

ORDINANCE NO. 5674

AN ORDINANCE TO REVISE THE PROCESS FOR OBTAINING PERMITS FOR USE OF PUBLIC STREETS BY AMENDING CHAPTER 12.28 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has adopted ordinances regulating parades and use of public streets; and

WHEREAS, the Common Council of the City of Rapid City desires to revise the process for obtaining permits; and

WHEREAS, the Common Council desires to exempt non-profit organizations organized for charitable purposes from certain provisions of the Rapid City Municipal Code; and

WHEREAS, the Common Council finds that it is in the best interests of the City to amend Chapter 12.28 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 12.28 of the Rapid City Municipal Code be and is amended to read as follows:

12.28.010 ~~Defined.~~ Definitions.

~~—Reference to the term **PARADE** herein shall be meant to include any and every form of procession, march, ceremony, show, exhibition, pageant, display or other similar activity held in or participated in upon any city street.~~

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 means any assembly, block party, demonstration, rally, or gathering of a group of ten 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 means 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.

12.28.020 ~~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 ~~should~~ shall be filed, if possible, at least thirty (30) ~~7~~ days prior to the commencement of any parade or event, as that term is used herein, except that oral application shall ~~Late applications may be acceptable~~ accepted at the discretion of the Police Chief or his or her designee under unusual circumstances beyond the control of the application applicant. The application shall ~~setting~~ set forth the following information:

~~A.~~ 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;

~~B.~~ 2. The name, address and telephone number of the person(s) responsible for the organization, coordination and conduct of the proposed activity;

~~C.~~ 3. Time and date of commencement and termination of the proposed activity, and its nature and purpose;

~~D.~~ 4. The location, assembly area and/or route;

~~E.~~ 5. The anticipated maximum number of persons, vehicles, bands, floats and other units of persons, horses or other animals to participate; and

~~F.~~ 6. Such other reasonably relevant information as the Chief of Police may request for investigation of the application.

12.28.030 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:

~~A.~~ 1. The proposed activity will not substantially interrupt the safe and orderly movement of contiguous traffic;

~~B.~~ 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;

~~C.~~ 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;

D. 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;

E. 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;

F. 6. Other similar scheduled activities for which permits have been issued will not conflict with the permit application; and

G. 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.

12.28.035 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 Section 9.08.020 of this code.

12.28.040 Permit-Issuance—Large parades.

For any parade which will contain any combination of more than seventy 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 ~~an activity~~ a parade permit.

12.28.050 Permit—Contents.

The ~~permit~~ 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.

12.28.060 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 within not later than 7 days after notice of denial. The reason for the denial shall be provided in writing. ~~The Common Council shall hear and determine an appeal within 7 days after its filing.~~

12.28.070 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.

12.28.080 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.

12.28.090 Throwing items from vehicles prohibited.

No person participating in a parade or event shall throw or scatter candy, balloons, pamphlets or any other items from any vehicle, float or other unit onto the street or sidewalk. The items may be distributed by walking persons.

12.28.100 Use of sirens by emergency vehicles participating in parade.

Emergency vehicles participating in any parade or event shall not sound sirens except when and if any emergency should arise and the vehicle must clear the area.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: