article 8 of the City Charter, Ordinance No. 2002-37 was introduced before the Taylor City Council on the 17<sup>th</sup> day of December, 2002.

PASSED, APPROVED AND ADOPTED on the 9<sup>th</sup> day of January, 2003.

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Jeffrey M. Berger, Mayor

ATTEST:

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Barbara S. Belz, City Clerk