

Ordinance No. 6153

**AN ORDINANCE TO AMEND PROVISIONS CONCERNING PERMITTING
FOR PARADES AND SPECIAL EVENTS BY AMENDING CHAPTER 12.20
OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted provisions concerning special events and parades in Chapter 12.20 of the Rapid City Municipal Code; and

WHEREAS, over the past year the Rapid City Police Department, the Department of Parks and Recreation, and other City staff have been cooperating to clarify procedures for special event permits and to consolidate relevant information for citizens into a Special Event Handbook; and

WHEREAS, Chapter 12.20 provides that the Chief of Police or his/her designee shall allow special events and parades within City limits; and

WHEREAS, the City of Rapid City believes that the Department of Parks and Recreation is the appropriate body to issue special event permits within public parks; and

WHEREAS, currently there is no fee for parade or special event permits issued by the City; and

WHEREAS, to partially recoup City costs for these events, the City wishes to amend the ordinance to authorize permit fees for parades and special events held in parks; and

WHEREAS, the City wishes to codify the processes for staff to evaluate special event and parade permit applications, to clarify the bases for denial of a permit application, and to require insurance for parades and special events; and

WHEREAS, the City of Rapid City believes it to be in the best interest of the health, safety, and general welfare of its citizens to amend the provisions in Chapter 12.20 concerning parades and special events.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 12.20 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

CHAPTER 12.20: PARADES AND SPECIAL EVENTS

12.20.010 Definitions.

12.20.020 Permit—Required—Application.

12.20.030 Permit—Issuance—~~Required findings~~.

12.20.040 Exemption of event permittee from certain requirements.

~~12.20.050 Repealed.~~

12.20.060050 Permit—Contents.

12.20.070060 Permit—Denial—Appeal procedure.

12.20.080070 Deviation from permit.

12.20.090080 Permit—Revocation.

12.20.100 Repealed.

12.20.110090 Use of sirens by emergency vehicles participating in parade.

12.20.100 Insurance requirements.

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:

A. **SPECIAL EVENT.** Any planned assembly, block party, demonstration, rally, or gathering of a group of 1025 or more persons, animals, vehicles, or a combination thereof, in a public space that:

1. ~~Having~~ a common purpose, design or goal, ~~upon any public street, sidewalk, alley or other public thoroughfare, and~~

a. ~~Which assembly~~ substantially inhibits the usual flow of pedestrians or vehicular travel on public streets; or

b. ~~Which involves a temporary and exclusive use of a public space~~ occupies any public area, other than a parade; or

c. Involves a substantial deviation from the public space's current use.

2. Special events do not include the following:

a. Parades;

b. The use of public space by governmental agencies acting within the scope of their authority;

c. Funeral processions; or

d. Picnics or gatherings in reserved spaces within public parks which are reserved in advance through the Parks and Recreation Department.

B. **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 special event unless a permit has been issued in accordance with this ~~eChapter~~. If a permit is issued, no person shall conduct, manage or participate in any parade or special event which is in violation of the terms or conditions of the permit. ~~The provisions of this eChapter 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 of~~ Parks and Recreation and shall be filed at least ~~15~~90 days prior to the commencement of any parade or special event, unless an exception to the deadline is granted by the City or as provided in Section D. Late applications may be accepted at the discretion of the ~~Police Chief~~Director of Parks and Recreation 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;

4. A detailed narrative and timeline, and its nature and purpose of the parade or special event, including a description of all activities, schedule of events, and all other pertinent information;

5. The location, assembly area and/or route A detailed event site plan mapping the physical areas for the event;

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

7. Such other reasonably relevant information as the ~~Police Chief~~Director of Parks and Recreation or other City staff may request for investigation of the application.

C. The applicant shall submit nonrefundable permit fee(s) to be set by resolution of the Common Council with the application. Additional fees approved by resolution of the Common Council may also be required. If the Director of Parks and Recreation, the Chief of Police, or their designees determine that the event requires or utilizes City resources beyond what is reasonable for a parade or special event, staff may deny the permit or may charge applicant additional fees equivalent to the City's cost to provide the resources. Such fees may include City cost to provide barricades, police presence, sanitation, waste removal, picnic tables, etc. and may be billed before the permit is issued or after the parade or special event occurs.

D. Demonstrations as defined below may be issued a special event or parade permit, as applicable. The Director of Parks and Recreation or the Chief of Police or their designee may consider an application that is filed after the filing deadline if there is sufficient time to process

and investigate the permit application and to obtain City services for the event and if the circumstance that gave rise to the event application did not reasonably allow the applicant apply within the time prescribed in Section B. A demonstration under this Section is defined a parade or special event which involves a rally, picketing, speechmaking, march, vigil, religious service, or similar gathering that primarily involves the communication or expression of opinions, grievances, or personal views.

12.20.030 Permit—Issuance—Required findings.

A. **Special Event and Parade Permit Considerations.** The City officials reviewing all permit applications shall evaluate the following considerations in deciding on each application:

1. Whether the event promotes the community as a whole;
2. Whether the event provides positive civic and economic benefit;
3. The impact upon neighboring business and properties;
4. The frequency of closures of streets/public spaces for parades and special events;
5. Other events or activities that are permitted at the same time and/or location;
6. The applicant’s conduct and compliance in sponsoring prior events;
7. The health, safety, and public welfare of event participants and the impact of the event on the health, safety, and public welfare of all citizens;
8. If applicable, whether the applicant conformed to all permit requirements and the provisions in this Chapter in holding any previous parades or special events; and
9. The financial and practical ability of the applicant to conduct the proposed parade or special event in conformance with the provisions of the permit and this Chapter.

AB. Parade Permit.

1. The Chief of Police or his or her designee ~~shall~~ may issue a parade permit as provided for herein when, from ~~a~~ after evaluating consideration of the application, and from such other information as may otherwise be obtained, and the considerations in Section A. ~~he or she finds that~~
2. No parade permit shall be issued if:
 1. a. The proposed activity will ~~not~~ substantially interrupt the safe and orderly movement of contiguous traffic;

- 2. b. The proposed activity will ~~not~~ require the diversion of so great a number of police officers of the eCity to properly police the activity and the areas contiguous thereto as to prevent normal police protection to the eCity;
- 3. c. 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 eCity other than that to be occupied by the activity and other areas contiguous thereto;
- 4. d. 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. e. ~~There is reason to believe that t~~The proposed activity ~~is scheduled to be held, or to~~ not will not move from its point of origin to its point of termination, expeditiously and without unreasonable delay;
- 6. f. Other similar scheduled activities for which permits have been issued will ~~not~~ conflict with the activity proposed in the permit application; and
- 7. g. ~~Adequacy of a~~Applicant supervision for the proposed activity is inadequate, or volunteer/staff support for the parade is insufficient;-
 - h. The parade does not follow the standard parade route designated by the City, unless the City finds that a deviation from this route is substantially justified;
 - i. The parade will adversely affect adjacent or neighboring properties by causing excessive noise or creating a nuisance;
 - j. The parade will be conducted primarily for the purpose of private monetary gain or commercial advertisement; or
 - k. The parade will fail to comply in any respect with the provisions of this Chapter or any other applicable law.

BC. Special Event Permit.

- 1. ~~The Chief of Police~~Director of Parks and Recreation or his or her designee ~~shall~~may issue an special event permit as provided for herein when, from a ~~after evaluating consideration~~ of the application, ~~and from~~ such other information as may be otherwise obtained, and the considerations in Section A. ~~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.~~
- 2. No special event permit shall be issued if:

- a. The proposed activity will substantially interrupt the normal and customary use of the public space;
- b. The proposed activity will impose an unreasonable burden upon the Police Department, Fire Department, or ambulance service;
- c. The proposed activity is scheduled to be held at an inappropriate time and or in an inappropriate location;
- d. Other similar scheduled activities for which permits have been issued will conflict with the special event proposed in the permit application;
- e. Applicant supervision for the proposed activity is inadequate or insufficient volunteer/staff support for the proposed event is insufficient;
- f. The special event will cause unreasonable injury or damage to the public space requested;
- g. The event will involve such a number of persons or activities as will exceed the reasonable capacity of the public space requested;
- h. The special event will cause unreasonable adverse effects on adjacent or neighboring properties by causing excessive noise or creating a nuisance;
- i. The special event will be conducted primarily for the purpose of private monetary gain or commercial advertisement; or
- j. The special event will fail to comply in any respect with the provisions of this Chapter or any other applicable law.

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 eChapter shall be exempt from § 9.08.020 of this eCode. If a special event or parade permit is issued, the permit may explicitly exempt the special event or parade from provisions found in Section 9.08.020 that prohibit aggressive solicitation. Any such exemptions must include references to the specific code provisions that are implicated and must be explicit on the face of the permit.~~

~~12.20.050 Repealed.~~

~~12.20.060~~12.20.050 Permit—Contents.

A. The permits ~~required by~~ provided in this eChapter shall include all information in the application and shall be signed by the Chief of Police or Director of Parks and Recreation, as appropriate, or ~~his or her~~ their designees with a signed copy kept with the application on file in

the City office issuing the permit of the Chief of Police. The permit may include any terms or conditions necessary for the preservation of the public health, safety and welfare and for the protection of the public space to be utilized.

B. No permit shall be issued until the insurance required under this Chapter has been filed with the City.

C. Issuance of a permit shall not constitute City endorsement or sponsorship of the parade or special event. No permittee shall represent, advertise, promote or otherwise publish any claim of City endorsement or sponsorship of the parade or event unless the City authorizes such a claim by explicitly endorsing or sponsoring the parade or special event.

12.20.070060 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.

12.20.080070 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, conditions, or contents of the permit without the express permission of the ~~Chief of Police~~City official issuing the permit or his or her designee.

12.20.090080 Permit—Revocation.

Any permit issued under the provisions of this chapter may be revoked by the ~~Chief of Police~~City official issuing the permit or his or her designee in the following circumstances:

A. ~~for~~ The violation by the permittee of any applicable provisions, terms or conditions of the permit, or of state law or City ordinance;

B. The event is causing or expected to cause physical damage to persons or property;

C. The event is interfering or will interfere with fire or police protection, or an emergency arises making it impossible to assign necessary personnel to the special event needed to protect the public safety;

D. The event is creating or threatening to create a health hazard;

E. Information is obtained after the permit is issued from which the City may reasonably conclude that the permit should have been denied; or

F. The City finds that the insurance required by Section 12.20.090 has lapsed or has been cancelled.

~~12.20.100 Repealed.~~

12.20.110090 Use of sirens by emergency vehicles participating in parade.

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

12.20.100 Insurance requirements.

Special event and parade organizers shall provide adequate insurance coverage with designated limits as required by the City official issuing the permit. However, the City official issuing the permit may waive this requirement with the approval of the City Attorney's Office. The insurance policy shall name the City and its representatives as an additional insured.

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:
Second Reading:
Published:
Effective: