

**AMENDMENT TO ORDINANCE SECTIONS 70.20 THROUGH 70.31**

**AN ORDINANCE DEALING WITH THE REGULATION OF PARADES**

Findings.

1. The Browns Valley City Council has adopted the Minnesota Basic Code as it has been amended and supplemented to be its city code; and
2. That code permits the City of Browns Valley to regulate all aspects of conducting a parade within the City of Browns Valley
3. The Browns Valley City Council believes it is in the best interests of the residents of the City of Browns Valley to modify its Ordinance regulating parades to also regulate public assemblies.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BROWNS VALLEY ORDAINS AS FOLLOWS:**

1. That Browns Valley City Ordinance Sections 70.20 through 70.31 are hereby amended to read as follows:

*“Parades and Public Assemblies*

Section

- 70.20 Definitions
- 70.21 Permit required
- 70.22 Application for permit
- 70.23 Standards for issuance of permit
- 70.24 Notice of rejection of permit application
- 70.25 Appeal procedure when permit denied
- 70.26 Alternative permit
- 70.27 Notice to city and other officials when permit issued
- 70.28 Contents of permit
- 70.29 Duties of permittee
- 70.30 Public conduct during parades
- 70.31 Revocation of permit

**PARADES**

**70.20 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PARADE.** Any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display in or on any street, sidewalk, park, or other public place in the city.

**PARADE OR PUBLIC ASSEMBLY PERMIT.** A permit required by this subchapter.

**PARKING LOT.** Any paved or unpaved area used by a place of business or shopping center for the parking of vehicles of their customers, but shall not include those operated for hire.

**PUBLIC ASSEMBLIES.** Any meeting, demonstration, picket line, rally, or gathering of more

than ten (10) persons for a common purpose as a result of prior planning in or upon any street, sidewalk, or other public grounds in a place open to the general public.

**SIDEWALK.** Any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

**STREET.** Any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

#### ‘ **70.21 PERMIT REQUIRED.**

(A) No person or persons shall engage or participate in, aid, form or start any parade or public assembly unless a permit has been obtained from the City Administrator or other authorized city official.

(B) This subchapter shall not apply to:

(1) Funeral processions;

(2) Students going to and from school classes or participating in educational activities; provided, that the conduct is under the immediate direction and supervision of the proper school authorities;

(3) A governmental agency acting within the scope of its functions.

(4) Parades or public assemblies in parks.

Penalty, see ‘ 10.99

#### ‘ **70.22 APPLICATION FOR PERMIT.**

(A) *Generally.* A person seeking issuance of a parade or public assembly permit shall file an application with the City Administrator.

(B) *Filing period.* The application for a parade or public assembly permit shall be filed not less than 72 hours but not more than 60 days before the date on which it is proposed to conduct the parade. Failure to file an application 72 hours in advance will not result in automatic denial of the permit; provided, that the applicant shows reasonable grounds why the application could not be filed 72 hours in advance.

(C) *Required information.* The application for a parade or public assembly permit shall set forth the following information:

(1) The name, address, and telephone number of the person seeking to conduct the parade or public assembly;

(2) If the parade or public assembly 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 and of the authorized and responsible heads of the organization;

(3) The name, address, and telephone number of the person who will be the parade or public assembly chairperson and who will be responsible for its conduct;

(4) The date when the parade or public assembly is to be conducted;

(5) The location of the parade or public assembly, and the route to be traveled, including the starting point, and the termination point;

(6) The approximate number of persons, animals, and vehicles which will constitute the parade or public assembly, the type of animals, if any, and the description of the vehicles;

(7) The hours when the parade or public assembly will start and terminate;

(8) A statement as to whether the parade or public assembly will occupy all or only a portion of the width of the streets, sidewalk, park or other public place proposed to be traversed;

(9) The location by street of any assembly area for the parade or public assembly;

(10) The time at which units of the parade or public assembly will begin to assemble at any assembly area or areas;

(11) The interval of space to be maintained between units of the parade or public assembly;

(12) If the parade or public assembly is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his or her behalf;

(13) The type of parade or public assembly, including a description of activities planned during the event;

(14) A description of any sound amplification equipment to be used in connection with the parade or public assembly;

(15) A designation of any public facilities or equipment to be utilized;

(16) Where the event is in an area covering two (2) blocks or less of sidewalks, streets, or other public property, the addresses of any properties that abut the location of the parade or public assembly, along with a signed statement by the permit applicant stating that all the addresses of any properties that abut the location of the parade or public assembly have received notification of the event; and

(17) Any additional information reasonably necessary to a fair determination as to whether a permit should be issued.

(D) There shall be paid at the time of filing an application for a parade permit a fee in an amount as established in the Ordinance Establishing Fees and Charges pursuant to ' 30.11 of this code, as it may be amended from time to time. In addition, the applicant must provide proof of a valid insurance policy in the amount of \$500,000 per individual claim and \$1,500,000 for all claims arising from the same event, that names and agrees to defend and indemnify the city from any and all claims arising from the parade.

Penalty, see ' 10.99

## **' 70.23 STANDARDS FOR ISSUANCE OF PERMIT.**

The City Administrator shall issue a permit when, from a consideration of the application and from other information obtained, he or she finds that:

(A) The conduct of the parade or public assembly will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade or public assembly 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 contiguous thereto as to prevent normal police protection to the city;

(C) The concentration of persons, animals and vehicles at assembly points of the parade or public assembly will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(D) The conduct of the parade or public assembly will not interfere with the movement of firefighting equipment en route to a fire;

(E) The parade or public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(F) The conduct of the parade 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;

(G) No parade or public assembly permit application for the same time but different location is already granted or has been received and will be granted, and law enforcement resources required for that prior parade 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

(H) No event is scheduled elsewhere in the city where the law enforcement resources required for that event are so great that the deployment of law enforcement services for the proposed parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

Additionally, 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, or which allows a parade or public assembly to occur between the hours 11 p.m. and 7 a.m.

Penalty, see ' 10.99

## **' 70.24 NOTICE OF GRANT OR REJECTION OF PERMIT APPLICATION.**

(A) The City Administrator shall act promptly upon a timely filed application for a parade or public assembly permit, but in no event shall grant or deny a permit less than forty-eight (48) prior to the event. Applications filed more than thirty (30) days in advance of the proposed event shall be processed within seven (7) days. Applications filed more than sixty (60) days in advance of the event shall be processed within twenty-one (21) days.

(B) If the City Administrator receives an application fewer than thirty (30) days in advance of the proposed event, he or she shall act upon the application as expeditiously as possible, but must grant or deny the permit prior to the commencement of the event.

(C) If the City Administrator disapproves the application, he or she shall mail to the applicant within the three regular business days after the date on which the application was filed a notice of his or her action stating the reasons for his or her denial of the permit.

**70.25 APPEAL PROCEDURE WHEN PERMIT DENIED.**

Any person aggrieved shall have the right to appeal the denial of a parade or public assembly permit to the City Council. The appeal shall be taken within five (5) days after notice of denial by filing a written notice with the City Administrator. The City Council shall act on the appeal within 30 days after its receipt.

**70.26 ALTERNATIVE PERMIT.**

The City Administrator or other authorized city official, in denying an application for a parade or public assembly permit, shall be empowered to authorize the conduct of the parade or public assembly on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of his or her acceptance. An alternate parade or public assembly permit shall conform to the requirements of, and shall have the effect of, a permit under this subchapter.

**70.27 NOTICE TO CITY AND OTHER OFFICIALS WHEN PERMIT ISSUED.**

Immediately on the issuance of a parade or public assembly permit, a copy thereof shall be sent to the City Council, County Sheriff, and the Fire Chief.

**70.28 CONTENTS OF PERMIT.**

Each parade or public assembly permit shall state the following information:

(A) Starting time and approximate ending time;

(B) Minimum speed of parade units;

(C) Maximum speed of parade units;

(D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the street, sidewalk, park or other public place to be traversed that may be occupied by the parade or public assembly;

(F) The maximum length of the parade or public assembly in miles or fractions thereof;

(G) Other information as is reasonably necessary to the enforcement of this subchapter.

Penalty, see ' 10.99

**' 70.29 DUTIES OF PERMITTEE.**

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade or public assembly chairperson or other person heading or leading the activity shall carry the permit on his or her person during the conduct of the parade or public assembly.

Penalty, see ' 10.99

**' 70.30 PUBLIC CONDUCT DURING PARADES OR PUBLIC ASSEMBLIES.**

(A) *Interference.* No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(B) *Driving through parades or public assemblies.* No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

(C) *Parking on parade route or public assembly area.* The County Sheriff or other authorized city official shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or other public thoroughfare or part thereof constituting a part of the route of a parade. Signs shall be posted to the effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street or other public thoroughfare unless signs have been posted in accordance with this section.

Penalty, see ' 10.99

**' 70.31 REVOCATION OF PERMIT.**

The city shall have the authority to revoke a parade or public assembly permit issued hereunder on application of the standards for issuance as herein set forth.”

PASSED AND ADOPTED this 23<sup>rd</sup> day of May, 2011.

BROWNS VALLEY CITY COUNCIL

\_\_\_\_\_  
Brenda Bartz, Mayor

ATTEST:

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Jeff Cadwell, City Administrator

Motion: Fryer  
Seconded: Powers  
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Passed: 5-0