

Chapter 12.16
PARADES

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12.16.010 Definitions.

- A. "City Personnel and Equipment Fee" is an amount of money that the City requires a parade permittee to pay to cover the reasonable costs associated with providing City personnel and equipment in connection with the parade activity.
- B. "City Sponsored Parade" is a parade that receives financial or promotional assistance from the City.
- C. "*De Minimus*" means that the City Personnel and Equipment Fee as defined above is expected to be \$350 or less.
- D. "Government Sponsored Parade" is a parade that receives financial or promotional assistance from a taxpayer-supported entity, to include, but not be limited to, school districts.
- E. "Parade" is any march, ceremony, show, exhibition, pageant, foot race, bike race, athletic or sporting event or procession of any kind, or any similar display, in or upon any street, park or other public place in the City so as to interfere with or have a tendency to interfere with the normal flow or regulation of traffic upon the street, park, or other public place.
- F. "Parade permit" is a permit as required by this Chapter.
- G. "Person" is defined in Section 1.04.010 (13).
(History: Ord. PAR-2842 §1, 2010; PAR-2077 §1, 97; PAR-408 §1, 66)

12.16.020 Permit required; Unlawful acts; Exceptions.

- A. It shall be unlawful for any person to stage, present or conduct any parade without first having obtained a permit as herein provided.
- B. It shall be unlawful for any person to participate in a parade for which the person knows a permit has not been granted.
- C. It shall be unlawful for any person in charge of, or responsible for the conduct of, a parade to knowingly fail to comply with any condition of the permit.
- D. This chapter shall not apply to:
 - 1. Funeral processions,
 - 2. A governmental agency acting within the scope of its functions.

(History: Ord. PAR-2077 §2, 97; PAR-408 §2, 66)

12.16.030 Parade Permit Application Procedure.

A person seeking issuance of a parade permit shall file an application with the City Clerk on forms provided by such officer.

- A. **Application Filing Period.** An application for a parade permit shall be filed with the City Clerk not less than seven days before the date on which it is proposed to conduct the parade.
- B. **Late Applications.** The Chief of Police, or his or her designee, shall consider applications that are received after the seven day filing period. The Chief of Police, or his or her designee, shall approve a late application if he or she finds that there is adequate time to review the application, there are City personnel and equipment available to support the parade activity, and the standards for permit issuance set forth in Section 12.16.040 are met. The speech content of the parade shall not be a consideration in whether or not approval of a late application is granted.
- C. **Approval/Disapproval of Application.** The Chief of Police, or his or her designee, shall be responsible for the processing and review of the application. The Chief of Police, or his or her designee, shall act upon the application for a parade permit within four business days after the filing thereof. The applicant will be notified by the City Clerk if the application has been approved or disapproved. If, due to the nature or scope of the parade, the application cannot be reviewed within four business days, the Chief of Police, or his or her designee, shall notify the applicant within four business days after the filing of the application that additional time is required. The length of any additional time necessary to consider the application shall be no greater than is reasonably necessary, considering the nature and scope of the parade. However, in no event shall the Chief of Police approve or disapprove an application less than forty-eight hours prior to the parade. If the Chief of Police, or his or her designee, disapproves the application, the City Clerk shall mail to the applicant, within five business days after the date on which the application was filed, a written notice of disapproval, which shall set forth the reasons for

disapproval of the permit and the applicant's right of appeal. The Chief of Police, or his or her designee, is empowered to consider alternative dates, times and locations presented by the applicant provided these alternatives meet the standards for issuance set forth in Section 12.16.040. No additional processing fee will be charged for consideration of alternative dates, times and locations, provided the alternatives are presented by the applicant contemporaneously with the notice of disapproval.

- D. Application Contents. The application for a parade permit shall set forth the following information:
1. The name, address and telephone number of the person or entity seeking to conduct such parade,
 2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization,
 3. The name, address and telephone number of the person who will be responsible for the conduct of the parade,
 4. The date when the parade is to be conducted,
 5. The route to be traveled, the starting point and the termination point,
 6. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles,
 7. The time when such parade will start and terminate,
 8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed,
 9. The location by streets of any assembly areas for such parade,
 10. The time at which units of the parade will begin to assemble at any such assembly area or areas,
 11. The interval of space to be maintained between units of such parade,
 12. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the City Clerk a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his or her behalf,

13. Any additional information which the Chief of Police, or his or her designee, shall find reasonably necessary under the standards for issuance as provided in O.P.M.C. 12.16.040,
14. A description of any sound amplification equipment to be used in connection with the parade and how the equipment is intended to be utilized, to include amplification levels.

(History: Ord. PAR-2302 §1, 2001; PAR-2128 §1, 98; PAR-2077 §3, 97; PAR-1160 §1, 82; PAR-1102 §1)

12.16.035 Fees.

- A. **Processing Fee.** At the time of filing of an application for a parade permit, there shall be paid a processing fee of \$50.00 for the administrative costs associated with processing the application.
- B. **City Personnel and Equipment Fee.** Except for City Sponsored Parades, Government Sponsored Parades and Parades where the City Personnel and Equipment Fee is *de minimus*, on and after the effective date of this ordinance, in addition to the processing fee, applicants for permits for parades shall pay upon issuance of the permit a City Personnel and Equipment Fee. The City personnel and equipment costs subject to recovery shall be established by Governing Body resolution, and adjusted annually thereafter by the City Manager or his or her designee. The determination of the number of City personnel and type of equipment required will be determined by the City Manager, or his or her designee, and will be based solely upon the size, location, duration, time and date of the event, the number of streets and intersections blocked and the amount of traffic to be re-routed, as this information impacts normal traffic on the public streets. The speech content of the parade activity shall not be a consideration in determining the City Personnel Fees.
- C. **Fee Reconsideration.** If any person or organization disagrees with the determination of the amount of the City Personnel and Equipment Fee, that person or organization may request reconsideration in accordance with the appeal procedures set forth in Section 12.16.060. This reconsideration procedure shall be exclusive means for fee reconsideration, and no elected or appointed official may otherwise waive or fail to assess processing fees and personnel and equipment fees.
- D. **Fee Refunds.** If the permittee is unable to hold or conduct the approved parade due to inclement weather or some other cause not within the permittee's control, the permittee may submit a written request for the refund of City Personnel and Equipment Fees to the City Clerk within ten days after the date on which the parade was to be held. The City Clerk shall reduce the City Personnel and Equipment Fee to ensure that the permittee is charged only for the actual costs of City personnel and equipment provided in support of the parade activity. The City Clerk shall refund any excess City Personnel and Equipment Fees paid, except for the \$50 processing fee.

(History: Ord. PAR-2842 §2, 2010; PAR-2302 §2, 2001; PAR-2077 §4, 97)

12.16.040 Standards for permit issuance.

The Chief of Police or his or her designee shall approve issuance of a permit as provided for under this chapter when, from a consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

- A. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- B. The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly police the parade line of movement and the areas contiguous thereto as to prevent normal police protection to the City.
- C. The conduct of such parade 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 proposed line of march and areas contiguous thereto;
- D. The concentration of persons, animals and vehicles at assembly points of the parade will not interfere with adequate fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- E. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;
- F. The conduct of the parade is not reasonably likely to cause injury to persons or property;
- G. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- H. The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit;
- I. The course and/or time of the proposed parade does not interfere with the parade of any other person or organization who currently holds or has applied for a parade permit.

Provided the speech content of the parade shall not be a consideration in reviewing the standards for permit issuance.

(History: Ord. PAR-2077 §5, 97; PAR-408 §4, 66)

12.16.050 Notice of rejection.

Repealed.

(History: Ord. PAR-2077 §6, 97; PAR-408 §5, 66)

12.16.060 Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a parade permit or the revocation of a parade permit by filing an immediate request for a hearing which shall be conducted by an Overland Park Municipal Court judge for purposes of this chapter. The hearing on appeal shall be scheduled and held by the municipal court no later than three business days after the notice of appeal is filed with the clerk of the court. The time of the hearing shall be set by the clerk of the municipal court. The sole issue for determination by the court shall be whether the decision of the Chief of Police, or his or her designee, was within the scope of his or her authority, supported by substantial evidence and not arbitrary and capricious. The Court shall make specific findings of fact and conclusions of law in each case. Pursuant to its role as administrative judge, the Court is empowered to hold hearings, subpoena witnesses, take the testimony of any person under oath and in connection therewith, to require the production of any evidence relating to any matter being heard. In the case of the refusal of any person to comply with any subpoena issued hereunder or to testify in any matter regarding which he or she may be lawfully questioned, the Court may order such person to comply with such subpoena and testify; and failure to obey the Court's order may be punished by the Court as contempt. The filing of a written appeal under this subsection shall not stay any fees assessed, denial of a parade permit or revocation of a parade permit by the Chief of Police or his or her designee.

(History: Ord. PAR-2302 §3, 2001; PAR-2077 §7, 97; PAR-408 §6, 66)

12.16.070 Alternative permit.

Repealed.

(History: Ord. PAR-2077 §8, 97; PAR-408 §7, 66)

12.16.080 Notice to City and other officials.

Immediately upon the issuance of a parade permit, the City Clerk shall send a copy thereof to the following:

- A. The Chief of Police
- B. The Mayor
- C. The City Manager
- D. The City Attorney
- E. The Director of Public Works
- F. The Fire Chief

(History: Ord. PAR-2077 §9, 97; PAR-408 §8, 66)

12.16.090 Contents of permit.

Each parade permit shall state the following information:

- A. Starting and approximate ending time;
- B. Date and location;
- C. Minimum speed;
- D. Maximum speed;
- E. Maximum interval of space to be maintained between the units of the parade;
- F. The portions of the streets to be traversed that may be occupied by the parade;

- G. The maximum length of the parade in miles or fractions thereof;
- H. Such other information as the Chief of Police, or his or her designee, shall find necessary to the enforcement of this chapter.

(History: Ord. PAR-2077 §10, 97; PAR-408 §9, 66)

12.16.100 Duties of permittee.

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

Possession of Permit. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

(History: Ord. PAR-408 §10, 66)

12.16.110 Public conduct during parades.

- A. Interference. No person shall unreasonably 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, street car or trackless trolley 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 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 is unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

(History: Ord. PAR-408 §11, 66)

12.16.120 Revocation of permit.

If, after issuance of the parade permit and before the date of the parade, there is a violation of any term, condition, restriction or limitation of such permit, the Chief of Police, or his or her designee, shall conduct a review or investigation to determine whether the violation can be remedied prior to the date of the parade. If the violation can be remedied, the parade will proceed as set forth in the permit. If the violation cannot be remedied prior to the date of the parade, the parade permit will be revoked. If the violation occurs during the conduct of the parade, the Chief of Police, or his or her designee, may revoke the permit and immediately terminate all parade activity if he or she determines that the public safety is jeopardized by the violation of parade permit standards. The Chief of Police, or his or her designee, also has the authority to revoke the parade permit and terminate the parade activity when a public emergency arises where police resources required for that emergency are so great that deployment of police services for the parade would have an immediate and adverse effect upon the welfare and safety of persons or property. Appeal of the permit revocation may be taken in accordance with the appeal procedures set forth in Section 12.16.060.

(History: Ord. PAR-2077 §11, 97; PAR-408 §12, 66)

12.16.130 Violation - Penalties.

Any person violating any of the provisions of this chapter is guilty of a public offense and upon conviction thereof shall be punished as provided in 1.12.010.

(History: Amended during codification in accordance with K.S.A.12-3015; Ord. PAR-408 §13, 66)

12.16.140 Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(History: Ord. POC-2077 §12, 97)

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