

RAPID CITY POLICE DEPARTMENT
MEMORANDUM

February 10, 2014

MEMO TO: Mayor Kooiker and City Council Members

FROM: Don Hedrick, Lieutenant

SUBJECT: Special Event and Parade Permits

In 2012 the Rapid City Police Department assisted the public with 81 Special Event Permits. Of these 81 permits, 17 were sent on to the City Council for review (these numbers do not include the re-occurring Summer Nights permits). Typically, events passed on for City Council review are forwarded based on the following criteria:

- They include free parking or the blocking of a parking lot.
- The event is high profile or could occur on the public right of way.
- Parades/Marches with over 70 floats or people in attendance (city ordinance 12.20.50 mandates City Council approval for these large parades).

The practice of submitting events for City Council approval is briefly mentioned in city ordinance 12.12.020. This ordinance states:

“...a special event would be an event that was authorized by issuance of a special event and/or parade permit approved by the City Council, a crazy days or other similar promotion organized by the Rapid City Downtown Association, or a special event being held at Main Street Square.”

Other than the “70 float rule” and brief definition mentioned above, city ordinance does not specifically require high profile events or events involving parking to go through City Council for approval (although it could possibly be considered a good practice at times).

The Chief of Police is left with discretion regarding the issuance of permits for special events. Rapid City ordinance 12.20.030 specifically outlines the Chief of Police is allowed to issue Event Permits and Parade Permits to events that are conducted within the guidelines of state law and city ordinance, allow for continuous and safe travel, do not require an unreasonable amount of City resources, etc. Similarly, the Chief of Police is also allowed to deny or revoke permits deviating from the standards

mentioned above. Currently, ordinance 12.20.070 allows for participants to appeal a permit denial through City Council.

A slight adjustment to city ordinance 12.12.020 would clarify the ability of the Chief of Police to approve Special Event Permits without City Council review. For example, the ordinance could be changed to read: "A special event would be an event that was authorized by issuance of a special event and/or parade permit approved by the Chief of Police." This could save time for the City Council as they would not have to approve repetitive, annual, or ongoing permits. Furthermore, if an event was considered "high profile" in nature, it could still be forwarded to the Council for final approval. The City Attorney's Office has been contacted in regards to this issue and available to make such adjustments to the city ordinance.

At this time the Rapid City Police Department does not have a mandated procedure in place to outline the process for event approval. A section could be added to the police department rules and procedures manual to specify when permit requests should be forwarded for City Council approval. For example, the policy could advise: "The Chief of Police (or designee) shall review all Special Event Permits and have the discretion to approve those are legal, allow for continuous and safe travel, do not require an unreasonable amount of City resources, events previously reviewed by City Council, etc." Additionally, language could be submitted clearly outlining instances when City Council should review a permit (high profile events, parking/large traffic issues, new events requiring an extensive amount of city resources, etc.).

The current city ordinances and police department rules and procedures relating to Special Events and Parades have been attached for further review.

12.12.020 Public rights-of-way—Unlawful obstructions—Exclusions.

A SPECIAL EVENT would be an event that was authorized by issuance of a special event and/or parade permit approved by the City Council, a crazy days or other similar promotion organized by the Rapid City Downtown Association, or a special event being held at Main Street Square. Under this exception, a business may use the sidewalk area immediately adjacent to its business for the purposes identified above so long as the display or merchandise does not unreasonably impair the free use of the sidewalk or otherwise pose a hazard to public safety. This exception applies 1 hour before the event begins and ends 1 hour after the event has ended. If in the opinion of law enforcement or the Fire Department, a business using this exception is impairing the use of the sidewalk or otherwise poses a hazard to public safety they may be required to cease or alter their activities so that the impairment is removed or the threat to public safety is abated.

12.20.010 Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

EVENT: Any assembly, block party, demonstration, rally, or gathering of a group of 10 or more persons, animals, vehicles, or a combination thereof, having a common purpose, design or goal, upon any public street, sidewalk, alley or other public thoroughfare, which assembly substantially inhibits the usual flow of pedestrians or vehicular travel or which occupies any public area, other than a parade.

PARADE: Any scheduled walk, demonstration, procession, march or motorcade consisting of persons, animals, vehicles, or a combination thereof having a common purpose, design, designation or goal, upon any public street, sidewalk, alley, or other public thoroughfare, which does not comply with normal and usual traffic regulations and controls.

12.20.020 Permit—Required—Application.

A. No person shall conduct, manage or participate in any parade or event unless a permit has been issued in accordance with this chapter. The provisions of this chapter shall not apply to or affect funeral processions.

B. A permit must be applied for in writing on a form obtained from the Police Department and shall be filed at least 15 days prior to the commencement of any parade or event. Late applications may be accepted at the discretion of the Police Chief or his or her designee under unusual circumstances beyond the control of the applicant. The application shall set forth the following information:

1. Name, address and telephone number of any individual, group, association, firm or corporation requesting the permit, and the applicable title or office of the person so applying;
2. The name, address and telephone number of the person(s) responsible for the organization, coordination and conduct of the proposed activity;
3. Time and date of commencement and termination of the proposed activity, and its nature and purpose;
4. The location, assembly area and/or route;
5. The anticipated maximum number of persons, vehicles, bands, floats and other units of persons, horses or other animals to participate; and
6. Such other reasonably relevant information as the Chief of Police may request for investigation of the application.

12.20.030 Permit—Issuance—Required findings.

A. Parade Permit. The Chief of Police or his or her designee shall issue a parade permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

1. The proposed activity will not substantially interrupt the safe and orderly movement of contiguous traffic;
2. The proposed activity will not require the diversion of so great a number of police officers of the city to properly police the activity and the areas contiguous thereto as to prevent normal police protection to the city;
3. The proposed activity 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 activity and other areas contiguous thereto;
4. Any concentration of persons, animals, units, floats or vehicles at assembly points of the proposed activity will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;
5. The proposed activity is scheduled to be held, or to move from its point of origin to its point of termination, expeditiously and without unreasonable delay;
6. Other similar scheduled activities for which permits have been issued will not conflict with the permit application; and
7. Adequacy of applicant supervision for the proposed activity.

B. Event Permit. The Chief of Police or his or her designee shall issue an event permit as provided for herein when, from a consideration of the application and from such other information as may be otherwise obtained, he or she finds that the criteria for a parade permit as listed in subsection

A. above are met and the applicant is a civic, fraternal, social, religious, educational, or other non-profit organization with a charitable purpose.

12.20.040 Exemption of event permittee from certain requirements.

Any person who participates in an event that has been issued an event permit pursuant to this chapter shall be exempt from § 9.08.020 of this code.

12.20.050 Permit—Issuance—Large parades.

For any parade which will contain any combination of more than 70 vehicles, floats, bands or other units composed of persons, horses or other animals, the applicant must obtain permission of the Common Council prior to issuance of a parade permit.

12.20.060 Permit—Contents.

The permits required by this chapter shall include all information in the application and shall be signed by the Chief of Police or his or her designee with a signed copy kept with the application on file in the office of the Chief of Police.

12.20.070 Permit—Denial—Appeal procedure.

Any person aggrieved shall have the right to file a written appeal of the denial of a permit to the Common Council not later than 7 days after notice of denial. The reason for the denial shall be provided in writing.

12.20.080 Deviation from permit.

No person organizing, conducting, coordinating or participating in any activity for which a permit has been granted under the provisions of this chapter shall deviate from or alter any of the terms or contents of the permit without the express permission of the Chief of Police or his or her designee.

12.20.090 Permit—Revocation.

Any permit issued under the provisions of this chapter may be revoked by the Chief of Police or his or her designee for the violation by the permittee of any applicable provisions of the permit, state law or city ordinance.

**Rapid City Police Department Rules and Procedure Manual Policy Number 524-03,
Section A: SPECIAL EVENT TRAFFIC CONTROL PLAN**

1. Special Events: A variety of public events may require special accommodations to be made for parking and traffic flow. These events include such things as festivals, parades, rallies, sporting events, and other events attracting an abnormally high number of people into a given area. When notified by the Civic Center that expected attendance at an event would exceed 5000 patrons, a traffic plan will generally be implemented.

a. Although the nature and extent of the traffic direction and control required by the Department will vary depending on the type of event, the supervisor or officer preparing for these events shall consider the following as is appropriate:

- (1) Ingress and egress of vehicles and pedestrians;
- (2) Provisions for parking;
- (3) Spectator control;
- (4) Public transportation;
- (5) Provisions for relief of employees assigned to fixed points for extended periods of time;
- (6) Provisions for the News Media;
- (7) Alternate routes for through traffic;
- (8) Temporary traffic controls and parking prohibitions; and
- (9) Emergency vehicle access.

b. The Special Operations Section shall, when advised of an upcoming special event, review the details of the event, and determine if any special traffic enforcement or control functions will be required. If any are deemed appropriate, it will be the Section's responsibility to plan and coordinate the requirements to ensure the appropriate police coverage.