



# City of West Orange, Texas

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## PARADE PERMIT REQUIREMENTS

In order to obtain a permit to hold a parade within the city limits of the City of West Orange, an application must be completed and submitted to West Orange City Hall **NO LATER than TEN working days before** the planned date of the parade.

Proof of identification of the applicant (*person in charge of the event*) must be submitted along with the application. If assembling or dis-assembling on private property other than that belonging to the organization sponsoring the parade, written permission must be obtained from the property-owner allowing participants access to said property. This must also be turned in with application to City Hall.

All stipulations, rules and regulations as set forth in the City of West Orange Ordinance No. 327, which addresses parades, must be adhered to for the duration of the event. For informational purposes, this ordinance is attached.

ORDINANCE NO. 327

ADOPTING AN ORDINANCE PROHIBITING CERTAIN PROCESSIONS OR PARADES WITHOUT FIRST APPLYING FOR AND RECEIVING A PERMIT; PROVIDING A TIME PERIOD WITHIN WHICH A PARADE PERMIT APPLICATION MUST BE FILED WITH THE CITY SECRETARY; PROVIDING A PARADE PERMIT APPLICATION FEE; PROVIDING A PENALTY FOR VIOLATION HEREOF BY A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500); AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, the City Council of the City of West Orange desires to provide for the protection of the health, safety and welfare of its citizens and visitors to the city with regards to parades held on public streets and thoroughfares; and

WHEREAS, the following provisions are content neutral, time, place and manner regulations which further important governmental objectives, such as traffic safety, aesthetics and protection of neighborhood areas and businesses, yet ensure protection of constitutional rights of persons to engage in expressive activity in connection with parades; therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST ORANGE:

**Section 1. Definitions.**

"Parade" means any parade, march, demonstration, public assemblage, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, consisting of people, animals or vehicles, or combination thereof, upon any public street, sidewalk, alley, or other public property or thoroughfare in the city, which does not comply with normal and usual traffic regulations or controls. The term "Parade" shall not refer to temporary solicitations conducted by community organizations from time to time.

**Section 2. Permits.**

It shall be unlawful for any person to engage in, participate in, and, form, start, or conduct a parade in or upon any public street, sidewalk or alley in the city or knowingly participate in any such parade unless and until a permit to conduct such parade has been obtained from the City Secretary, or, as hereinafter provided, from the City Council.

**Section 3. Parade for commercial purpose prohibited.**

No permit shall be issued authorizing the conducting of a parade, which the City Secretary finds is proposed to be held for the sole purpose of advertising any product, goods, wares, merchandise, or event, and is designed to be held purely for private profit.

**Section 4. Unauthorized participation in parade.**

No person shall knowingly join or participate in any parade conducted under permit from the City Secretary in violation of any of the terms of said permit, nor knowingly join or participate in any permitted parade without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

**Section 5. Exceptions.**

This ordinance shall not apply to:

(a) Funeral processions supervised by a licensed mortuary proceeding by a reasonable route from a funeral home, church, or residence of a deceased to a memorial service or place of interment.

(b) Processions, convoys, marches or similar activities conducted by members of the armed forces of the United States or the State of Texas while acting in the regular course and scope of their duties.

(c) Motorcades escorted by members of the West Orange Police Department as a part of their assigned duties.

(d) Official functions of the City of West Orange.

(e) Official functions of the West Orange-Cove Consolidated School District.

## **Section 6. Application for permit.**

Any person who wants to conduct a parade shall apply to the City Secretary for a permit at least thirty (30) days but not more than one-hundred twenty (120) days in advance of the date of the proposed parade. The City Secretary may, where good cause is shown, consider any application for a permit to conduct a parade which is filed less than thirty (30) days prior to the date such parade is to be conducted. The application for such permit shall be made in writing on a form approved by the City Secretary with this information:

(a) The name, address, and phone number of the applicant, the sponsoring organization, and the parade chairman.

(b) If the parade is to be held for or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized responsible heads of such organization.

(c) If the parade is to be held by or for any person other than the applicant, the applicant shall file, in writing, from that other person showing authority to make the application.

(d) The purpose of the parade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, route to be traveled and the approximate time when the parade will assemble, start and terminate.

(e) A description of the individual floats, marching units, vehicles, bands, including a description of any sound amplification equipment to be used.

(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.

(g) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be used.

(h) The location, by street, of any assembly areas for such parade.

(i) The interval of space to be maintained between units of such parade, and the estimated time past a given point.

## **Section 7. Application Fee.**

There shall be no application fee.

## **Section 8. Standards for issuance: action on application.**

(a) A parade permit shall either be issued or denied within seven (7) business days after the application therefore being filed with the City Secretary.

(b) The City Secretary may, after consultation with the City Attorney, Chief of Police, Public Works Director and Fire Chief, approve an application for a parade permit subject to reasonable terms and conditions relating to the time, place or manner for conduct of the parade, including, but not limited to:

- (1) The establishment of an alternate time for conduct of the parade.
- (2) The establishment of an alternate route for conducting the parade.
- (3) Reasonable regulations regarding the width and length of the parade.

(c) Upon issuance of a parade permit, the City Secretary shall forward a true copy of same to the Fire Chief, Chief of Police and the office of the Public Works Director.

## **Section 9. Denial or revocation of permit.**

(a) It is the policy of the City of West Orange that the constitutional rights of citizens are paramount in determining the granting or denying of parade permits; the parade permit shall not be denied, revoked, modified, or curtailed because of content, subject matter or message delivered (or manner in which such message is delivered) to the extent that it amounts to a denial or infringement of political, freedom of speech, or other constitutional rights guaranteed citizens under the Texas and United States constitutions; therefore, with the foregoing policy of this city governing the City Secretary shall consider the following in denying, revoking, or modifying parade permits:

(1) If the information contained in the application for a parade permit is found to be false or incomplete in any material aspect; or

(2) If the public peace, health, safety, or welfare will be imminently and immediately endangered by the conduct of the parade; or

(3) If the permittee has conducted or is conducting a parade in violation of this section, or other applicable laws and ordinances affecting such activity; or

(4) If the permittee fails to obey any lawful order of the City Secretary, respecting the conduct of the parade, or any term or condition to which the approval of the parade permit is made subject; or,

(5) If the parade fails to commence within thirty (30) minutes of the appointed time for commencement; or the manner proposed will substantially disrupt the safe and orderly movement of traffic contiguous to the parade routes; or

(7) The parade will require diversion of so great a number of police officers that the provision of adequate police service to the remainder of the City will be rendered impossible; or

(8) If the concentration of persons, animals, and vehicles at points of assembly and disassembly is reasonably likely to interfere with the provisions of adequate fire, police, and other emergency services to other parts of the city; or

(9) If emergency conditions or other exigent circumstances then existing within the city require that the public streets remain open to the free and unencumbered transportation of emergency crews, equipment and materials.

(b) In the event of denial or revocation hereunder, the City Secretary shall provide, at the time of denial or revocation, such oral or written notice of denial or revocation that is feasible under the circumstances then existing and, in addition, within one day thereafter, shall provide written notice to the applicant setting forth the specific reasons forming the basis for denial or revocation. Such written notice shall be sufficient if same is made available to permittee at a designated place from 8:00 a.m. to 5:00 p.m. each day of the week and a copy is mailed to permittee at such address as, and only if, requested by permittee within one day of such action.

#### **Section 10. Contents of permit.**

In each permit the City Secretary may specify:

(a) The name of the applicant, the sponsoring organization, the parade chairman and the addresses and telephone numbers of each.

(b) If the parade is to be held for or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized heads of such organization.

(c) The purpose of the parade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, route to be traveled and the approximate time when the parade will assemble, start and terminate.

(d) A description of the individual floats, marching units, vehicles, bands, including a description of any sound amplification equipment to be used.

(e) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles.

(f) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be used.

(g) The location by streets of any assembly areas for such parade.

(h) The minimum and maximum speeds.

(i) The portions of streets to be traversed which may be occupied by such parade.

(j) The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such parade, and the estimated time past a given point.

(k) The maximum length of such parade in miles or fractions thereof.

(l) The number of persons required to monitor the parade.

(m) The number and type of vehicles, if any.

(n) The material and maximum size of any, sign, banner, placard or carrying device thereof.

(o) The materials used in the construction of floats used in any parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the Fire Chief.

(p) That permittee advise all participants in the parade or either orally or, by written notice, of the terms and conditions of the permit, prior to the commencement of such parade.

(q) That the amplification of sound permitted to be emitted from sound trucks, or bull horns, be fixed and not variable.

(r) That the parade continue to move at a fixed rate of speed and that any willful delay or willful stopping of said parade, except when reasonably required for the safe and orderly conduct of the parade, shall constitute a violation of the permit.

(s) That no weapons be allowed except by those representing an official branch of the United States Military and/or licensed peace officers.

All conditions of the permit shall be complied with so far as reasonably practicable.

#### **Section 11. Duties of Permittee.**

A permittee shall comply with all permit directions and conditions and with all applicable laws and ordinances.

#### **Section 12. Appeal procedure; final decision.**

(a) Any applicant may appeal the decision of the City Secretary to the City Council. Such appeal may be accomplished by requesting the City Secretary to place such appeal upon the Agenda of the next available regular council meeting. If circumstances prevent such appeal from being considered by the City Council, then such appeal shall be considered by the Public Works Director. The decision hereby rendered shall be final. If a decision is not rendered prior to three (3) full days before the commencement of the parade, such failure to act shall conclusively be presumed an approval of the decision of the City Secretary. The lack of a decision shall be conclusively presumed an approval of the decision of the City Secretary. In the absence of an appeal made in accordance with the procedures above described, the decision of the City Secretary shall be final.

(b) An appeal from the decision of the City Secretary shall include a copy of the application for a permit and a statement of the action complained of. It shall be delivered to the office of the City Secretary together with applicant's request for an appeal. Such appeal shall not be considered as requested or filed without such material.

#### **Section 13. Officials to be notified.**

Immediately upon the granting of a permit for a parade, the City Secretary shall send a copy thereof to the following:

- (a) The Mayor;
- (b) The Public Works Director;
- (c) The Chief of Police;
- (d) The Fire Chief

#### **Section 14. Action by City Attorney.**

In the event that any permit hereunder is denied by the City Secretary and City Council (or Public Works Director if City Council is unable to consider appeal), the City, acting by and through its City Attorney, or his designee, shall within seven (7) days following such denial, apply to either a United States Federal District Court, or to a State District Court, for a judicial determination as to whether the proposed parade described in the application, may be prohibited, naming the applicant as party defendant. The City Attorney shall exert every reasonable effort to have the case heard on its merits without delay. The burden of showing that the proposed parade may be prohibited shall rest on the City.

#### **Section 15. Public conduct during parades.**

(a) Interference. No person shall hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(b) Driving through parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) Parking on parade route. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(d) It shall be unlawful for any person to sell, possess or use a pressurized container of the substance commonly known as "liquid string", "silly string", or "super string" or any quantity of the small explosive devices commonly known as "snappers" or "popping match sticks", which are paper-wrapped wads of sand coated with a minute quantity of explosive power and adhesive, producing a small report upon impact with hard surfaces, in any public place or private property.

(e) Upon initiation of a parade, the City Secretary, or his/her designee, shall take over control of the movement of the parade. All bands or marching units shall be required to maintain a forward progress. Failure to observe these requirements shall constitute a violation of this ordinance and the City Secretary is empowered to remove this unit from the parade immediately.

**Section 16. Penalty clause.**

Any person who intentionally violates any of the provisions of this ordinance shall, upon conviction thereof, be fined in the sum of not less than One Dollars (\$1.00) nor more than Five Hundred Dollars (\$500.00).

**Section 17. Severability clause.**

If any paragraph, section, sentence, phrase or clause of this ordinance shall ever be held by a court of competent jurisdiction to be void or invalid, such invalidity shall in no wise affect the remaining portions of this ordinance, and to such end, each section, paragraph, sentence, phrase or clause of this ordinance is declared to be severable.

**Section 18. Repealer clause.**

All ordinances or parts of ordinances, in conflict with this ordinance are hereby repealed.

PASSED, APPROVED AND AUTHENTICATED this the 13<sup>th</sup> day of October, 2003.

  
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Roy McDonald, Mayor  
City of West Orange, Texas

ATTEST:

  
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Theresa Van Meter, City Secretary

APPROVED:

  
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Joe Alford, City Attorney

