

## **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 "Temporary Closure of Streets" of the Code of the City of Corpus Christi is hereby repealed.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**

#### **Section 53-200. 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.

“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.

### **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 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.

### **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.

**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.

**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:

Approximate number of participants	Fee
Less than 500	\$250
501 or greater	\$550

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.

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 un domesticated 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.

## **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.

**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.

**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.

**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.

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

- (3) All other permits required by the state or any other public authority must be obtained by the permittee at least two (2) weeks prior to the event.
- (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.
- (5) A sufficient supply of potable water shall be supplied within the event site.
- (6) Adequate first aid stations shall be provided by the permittee.
- (7) The 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 permittee upon conclusion of the event.
- (8) Vehicles shall be prohibited from parking on grass areas within the street right-of-way.
- (9) Provision shall be made for the free passage of emergency vehicles into the event area in case of emergency.
- (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.

#### **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.
- (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.

#### **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.

**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.

**Section 53-218. 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.

**Section 53-219 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).

**Section 53-220—53-249. RESERVED.**

**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