

Ordinance

repealing Chapter 49, Article 1, Division 2. "Temporary Closure of Streets"; amending Chapter 53, Article VII "Parades and Marches" in its entirety to modify and clarify parades, marches, and street events permit procedures and requirements; providing an effective date; providing for severance; providing for penalty; and providing for publication.

WHEREAS, the health, safety and welfare of persons who use public rights of way is of paramount importance in the regulation of the public rights of way; and

WHEREAS, the City Council recognizes the unique need for prompt public expression or celebration of views or ideas regarding certain issues, but also to impose reasonable time and place regulations so that the City is afforded an adequate opportunity to ensure the safe and effective control of public rights of way;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, THAT:

SECTION 1. That Chapter 49, Article 1, Division 2. "Temporary Closure of Streets" of the Code of the City of Corpus Christi is hereby repealed.

SECTION 2. That Chapter 53, Article VII "Parades and Marches" of the Corpus Christi Code is hereby amended in its entirety to read as follows:

ARTICLE VII. PARADES, MARCHES, AND STREET EVENTS

~~Sec. 53-200. - Short title.~~

~~This article shall be known and may be cited as the "Corpus Christi Parade Ordinance."~~

Section 53-~~200~~**201**. DEFINITIONS.

"Athletic event" means any event in which a group of persons collectively engage in a sport or form of physical exercise on or within a City street, parking facility, sidewalk, or other public right-of-way including, but not limited to, walking, jogging, running, racing, bicycling, rollerblading, and roller skating, other than a group of people participating in a parade, march, or public assembly.

"Block" means one (1) side of a rectangular area surrounded by streets and usually containing buildings, measured from corner to corner.

"City Manager" means the City Manager or his/her designee.

"Local Access Street" means street types that provide access to individual residences, elementary schools and parks in a neighborhood.

"March" means an organized walk or procession by a group of people for a specific cause or

issue.

“Neighborhood street event” means an event requiring the closure of one (1) block of a residential local access street, as defined in the Urban Transportation Plan (UTP) or as approved by the City’s Traffic Engineer or designee, that are sponsored by a neighborhood association or by persons living on the block that requires the use, occupation or full closure of a street, sidewalk or public right-of-way. These events are outdoor gatherings or celebrations which last for less than twelve (12) continuous hours, not requiring street closure past 12:00 a.m.

“Non-revenue-generating parade” means any parade for which no participation fee is charged or for which no cash is accepted or collected as sponsorship or in support of the parade.

“Parade” means an athletic event, march, pageant, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, that does not comply with normal traffic regulations or controls on a public right-of-way.

~~As used in this article the following terms shall have the respective meanings ascribed to them:~~

~~Parade: Three (3) or more persons evidencing a common purpose to attract the attention of bystanders generally, or expressing in public view a common message or idea, irrespective of such bystanders, by walking, marching or moving together within the corporate limits, with or without animals or vehicles, for a total distance of six hundred (600) or more feet on any public sidewalk, street, alley, park, easement or city-owned lot within any total period of six (6) hours.~~

~~Parade permit: A permit issued by the chief of police authorizing the conduct of a designated parade.~~

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

“Pre-parade or assembly” means any gathering or rally of the participants in and, if any, the vehicles, animals, and equipment of a parade on any public property immediately prior to the actual commencement of a parade.

“Post-parade or disassembly” means the activity occurring among the participants and if any, the vehicles, animals, and equipment of a parade on public property, immediately following the end of the parade.

“Public assembly” means any group of people participating in an organized activity (other than public employees acting within the course and scope of their employment) on or within a City street, parking facility, sidewalk or other public right-of way, other than a group of people participating in an athletic event or parade.

Revenue-generating parade means any parade for which a participation fee is charged or for which any cash is accepted or collected as sponsorship or in support of the proposed parade.

“Spontaneous Demonstration” means a demonstration on an issue of immediate public importance which will result in governmental action or inaction without the benefit of public expression, lawful picketing by labor union, or political function, protest or statement, or any other expressive activity protected by the First Amendment of the United States Constitution, provided that such activity is the principal purpose of the event and unreasonably delaying the event will nullify its effectiveness.

“Street Event” means any activity which occurs upon a City street, parking facility, sidewalk or public property that will affect the ordinary use of public streets, rights-of-way or sidewalks. This includes, but is not limited to, public assemblies, fairs, festivals, athletic events, neighborhood events, parades and block parties.

“Parade, March, and Street Event Director” means the person designated by the permittee to manage the Parade, March, or Street Event and who is responsible for compliance with City Ordinances during pre-event, parade, march, or street event and post-event activities.

Section 53-201. PERMIT REQUIRED

(a) No person or organization shall conduct a parade, march, or street event that affects the ordinary use of public streets, rights-of-ways or sidewalks without first having obtained a Parade, March, and Street Event Permit from the City of Corpus Christi. Conducting a parade, march, or street event without a permit is prohibited. A Parade, March, and Street Event Permit is not required for a Spontaneous Demonstration.

(b) No person or organization shall conduct a spontaneous demonstration that affects the ordinary use of public streets, rights-of-ways or sidewalks without first having obtained a Spontaneous Demonstration Permit from the City of Corpus Christi. Conducting a spontaneous demonstration without a permit is prohibited.

Sec. 53-202. – Permit required; exceptions.

~~No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the chief of police, the city manager or the city council, as herein prescribed.~~

~~This article shall not apply to:~~

~~(1) 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.~~

~~(2) A governmental agency acting within the scope of its functions.~~

~~(3) Lawful picketing by a labor union.~~

~~(4) Funeral processions under police escort conducted by a duly licensed funeral home.~~

Sec. 49-15. – Permit required; application.

~~No streets shall be closed temporarily nor shall any street right-of-way be used in such a manner as to impede the free flow of traffic without the issuance of a permit by the city as provided herein. Any sponsor of an event desiring to close one (1) or more streets for said event shall make application therefor on forms furnished by the city containing such information as the city may require including, but not limited to, the date and location of the event, the name of the sponsoring organization, the purpose of the event, and a diagram illustrating the street or streets to be closed and the layout of activities. The application must be submitted at least twenty (20) working days prior to the event and must be accompanied by an application fee as hereinafter provided to cover administrative costs.~~

Section 53-202. PERMIT APPLICATION.

- (a) An application for a Parade, March, and Street Event Permit shall be submitted to the City with a nonrefundable payment of fifty dollars (\$50) at least 90 60 days prior to the proposed parade, march, or street event and no earlier than 365 days prior to the proposed parade, march, or street event. The following information shall be provided: purpose of the parade, march, or street event; name, address and telephone number of sponsoring organization or individual; name, address and telephone number of the Parade, March, and Street Event Director; proposed date, location and hours of operation; schedule of proposed events; trash and recycling collection plan; route map, and such other information as the Police Department or another City department deems reasonably necessary to determine that the permit meets the requirements of this chapter. Untimely permit applications may be accepted upon the City Manager finding good cause for late submittal.
- (b) An application for a Spontaneous Demonstration Permit shall be submitted at least 2 business days prior to the proposed spontaneous demonstration. The following information shall be provided: purpose of the spontaneous demonstration; name, address and telephone number of sponsoring organization or individual; name, address and telephone number of the Spontaneous Demonstration Director; proposed date, location and hours of operation; and such other information as the Police Department or another City department deems reasonably necessary to determine that the permit meets the requirements of this chapter.

Sec. 53-203. – Application for permit.

~~A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by such officer, which shall be signed by the applicant with the contents thereof sworn to as of the date the application is presented.~~

~~(1)Filing period. An application for a parade permit shall be filed with the chief of police not less than seventy-two (72) hours nor more than thirty (30) days before the date on which it is proposed to conduct the parade.~~

~~(2)Contents. The application for a parade permit shall set forth the following information:~~

~~(a)The name, address and telephone number of the person seeking to conduct such~~

parade;

~~(b)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, and of the authorized and responsible heads of such organization;~~

~~(c)The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;~~

~~(d)The date when the parade is to be conducted and any acceptable alternate;~~

~~(e)The route to be traveled, the starting point and the termination point; any acceptable alternate routes; if stops are planned during parade, whether any speechmaking is scheduled during such stops;~~

~~(f)The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles; any predominance of age groups; any anticipated change in the number of marchers during the course of the parade;~~

~~(g)The hours when such parade will start and terminate; whether any stops are planned, and if so, where;~~

~~(h)A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;~~

~~(i)The location by streets of any assembly (pre-parade) areas for such parade and disassembly (post-parade) areas and the estimated times of assembly and disassembly;~~

~~(j)The interval of space to be maintained between units of such parade;~~

~~(k)If the parade is designed 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 chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;~~

~~(l)The general purpose of the planned parade, e.g. anniversary, memorial, protest, religious, other;~~

~~(m)Any other reasonably necessary information the chief of police prescribes for such application for the purpose of determining whether the proposed parade meets the standards of issuance set forth in section 53-204~~

~~(3) Late applications. The chief of police, where good cause is shown therefor, shall have the authority to consider, but no duty to do so, any application hereunder which is filed less than seventy-two (72) hours before the date such parade is proposed to be conducted.~~

Sec. 53-212. - Contents of permit.

Each parade permit shall, in addition to other requirements in this article, state the following information:

(1)Date of parade;

(2)Starting time and termination time of parade;

(3)Minimum speed;

(4)Maximum speed;

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

(6)The portions of the streets to be traversed that may be occupied by the parade; portions of streets and/or other public property to be used for assembly of parade and disassembly of parade;

(7)The name of the permittee and the parade chairman;

(8)The maximum length of the parade in miles or fractions thereof;

(9)Such other information as the chief of police shall find necessary to the enforcement of this article.

Section 53-203. STANDARDS FOR DENIAL OF PERMIT.

(a) No Parade, March, and Street Event Permit shall be issued to any organizer or sponsor of an event that owes money to the City. Reasons for denial of a Parade, March, and Street Event Permit include: the event will disrupt traffic within the City beyond practical solution; will interfere with access to fire stations and fire hydrants; the location of the parade, march, or street event will cause undue hardship to adjacent businesses or residents; the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the City; the application contains incomplete or false information; the applicant fails to comply with all terms of this chapter including failure to remit all fees and deposits or failure to provide proof of insurance and a save harmless agreement to the City. The route and date of event will require approval by the City to verify that adequate staffing is available to ensure the safety of the public at the parade, march, or street event and in the community. A Parade, March, and Street Event Permit may be denied based on a determination that the parade, march, or street event will require the diversion of so many police officers from their regular duties as to substantially impair police protection in the City.

(b) A Spontaneous Demonstration Permit may be denied for the following reasons: the event will disrupt traffic within the City beyond practical solution; will interfere with access to fire

stations and fire hydrants; the application contains incomplete or false information; and a determination that the spontaneous demonstration will require the diversion of so many police officers from their regular duties as to substantially impair police protection in the City. The route and date of event will require approval by the City to verify that adequate staffing is available to ensure the safety of the public at the spontaneous demonstration and in the community.

~~Sec. 53-204. - Standards for issuance of permit.~~

~~The chief of police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:~~

~~(1)The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;~~

~~(2)The conduct of the parade 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;~~

~~(3)The conduct of such parade 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 contiguous thereto;~~

~~(4)The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas or disassembly areas;~~

~~(5)The conduct of such parade will not interfere with the movement of firefighting personnel or apparatus en route to a fire;~~

~~(6)The conduct of the parade will not create a clear and present danger to persons and property;~~

~~(7)The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.~~

~~Sec. 53-205. - Refusal of permit.~~

~~(a)The chief of police, the city manager or the city council may refuse an application for a parade permit only if:~~

~~(1)The application is materially incomplete.~~

~~(2)The chief of police or the city manager or the city council, as the case may be, finds that the standards required by section 53-204 of this article are not met.~~

~~(b)If the chief of police or the city manager or the city council refuses the application for a parade permit the chief of police must have available for inspection by the applicant or his~~

~~agent a written list of reasons for refusal based on the application information or other identified source of information within forty-eight (48) hours of the filing of the completed application. He shall either deliver the refusal notice and reasons personally to the applicant or mail said notice and reasons by certified or registered mail, return receipt requested, to the name and address as the applicant shall specify in his application. Notice shall be deemed given at the time of personal delivery or as of the day following posting by mail, whichever the case may be. The failure of the chief of police, the city manager or the city council to issue the statement of reasons or notice within the time prescribed shall not operate as any grant of permission to parade.~~

~~(c)In the evaluation as to issuance of any parade permit, the occurrence of any scheduled special event or activity on properties abutting the route and during the pertinent times which in reasonable probability will generate above average traffic, sidewalk and/or street, in the immediate route area shall be considered.~~

~~Sec. 53-206. - Revision of permit application or appeal in case of refusal of permit.~~

~~If the initial application is refused, the applicant may revise same to remove those items constituting rejection grounds as specified in the written statement of refusal, or file with the city secretary a written notice of appeal of such rejection to the city council within five (5) days, excluding city legal holidays, Saturdays and Sundays. The city secretary, on instruction of the mayor, shall docket such hearing promptly and give the applicant not less than forty-eight (48) hours' personal notice of such hearing, by mail, telephone, or personally; provided, however, the applicant or his duly authorized agent may waive such notice. No hearing shall be held on less than three (3) days' public notice and not more than eight (8) days after filing of appeal with the city secretary. The hearing must be public unless the city council determines, by majority vote, that the application and/or evidence thereon involves the public security.~~

~~The chief of police and one officer designated by him shall have the right to appear at said hearing, give evidence and testify, subject to the applicant's right to cross-examine and also introduce evidence and testify, and both shall be represented by counsel, unless the applicant waives such representation for himself.~~

~~The hearing shall be closed at the conclusion of the proceeding in one session and may not be recessed for more than nine (9) hours in total. The council shall promptly deliberate and then sit to vote to either affirm the ruling of the chief of police, reverse the ruling of the chief of police and grant the application as originally made, or as amended and resubmitted prior to appeal, or modify the permit requirements as to such application under the standards, criteria and guidelines of this article.~~

~~Sec. 53-209. - Alternate permit.~~

~~The chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three (3) days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this article.~~

~~Sec. 53-210. - Precedence of permits.~~

~~Parade permits, as to a given seven-day period, will be granted in order of precedence as to date of filing of application.~~

~~Where different applications are filed at the same time, precedence will be accorded to the applications involving the largest number of persons in parade.~~

~~Sec. 53-211. - Notice to city and other officials of permit issuance.~~

~~Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to the following:~~

- ~~(1) — The mayor;~~
- ~~(2) — The city manager;~~
- ~~(3) — The city attorney;~~
- ~~(4) — The human relations director;~~
- ~~(5) — The fire chief;~~
- ~~(6) — The director of the department of inspections and operations;~~
- ~~(7) — The postmaster;~~
- ~~(8) — The director of public utilities;~~
- ~~(9) — The director of civil defense;~~
- ~~(10) — The local office of the state department of public safety.~~

~~Sec. 53-213. - Transfer of permit.~~

~~No permit issued hereunder shall be transferable without written consent of the chief of police or the city manager.~~

Section 53-204. PARADE, MARCH, AND STREET EVENT COST.

The applicant shall be responsible for paying costs incurred by the City as a result of the parade, march, or street event and any other fees required by City Ordinance. The City shall provide the applicant with a cost estimate prior to the issuance of a Parade, March, and Street Event Permit. Prior to the issuance of a permit for a parade, march, or street event, the applicant shall agree in writing to pay all costs incurred by the City as a result of the parade, march, or street event.

~~Sec. 49-18. - Reimbursement for costs of the city.~~

~~For any event requiring the temporary closure of one (1) or more streets the sponsor must~~

agree to either:

- ~~(a) Pay to the city four (4) per cent of the gross receipts derived from the event to defray the public expenses involved in producing the event; or~~
- ~~(b) Pay to the city an amount equal to the actual costs and expenses incurred by the city cleaning the site after the event and any other actual expenses of the city associated with the event.~~

Section 53-205. DEPARTMENTAL COST ANALYSIS.

1) Traffic Engineering Division Cost –

~~(a) For neighborhood street events, a cost recovery fee of one hundred twenty dollars (\$120.00) will be assessed. Neighborhood events will require the use of traffic control devices. Based on availability, the City may provide applicants with traffic control devices for a refundable deposit of one hundred dollars (\$100.00). Applicants who fail to return to the City any traffic control devices or materials shall forfeit the amount deposited.~~

~~(b) For street events which require a traffic control plan, the applicant may choose to obtain a traffic control plan from the City or from a professional engineer licensed in the State of Texas. Three (3) sets of traffic control plans and direction on the set up of traffic control devices will be provided to applicants obtaining services through the City. A review fee of one hundred dollars (\$100.00) will be charged for the required review of traffic control plans submitted by an applicant’s professional engineer. The cost recovery fee, for services provided by the City, will be required for such events based on the following sliding scale:~~

<u>Approximate number of participants</u>	<u>Fee</u>
<u>Less than 500</u>	<u>\$250</u>
<u>501 or greater</u>	<u>\$550</u>

~~An additional fee of one hundred dollars (\$100.00) will be added to the above cost recovery fee for any changes to an approved traffic control plan for secondary review.~~

~~(c) City approved traffic control plan -. Reoccurring street events that have a City approved traffic control plan may utilize the previously City approved traffic control plan if no changes are required to the traffic control plan because the proposed event is under the same set of conditions as the previous event and such events will not be assessed the cost recovery fees in subsection 53-205 (1) (b). A cost recovery fee, if no changes are required to the traffic control plan from the previous year, of two hundred dollars (\$200.00) will be assessed. No street event fee will be assessed for reoccurring street events that utilize the previously City approved traffic control plan if no changes are required to the traffic control plan because the proposed event is under the same set of conditions as the previous event.~~

Sec. 49-16. – Issuance of permits; classification of events; required fees.

~~Upon the review of the application, the traffic engineer may issue permits for the temporary closure of a street or streets in the following manner:~~

~~(a) Neighborhood events. For neighborhood events at which no admission is charged and no items are sold and which require the closure of one (1) residential neighborhood street located between two (2) intersecting streets (one (1) block) for less than twelve (12) continuous hours, not requiring closure past 12:00 a.m., permits may be granted by the traffic engineer. Notice of the granting of such permits shall be provided to the city council. A permit application fee of one hundred twenty dollars (\$120.00) is required for such events.~~

~~Neighborhood events require the participation of one hundred (100) percent of all persons residing along the street to be closed. Neighborhood event permits require the use of traffic control devices. Based on availability, the city may provide applicants with traffic control devices for a refundable deposit of one hundred dollars (\$100.00). Applicants who fail to return to the city any traffic control devices or materials shall forfeit the amount deposited.~~

~~(b) Small events. For small events which require the closure of one (1) minor street located between two (2) intersecting streets (one (1) block) and adjacent to churches, schools, or other public institutions, not involving extensive detouring of traffic and not requiring closure for more than twelve (12) continuous hours, permits may be granted by the traffic engineer. Notice of the granting of such permits shall be provided to the city council. For the purposes of this section, the term "minor streets" shall mean any streets other than arterial and collector streets as classified on the urban transportation plan. A permit application fee is required for such events based on the following sliding scale:~~

Approximate number of participants	Fee
Less than 200	\$120.00
200—349	\$200.00
350—500	\$300.00

~~The city will provide a traffic control plan as well as direction on the set up of traffic control devices. Applicants may choose to obtain a traffic control design by separate consultant agreement with a licensed professional engineer consultant.~~

~~A fee of fifty dollars (\$50.00) will be assessed for three (3) sets of traffic control plan prints. An additional fee of fifty dollars (\$50.00) will be charged for any changes to the approved traffic control plan.~~

~~A review fee of fifty dollars (\$50.00) will be charged for the required review of traffic control plans submitted by an applicant's consultant engineer.~~

~~Small events will require the use of traffic control devices. Based on availability, the city may provide applicants with traffic control devices for a refundable deposit of one hundred dollars (\$100.00). Applicants who fail to return to the city any traffic control devices or materials shall forfeit the amount deposited.~~

~~Events of more than 500 participants will be considered a large/special event.~~

~~(c) Large/special events. For all other events, which shall be treated as large/special events, including, but not limited to, events which require the closure of one (1) or more major streets or involve more extensive detouring of traffic, permits may be issued by the traffic~~

engineer. A permit application fee is required for such events based on the following sliding scale:

Approximate number of participants	Fee
Less than 500, fenced	\$300.00
Less than 500, unfenced	\$350.00
More than 500, fenced	\$400.00
More than 500, unfenced	\$500.00

The city will provide a traffic control plan. Applicants may choose to obtain a traffic control design by separate consultant agreement with a licensed professional engineer.

For events with less than five hundred (500) participants, a fee of fifty dollars (\$50.00) will be assessed for three (3) sets of traffic control plan prints. An additional fee of fifty dollars (\$50.00) will be charged for any changes to the approved traffic control plan.

For events with more than five hundred (500) participants, a fee of two hundred dollars (\$200.00) will be assessed for three (3) sets of traffic control plan prints. An additional fee of one hundred dollars (\$100.00) will be charged for any changes to the approved traffic control plan.

A review fee of one hundred dollars (\$100.00) will be charged for the required review of traffic control plans submitted by an applicant's consultant engineer.

(d) *Non revenue-generating parades, marches, walks [and] demonstrations.* No application fee is required for all non-revenue-generating parades, marches, walks, and demonstrations organized solely to express the participants' right of free speech, at which no admission is charged and no items are sold, and where no traffic control plan is required.

(e) *Revenue-generating parades, walks, sporting events.* A permit fee is required for all revenue-generating parades, walks, sporting events, and any other events, which shall be treated as large/special events, permits may be issued by the traffic engineer. A permit application fee is required for such events based on the following sliding scale:

Approximate number of participants	Fee
0—99	\$ 50.00
100—199	\$100.00
200—299	\$150.00
300—499	\$250.00
500—699	\$350.00
More than 700	\$400.00

~~The city will provide a traffic control plan when necessary. Applicants may choose to obtain a traffic control design by separate consultant agreement with a licensed professional engineer.~~

~~A traffic control plan fee of two hundred dollars (\$200.00) will be required for events for which no previous routes have been established or the applicants have declined an existing pre-approved route.~~

~~An additional fee of one hundred dollars (\$100.00) will be charged for any changes to the approved traffic control plan.~~

~~A review fee of one hundred dollars (\$100.00) will be charged for the required review of traffic control plans submitted by an applicant's consultant engineer.~~

~~For large/special events, parades, walks, marches, and sporting events. Traffic control set up requirements shall be as directed by the traffic control plan.~~

~~In addition to a temporary street closure permit issued under this section, a person seeking issuance of a parade permit shall file an application with the chief of police in accordance with the Corpus Christi Parade Ordinance, Article VII, Chapter 53 of this Code.~~

~~For all events, no refunds shall be given for a cancelled event.~~

2) Parks and Recreation Department Cost –Parks and Recreation Department will assess fees required by the Corpus Christi Code for use of City property related to a parade, march, or street event. When park maintenance service is necessary and provided by the City, the permittee shall be responsible for reimbursing the City for the cost of providing park personnel. The cost for City park personnel shall be the actual cost for the services provided. Actual cost shall include salary, overtime (when applicable), benefits, and any vehicle usage cost. There is a minimum two-hour cost per park personnel.

3) Police Department Cost - When the presence of police officers is necessary for a parade, march, or street event, the permittee shall be responsible for reimbursing the City for the cost of providing police personnel. The cost for City police personnel shall include salary and any vehicle usage cost. Salary will be computed using the average overtime rate for a senior officer. There is a minimum three-hour cost per officer.

The objective standards used to determine the number of police officers shall be as follows: General traffic conditions in the area requested, both vehicular and pedestrian; Route to be taken if the event is a parade or other moving event; Duration of the Street event; Whether all or any portion of a roadway will be closed; The estimated number of people who will attend; Uses adjacent to the event such as residential or commercial areas; Time and date of event; Alcoholic beverages available for consumption at the event; Fireworks at the event; Wild or undomesticated animals at the event; Need for safety zones (fireworks launch area, balloon/helicopter launch or landing area, etc.).

In no event will content of the event or the potential or anticipated reaction to the content by others be considered as factors in the number of police officers needed. All reasonable alternative routes, times and locations will be considered so as to offer the applicant the option that will provide the economical costs consistent with the general public health, safety and welfare.

4) Fire Department Cost - When the presence of fire fighters or EMS personnel is necessary for a parade, march, or street event, the permittee shall be responsible for reimbursing the City for the cost of providing fire/EMS personnel. The cost for City fire/EMS personnel shall be the actual cost for the services provided. Actual cost shall include salary, overtime (when applicable), benefits, and any vehicle usage cost. There is a minimum three-hour cost per fire/EMS personnel.

5) Solid Waste Department Cost - Trash maintenance service must be provided by the permittee during and immediately following the parade, march, or street event. When trash maintenance service is necessary and provided by the City, the permittee shall be responsible for reimbursing the City for the cost of providing solid waste personnel. The cost for City solid waste personnel shall be the actual cost for the services provided. Actual cost shall include salary, overtime (when applicable), benefits, and any vehicle usage cost. There is a minimum two-hour cost per solid waste personnel.

Section 53-206. CITY SUPPORTED EVENTS

(a) City Supported Events do not require a deposit under this Chapter. The cost and fees assessed under this Chapter may be reduced for City Supported Events. Applications for City Supported Events must be submitted at least 180 days prior to the proposed parade, march, or street event. Untimely permit applications may be accepted upon the City Manager finding good cause for late submittal.

(b) Cost and fees for City Supported Events will be established contractually by the City with the City Supported Event Sponsor.

(c) For consideration for classification as a City Supported Event, the Parade, March, or Street Event must:

1. draw a crowd of approximately 10,000 people;
2. draw visitors from outside the region resulting in hotel occupancy tax gains;
3. be coordinated by a non-profit organization where the majority of funds raised during the event are retained/spent locally;
4. have free attendance to the public;
5. have community wide appeal and access; and
6. be of cultural, educational, health, or historical significance.

(d) Events meeting the requirements in subsection (c) shall be presented to City Council for determination. City Council shall grant or deny City Supported Event designation. If a designation is granted, the City Council reserves the right to remove the City Supported Event designation at any time in the future.

Section 53-207. COST EXEMPT EVENTS.

(a) Spontaneous Demonstration shall be exempt from cost and fees.

(b) Non-revenue-generating parades that do not require a traffic control plan shall be exempt from Parade, March, and Street Event Permit cost and fees. The insurance requirements and save harmless agreement are applicable to all non-revenue-generating parades that are exempt from cost and fees.

Sec. 49-16. - Issuance of permits; classification of events; required fees.

* * * *

~~(d) Non revenue-generating parades, marches, walks [and] demonstrations. No application fee is required for all non-revenue-generating parades, marches, walks, and demonstrations organized solely to express the participants' right of free speech, at which no admission is charged and no items are sold, and where no traffic control plan is required.~~

~~* * * *~~

Section 53-208. MOTION PICTURE EVENT

The City Manager may authorize temporary closure of a street for producing a historical, cultural, documentary, promotional, or other similar motion picture, or for conducting a comparable event, which will promote the City. In addition to the application fee required for a Parade, March, and Street Event Permit, before the permit is issued, the sponsor shall pay the same occupancy charges that would be required by section 53-195 for a contractor occupying public right-of-way during erection, construction or repair of a building. If the City Manager finds that producing the motion picture or conducting the event in the City will provide sufficient favorable publicity and economic benefits to justify waiver, the City Manager may waive the payment of said occupancy charges and Parade, March, and Street Event Permit cost and fees.

Sec. 49-17. - Conditions and requirements for permit.

* * * *

~~(f)The city council by motion may authorize temporary closure of a street for producing a historical, cultural, documentary, promotional, or other similar motion picture, or for conducting a comparable event, which will promote the city. In addition to the application fee required by section 49-16, before the permit is issued the sponsor shall pay the same occupancy charges that would be required by section 53-195 for a contractor occupying public right-of-way during erection, construction or repair of a building. If the city council finds that producing the motion picture or conducting the event in the city will provide sufficient favorable publicity and economic benefits to justify waiver, the council may waive the payment of said occupancy charges and may waive the requirements of subsections (a) and (b) above.~~

~~* * * *~~

Section 53-209. PERFORMANCE DEPOSIT REQUIRED.

A performance deposit of 20% of the parade, march, or street event cost estimate shall be

remitted to the city before the Parade, March, and Street Event Permit is issued. Cost in excess of the performance deposit shall be billed after the parade, march, or street event. Payment of cost in excess of the performance deposit will be due 30 days after billing. A performance deposit will be refunded if the parade, march, or street event does not occur.

Section 53-210. INSURANCE REQUIRED.

Permittee is required to obtain and present evidence of comprehensive liability insurance naming the City as an additional insured and a waiver subrogation on all applicable policies. The insurance requirement for small events is commercial general liability coverage of \$500,000 per occurrence. The insurance requirement for large events is commercial general liability coverage of \$1,000,000 per occurrence. Permittee shall not hold an event until all required insurance has been obtained and approved by the City. Permittee must furnish to the City two (2) copies of Certificates of Insurance with applicable policy endorsements, showing the minimum coverage by insurance company(s) acceptable to the City's Risk Manager within thirty (30) days prior to the Parade, March, and Street Event.

Sec. 49-17. - Conditions and requirements for permit.

* * * *

(c) Insurance policies naming the city as an additional insured shall be obtained with minimum coverage for small events of five hundred thousand dollars (\$500,000.00)/five hundred thousand dollars (\$500,000.00)/one hundred thousand dollars (\$100,000.00) and for large events of five hundred thousand dollars (\$500,000.00)/one million dollars (\$1,000,000.00)/one hundred thousand dollars (\$100,000.00). Certificates evidencing the required coverage shall be supplied the city at least five (5) days prior to the event.

* * * *

Section 53-211. SAVE HARMLESS AGREEMENT.

Permittee is required to provide a save harmless agreement in which permittee agrees to defend, pay and save harmless the City, its officers and employees, from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the Parade, March, or Street Event; excepting any claims arising solely out of the negligent acts of the City, its officers and employees.

Sec. 49-17. - Conditions and requirements for permit.

* * * *

(d) The sponsor shall agree to indemnify and forever save harmless the city from any claims arising from the event.

* * * *

Section 53-212. LIMITATION OF LIABILITY.

This chapter shall not be construed as imposing upon the City or its officials or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which permits has been issued. The City and its officials and employees shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of the right-of-way.

Section 53-213. PARADE, MARCH, AND STREET EVENT REQUIREMENTS.

Permittees must ensure the parade, march, or street event meets the following conditions and requirements. The City shall provide permittee list of all requirements based on the type and size of the parade, march, or street event.

(1) Temporary traffic control devices, meeting Texas Manual on Uniform Traffic Control Devices (TMUTCD), shall be obtained by the permittee and installed in accordance with a traffic control plan approved by the City Traffic Engineer.

Sec. 49-17. – Conditions and requirements for permit.

~~Prior to the temporary closure of any street, the sponsor must agree to comply with the conditions and requirements for such temporary closure imposed by the city including, but not limited to, the following:~~

~~(a) All events shall be open to the public and admission shall be free.~~

~~(b) All profits derived from the event shall be used for charitable purposes. (e) Sufficient barricades shall be obtained by the sponsor and placed in accordance with a plan approved by the traffic engineer.~~

~~* * * *~~

~~(g) (2) Adequate restroom facilities must be provided to accommodate the needs of the public.~~

~~(h) (3) All other permits required by the state or any other public authority must be obtained by the ~~sponsor~~ permittee at least two (2) weeks prior to the event.~~

~~(i) All security shall be provided by the sponsor.~~

~~(j) (4) Any construction of booths, stages, displays, electrical services and plumbing shall comply with the relevant City Codes and shall be in accordance with the layout approved in the permit.~~

~~(k) (5) A sufficient supply of potable water shall be supplied within the event site.~~

~~(l) (6) Adequate first aid stations shall be provided by the ~~sponsor~~ permittee.~~

~~(m) (7) The ~~sponsor~~ permittee shall provide continuous cleaning of the site during the event and at the conclusion of the event restore the site to the same condition it was in prior to the event. Adequate trash receptacles must be provided to accommodate the needs of the public. Any damaged public property shall be restored by the ~~sponsor~~ permittee upon conclusion of the event.~~

~~(n) (8) Vehicles shall be prohibited from parking on grass areas within the street right-of-way.~~

~~(o) No paint or other markings shall be permitted which in any way obliterate or deface any pavement markings.~~

~~(p) (9) Provision shall be made for the free passage of emergency vehicles into the event area~~

in case of emergency.

~~(g) City council may authorize a regularly schedule event such as Bayfest or Buccaneer Days to charge an admission fee.~~

~~* * * *~~

~~In addition to the foregoing conditions and requirements, the city may require such other conditions or requirements as are reasonably necessary to fit the particular needs of the event in order to ensure the public safety and protect public property.~~

(10) The Parade, March, and Street Event Director shall be onsite during the pre-event, the Parade, March, or Street Event and the post-event activities.

~~Sec. 53-214. - Duties of permittee.~~

~~(a) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman or person leading the parade shall be conspicuously identified by arm bands.~~

~~(b) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the pre-parade, parade and post-parade activities.~~

Section 53-214. NOTIFICATION REQUIREMENTS.

(a) Prior to issuance of a Parade, March, and Street Event Permit for neighborhood events, applicant shall provide a petition, as furnished by the city, containing the signatures of seventy-five (75) percent of adult residents of the street to be closed indicating their consent to the proposed street closure. The petition is due within thirty (30) days prior to the Parade, March, and Street Event.

~~Sec. 49-16. - Issuance of permits; classification of events; required fees.~~

~~* * * *~~

~~(a) * * * * Neighborhood events require the participation of one hundred (100) percent of all persons residing along the street to be closed. Neighborhood event permits require the use of traffic control devices.* * * *~~

(b) Prior to issuance of a Parade, March, and Street Event Permit for Street Events other than neighborhood events, applicant shall, at applicant's expense, notify all registered neighborhood associations, religious institutions, schools and owners of property, as shown on the current tax roll, along all block faces of the proposed street closure. Notification must be made within thirty (30) days prior to the Parade, March, and Street Event.

(c) Parade, March, and Street Events other than neighborhood events, that have occurred on a yearly basis for the last five (5) years may provide notification by publication in lieu of notify all registered neighborhood associations, religious institutions, schools and owners of property, as shown on the current tax roll, along all block faces of the proposed street closure.

~~Sec. 49-17. - Conditions and requirements for permit.~~

~~* * * *~~

~~(f)(1) Notice required under this section must be furnished and posted at least two (2) weeks prior to the required city council meeting at which the motion to approve the permit will be considered.~~

~~(2) Standard form of approved written notice required. The applicant/sponsor must give written notice by using the standard approved form supplied by the traffic engineer.~~

~~(3) Required recipients of written notice.~~

~~a. The applicant or sponsor must furnish approved written notice of the proposed temporary street closure as follows:~~

~~1. To all tenants occupying a tenant space of property abutting that portion of the street to be closed to vehicular traffic; and, in addition,~~

~~2. To all building managers and property managers of all multi-tenant properties abutting that portion of the street to be closed to vehicular traffic.~~

~~3. If the property abutting that portion of the street to be closed to vehicular traffic is vacant, approved written notice may be mailed to the property owner's last known address according to the of the Nueces County Tax Appraisal District's records.~~

~~b. Proof of delivery. As part of the permit application process, the applicant must show the traffic engineer proof of having furnished the written notice required under this chapter.~~

~~c. Hand delivery. Proof of each hand delivery may be shown by providing the signature of the recipient, along with the recipient's name, address, and contact information.~~

~~d. Certified mail. If written notice cannot be made by hand delivery, proof may be shown by the receipt of certified mail delivery.~~

~~(4) Posting of approved written notice required. The applicant or sponsor must post the approved written notice on the inside of entrances to multi-tenant buildings of properties abutting that portion of the street to be closed to vehicular traffic.~~

~~(5) At least two (2) weeks' notice of public meeting required. The applicant or sponsor's approved written notice of the proposed temporary street closure shall include notice of the date, time, and location of the city council meeting at which approval of the permit is scheduled.~~

~~* * * *~~

Section 53-215. SANITATION AND CLEAN-UP.

A Parade, March, and Street Event Permit may be issued only after adequate waste disposal facilities have been identified and obtained by permittee. Permittee may be required to utilize City signage addressing litter and recycling. Such signage must be returned to the City at the end of the event. Permittee will clean the right-of-way of rubbish and debris, returning it to its pre-event condition, within 24 hours of the conclusion of the parade, march, or street event. If the permittee fails to clean up such refuse, such clean up shall be arranged by the City and the

costs charged to permittee.

Section 53-216. REVOCATION OF PARADE, MARCH, AND STREET EVENT PERMIT.

All permits issued pursuant to this chapter shall be temporary and do not vest any permanent rights. Reasons for revocation of a Parade, March, and Street Event Permit include application contained incomplete or false information; applicant does not comply with all terms and conditions of permit; applicant fails to arrange for or adequately remit all fees, deposits, or insurance to the City; or a disaster, public calamity, riot or other emergency exists. All fees, performance deposit and proof of insurance shall be submitted to the City thirty (30) days prior to the parade, march, or street event. Failure to submit all required fees, performance deposit and proof of insurance is cause for revocation. Revocation of a Parade, March, and Street Event Permit may be appealed by the same process as an appeal which results from denial of a permit.

Sec. 53-207. -- Revocation of permit.

~~After issuance of a permit by the chief of police or by the council, as the case may be, it may be revoked by the chief of police or by the council, regardless of the issuer of the permit, except that a chief's revocation may be countermanded by the city council in any event. A permit may be revoked under the following circumstances:~~

~~(1)The occurrence of a preemptive public emergency affecting materially the parade activity and/or route, including pre-parade and post-parade activity;~~

~~(2)The violation by persons in the pre-parade, parade or post-parade activities of any law of the state or ordinance of the city or the commission by any person therein of a breach of the peace;~~

~~(3)The violation of the express terms or conditions of the parade permit;~~

~~(4)Any false and material statement or representation on the application.~~

~~Notice of revocation will be given by the chief of police or his duly authorized agent or by a duly authorized representative of the city council and, if the exigencies of the situation permit, in writing, delivered to any known member or officer of the sponsor, and, if none be available on the scene, to any person apparently in a leadership position as would be believed by a man of ordinary prudence viewing the facts and circumstances, at the moment in the parade situation.~~

Section 53-217. APPEAL PROCEDURE.

Any applicant whose Parade, March, and Street Event Permit application has been denied or revoked may request a review of this decision by the City Manager. This request must be in writing and received by the City Manager within five business days of the notice of permit

denial or revocation. The City Manager or designee shall set a hearing date within 15 days of receiving such appeal request. At such hearing, the applicant is entitled to be heard and present evidence in their behalf. The City Manager or designee shall determine whether the denial or revocation of the permit is justified.

Sec. 53-208. - Appeals from revocation of permit.

~~Appeal of revocation, if during the parade process, shall be made to the duly authorized city agent on the scene. He shall, forthwith, either rescind the revocation, if the chief of police or council, as the case may be, has authorized him to do so, or reaffirm it.~~

~~If the on-scene appeal is rejected by such city agent, a further appeal may then be made within not more than three (3) hours to the city manager, who shall follow the same process as the on-scene representative. Finally, if the appellant for the applicant-permittee be dissatisfied, he may file a written appeal of the revocation with the city secretary in the procedure and manner set forth for appeal from initial permit denial by the chief of police and this appeal shall be noticed, docketed, processed, heard and disposed of in the like manner.~~

Section 53-~~218~~ 215. PUBLIC CONDUCT DURING PARADES, MARCHES, AND STREET EVENTS

(1) Interference. No person shall unreasonably hamper, obstruct, impede, or interfere with any parade, march, or street event assembly, disassembly, or with any person, vehicle or animal participating or used in a parade, march, or street event.

(2) Driving through parades, marches, or street events. No driver of a vehicle shall drive between the vehicles, persons or animals comprising a parade, march, or street event when such vehicles, persons or animals are in motion and are conspicuously designated as a parade, march, or street event, unless directed by a peace officer.

(3) Parking on parade, march, or street event route. The Police Department shall have the authority under both this article and other ordinances of the City regulating parking, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or road or part thereof constituting a part of the route of a parade, march, or street event. The police department shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(4) Prohibited items. The City may prohibit parade, march, or street event participants from having items, such as squirt guns or silly string, that could lead to crowd control issues or jeopardize public safety. The City will notify parade, march, and street event applicants of prohibited items.

Sec. 53-216. - Restraining order.

~~Where imminent breach of the public peace is threatened or in progress by pre-parade, parade or post-parade activities so as to substantially imperil the health, safety, morals or welfare of the inhabitants of the city, the city attorney may be empowered, upon instruction by the city manager or the city council, to petition any court of competent jurisdiction for an ex parte~~

~~restraining order or other extraordinary remedy to avert or halt such threat or breach of the peace.~~

Section 53-~~219~~ 217 PENALTY

Each person violating any provision of this article shall, upon conviction, be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) ~~the limit provided in section 1-6.~~

Section 53-~~220~~ 218—53-249. RESERVED.

Provisions not previously addressed that are repealed by ordinance

SECTION 3. This ordinance takes effect after official publication.

SECTION 4. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 5. Penalties are as provided in Section 1-6 of the Code of Ordinances.

SECTION 6. Publication shall be made one time in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, _____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, _____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

PASSED AND APPROVED, this the _____th day of _____, _____.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor