

PARADES AND SPECIAL EVENTS

Section 1. Applicability; short title.

The terms of this article shall apply to parades and special events, as indicated hereinafter. The short title of this article shall be the Parades and Special Events Ordinance.

Section 2. Definitions.

As used in this article, the following definitions apply:

Parade means any parade, march, race, or procession upon any street, excluding:

- (1) Funeral processions;
- (2) 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; and
- (3) Governmental agencies acting within the scope of their functions.

Permit means a permit for a Parade or Special Event.

Special event means any activity held on Town property which is expected to draw a crowd in excess of fifty (50) people or which involves the sale of food, alcohol, or merchandise, or which involves the erection or placement of a stand, tent, platform, or other structure. Activities organized by the Economic Development Commission are excluded from this definition.

Commented [LPZ1]: Can you give some examples of what kinds of activities this would include?

Section 3. Permit required.

No person shall organize, hold, or start a parade or special event without a permit. A violation of this provision shall constitute a municipal infraction, punishable by a fine of five hundred dollars (\$500.00). Each day a violation occurs shall constitute a separate offense.

Section 4. Compliance with laws and regulations.

A permit applicant shall be responsible for ensuring that the parade or special event is conducted in compliance with all permit requirements and conditions and with all applicable laws, ordinances, rules, and regulations. The applicant shall also be responsible for securing any permits which may be required by other governmental agencies for the conduct of the parade or special event and the activities associated therewith.

Commented [LPZ2]: The Town's permit process would be separate from/in addition to the existing process, correct?

Section 5. Application.

- (a) A person desiring a parade/special event permit shall file an application with the Town Clerk on forms provided by such officer. Such application shall be filed not less than thirty (30) days before the date proposed for the Parade or Special Event.
- (b) The application for a permit shall include the following information:
 - (1) The name, address, telephone number, and e-mail address of the person organizing the Parade or Special Event and who will be responsible for its conduct;

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- (2) If the Parade or Special Event is proposed to be conducted for, on behalf of or by an organization, the name, address, telephone number, and e-mail address, as applicable, of the headquarters of the organization and the same information for the individual officer who will be responsible for its conduct;
 - (3) The date the Parade or Special Event will be conducted;
 - (4) As to a Parade, the route to be traveled, the starting point and the termination point, the location of any assembly area, and whether the Parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (5) As to a Special Event, the boundaries of the location where the special event will be held and a sketch showing the location of the stands, tents, platforms, and other structures that will be erected or placed on site;
 - (6) As applicable, the approximate number of persons and vehicles that are expected to be present and, as to vehicles, the number and types thereof;
 - (7) The hours the Parade or Special Event will start and terminate;
 - (8) The time at which the units/facilities of the Parade or Special Event will begin to be assembled and when their disassembly will be completed;
 - (9) Any additional information which the Town Clerk shall find reasonably necessary for the Town Manager to make a fair decision regarding whether a permit should be issued; and
 - (10) Whether a waiver of the insurance requirements set forth in Section 9 is being requested and, if so, a statement describing which of those requirements should be waived and the good cause which serves as the basis for the request.
- (c) For good cause shown and to the extent practicable, the Town Manager may waive the thirty-day requirement of subsection (a).

Section 6. Fees.

- (a) *Permit fee.* A nonrefundable permit fee of one hundred fifty dollars (\$150.00) shall be paid upon submission of a permit application.
- (b) *Payment of overtime/compensatory time.* Upon consultation with the police, fire, and street departments, the Town Manager shall estimate the overtime/compensatory time and other costs the Town is likely to incur as a result of the conduct of the Parade or Special Event and, unless waived by Town Council or Town Manger as provided for in subsection (d), those estimated costs shall be paid before a permit is issued. Unless the aforesaid waiver is granted, the permit applicant shall be liable for the actual costs of the Parade or Special Event which exceed the estimated costs and shall pay those costs within fifteen (15) days of the date of the submission of an invoice therefor.
- (c) *Exemptions from payment.* Upon proof of status, a registered not-for-profit organization shall be exempt from the requirements of subsection (b).
- (d) *Cost payment waivers.* The Town Manager shall have the authority to waive the requirements of subsection (b) upon consideration of the following criteria:
 - (1) The applicant's ability to pay the costs;
 - (2) Whether the event will be held if the applicant is required to pay the costs;
 - (3) The number of persons expected to be in attendance;
 - (4) Whether alcohol will be provided;

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- (5) The extent to which the event is disruptive to the normal flow of vehicular and pedestrian traffic on Town sidewalks, roads, and other rights of way;
 - (6) The extent to which residents' use of or access to Town-owned property is impeded; and
 - (7) The location, duration, time, and date of the parade or special event.

The Town Manager may not consider the expected content of the speech associated with the Parade or Special Event in determining whether a waiver should be granted.

Section 7. Standards for permit issuance.

A permit shall be issued when, upon consideration of the application and such information as may otherwise be obtained, and after consultation with the police, fire, and street departments, the Town Manager finds it is likely that:

- (a) The conduct of the Parade or Special Event will not substantially interrupt the safe and orderly movement of traffic contiguous to the Parade route or the location of the Special Event;
- (b) The set up for and conduct of the Parade or Special Event will not require the diversion of so great a number of police officers or fire department personnel as to impair the city's ability to provide adequate police and fire protection elsewhere in the Town;
- (c) The set up for and conduct of the Parade or Special Event will not require the diversion of so great a number of street department staff that they shall be precluded from performing their normally assigned duties;
- (d) The conduct of such Parade or Special Event will not interfere with the movement of firefighting and emergency medical services equipment in route to or from a fire or emergency; and
- (e) As to a Parade, it is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays.

Section 8. Permit conditions.

- (a) *Standard conditions.* All permits are subject to the following standard conditions with or without further notification:

- (1) Compliance with the insurance requirements set forth in this article is mandatory.
- (2) At events where the consumption of alcohol is permitted, no glass beverage containers shall be permitted unless approved by the Town Council.
- (3) The applicant shall indemnify and hold the Town harmless from any and all claims, actions, suits, procedures, costs, fines, expenses, **damages** and liabilities, including, but not limited to, attorneys' fees, court costs, and litigation expenses arising out of, as an incident to, or as a result of the conduct of the Parade or Special Event except for those caused by the grossly negligent or intentionally harmful acts of the Town's representatives or employees.
- (4) The applicant must comply with all Town, County, State, and federal laws, rules, regulations, and ordinances, including, but not limited to, those pertaining to the issuance of permits other than a Parade and Special Events permit. The issuance of a Parade and Special Events permit is not a substitute for or evidence of compliance with the foregoing.

- (b) *Optional conditions.* If deemed necessary because of the nature of a Parade or Special Event or because of a failure on the part of organizers to restore or clean up after the conduct of a previously conducted Parade or Special Event, the Town Manager may require the applicant to post a bond to cover the projected costs of restoration and cleanup.

Commented [LPZ3]:

Section 9. Insurance requirements.

The applicant shall be responsible for obtaining and maintaining comprehensive general public liability insurance covering personal injury and property damage in the amount of One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the aggregate and shall furnish the Town with a certificate of insurance evidencing the procurement of the coverage required hereunder and proof that the premium has been paid no later than ten (10) days prior to the date of the Parade or Special Event. Each policy shall provide that it shall not be subject to cancellation, material change, or non-renewal without at least fifteen (15) days' prior written notice to the Town. Each policy shall name "Mayor and City Council of Boonsboro" as an additional insured. The Town Manager may waive or modify these requirements on a case-by-case basis upon consideration of the following criteria:

- (1) The applicant's ability to pay the premium;
- (2) Whether the event will be held if the applicant is not granted a waiver or modification;
- (3) The extent to which the parade or special event is expected to expose the Town to liability beyond that which exists on a day-to-day basis;
- (4) Whether alcohol will be provided; and
- (5) Any other factors which relate solely to whether and how much insurance coverage should be required.

Section 10. Notice of denial.

If an application for a permit is denied, the Town Manager shall send written notice of the denial to the applicant by mail or e-mail no later than fourteen (14) days after the date of the filing of the application and the production of all of the information required by Section 5.

Section 11. Revocation.

The Town Manager may revoke a permit issued in accordance with this article for good cause shown, including, but not limited to, the applicant's failure to comply with the requirements of this article.