

**ORDINANCE 2013-3**

AN ORDINANCE AMENDING TITLE 16, CHAPTER 1, SECTION 110 OF THE MUNICIPAL CODE OF THE CITY OF BELLE MEADE TO REGULATE SPECIAL EVENT SIGNS USED IN CONNECTION WITH A PARADE.

WHEREAS, the Section 16-110 of the Municipal Code of the City of Belle Meade regulates the issuance of parade permits;

WHEREAS, Section 14-202(3)(c) of the Municipal Code of the City of Belle Meade prohibits the erection of structures and signs "solely for the advertising purposes;"

WHEREAS, the City of Belle Meade re-affirms the prohibition of commercial advertising within its city limits;

WHEREAS, Section 14-211 of the Municipal Code of the City of Belle Meade provides for the posting of "special event signs" by charitable non-profit organizations in connection with special events, including parades;

WHEREAS, the City of Belle Meade recognizes that the charitable non-profit activities fostered by Section 14-211 of the Municipal Code of the City of Belle Meade are furthered when such events are supported by contributions from third parties, and that such contributions may be honored through identification on special event signs;

WHEREAS, the City of Belle Meade has determined to amend Section 16-110 of the Municipal Code of the City of Belle Meade to clarify that the definition and use of special event signs when used in connection with a parade;

NOW THEREFORE, BE IT ORDAINED by the City of Belle Meade as follows:

Section 1. Chapter 1 of Title 16 of the Municipal Code for the City of Belle Meade, section 16-110, which currently reads as follows:

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group, to hold a parade in or upon any street, park, or public place of the City of Belle Meade, without first receiving a permit therefor from the board of commissioners under the terms and provisions of this section. The term "parade" shall include meeting, demonstration, exhibition, march, walk-a-thon, foot race, or procession.

(1) Purpose. (a) The City of Belle Meade recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.

(b) The city passes this section to regulate the time, place, and manner of parades.

(c) The city passes this section in the interest of all its citizens' public safety, health, welfare, comfort, and convenience.

(d) The City of Belle Meade has limited resources and passes this section so that it may properly allocate these resources among its citizens.

(e) The purpose of this section is to promote order, safety, and tranquility in the streets of the city.

(f) This section is passed to help minimize traffic interruptions, and disruptions of the peace and tranquility of residential neighborhoods, during parades.

(2) Permit. (a) No person shall parade unless a parade permit has been obtained from the board of commissioners. Any parade held without the proper permit shall be unlawful.

(b) This section shall not apply to funeral processions.

(3) Application. (a) Any person seeking issuance of a parade permit shall file an application with the city manager on forms provided by the city manager. The city manager shall place the request for a parade permit on the agenda of the next meeting of the board of commissioners for action by it in the normal course of business.

(b) The application for a parade permit shall be filed in writing with the city manager not less than thirty (30) days prior to the contemplated parade or less than five (5) days prior to any regularly scheduled meeting of the board of commissioners. No permit shall be granted earlier than one hundred eighty (180) days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and make a report to the board of commissioners.

(c) The application for a parade permit shall set forth the following information:

(i) The name, address, and telephone number of the person seeking to conduct a parade or of the organization and its responsible heads;

(ii) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(iii) The date when the parade is to be conducted;

(iv) The route to be traveled, the starting point, and the termination point;

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

(vi) The hours when the parade will begin and end;

(vii) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(viii) The location by streets of any assembly area(s);

(ix) The time at which units of the parade will begin to assemble at any assembly area(s);

(x) The interval of space to be maintained between units of the parade; and

(xi) If the parade is to be held on behalf of any person other than the applicant, the authorization of that person.

(xii) Whether the applicant has been convicted for the violation of the city parade ordinance of the City of Belle Meade.

(d) The board of commissioners shall decide whether to grant the application for a permit. The board of commissioners may consult with the chief of police in making their decision.

(e) The board of commissioners in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point, or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace, or order.

(4) Standards of issuance. (a) The board of commissioners shall issue a parade permit upon consideration of the application and other information obtained when they find that:

(i) The conduct of the parade will not unduly interrupt

the safe and orderly movement of other traffic contiguous to its route;

(ii) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire or ambulance services;

(iii) The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay;

(iv) The applicant has satisfied the bond or evidence of financial responsibility requirement; and

(v) No other permit has been granted for the same calendar quarter.

(b) A permit shall be granted to the first person properly applying under the requirements of this section.

(c) The times during which parades must be conducted, are as follows:

(i) Saturdays, Sundays, or legal holidays;

(ii) Of no more than three hours duration;

(iii) Between the hours of 8:00 A.M. and 5:00 P.M.

(d) Permittee shall be responsible for all clean up, and in advance of the parade shall post a \$500.00 bond or provide other evidence of financial responsibility to secure payment of expense of such clean up.

(e) The city manager shall notify the applicant within five (5) days after the action of the board of commissioners whether the permit has been granted or denied. If the permit has been denied, the city manager shall set forth the reasons why the board of commissioners denied the permit.

(f) In computing any period of time set out in this section, no Saturdays, Sundays, or holidays are to be computed in the time period.

(5) Contents of permit. Each parade permit shall state the following:

(a) Assembly and disassembly time and place;

(b) Starting time;

(c) The route and the portions of the streets to be traversed that may be occupied by the parade;

(d) Minimum speed;

(e) Maximum speed;

(f) Interval of space between parade units;

(g) The maximum length of the parade in miles or fractions thereof;

(h) Other information as the board of commissioners in cooperation with the chief of police shall find necessary to the enforcement of this section.

(6) Duties of permittee. (a) Permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and ordinances.

(b) The permittee shall advise parade participants of such permit requirements.

(c) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade.

(7) Revocation of permit. (a) The board of commissioners or their designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance has herein set forth if it is found that:

(i) Applicant materially misrepresented facts of information in the application; and/or

(ii) Applicant failed to meet the standards for issuance set forth herein.

(b) The board of commissioners or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if:

(i) A public emergency arises requiring such revocation to protect the safety of persons or property; or

(ii) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants, occurs.

(8) Severability. This section shall be severable, and if any word, clause, phrase, sentence, or paragraph is declared unconstitutional, the remaining portions shall remain in full force and effect.

(9) Violation and penalty. (a) It shall be unlawful for any person to parade without first having obtained a permit as required by this section.

(b) It shall be unlawful for any person to participate in a parade on the streets of Belle Meade for which a permit has not been granted.

(c) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

(d) Any person violating the provisions of any section of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00) for each violation.

(10) Notice to city officials. Immediately upon the issuance of a parade permit, the city manager shall send a copy of the permit to the following:

(a) The mayor.

(b) The city attorney.

(c) The chief of police.

Is hereby amended to insert a provision for liability insurance in Section 16-110 (5)(i) and provisions specific to "Special Event Signs" as defined in Section 14-211 of the Municipal Code of the City of Belle Meade, including the requirement in Section 16-110(3)(c)(v) that the applicant for a parade permit describe in its application the signage to be used in connection with the event, the addition of Section 16-110(6)(d) confirming the obligation of the parade permit holder to comply with the laws of the City of Belle Meade, including specifically those governing "Special Event Signs" used in connection with a parade as set forth in Section 14-211 and the addition of Section 16-110(7)(a)(iii) confirming that the parade permit may be revoked for violation of any provision of the Municipal Code of the City of Belle, such that Section 16-110 of the Municipal Code of the City of Belle Meade is amended to read as follows:

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group, to hold a parade in or upon any street, park, or public place of the City of Belle Meade, without first receiving a permit therefor from the board of commissioners under the terms and provisions of this section. The term "parade" shall include meeting, demonstration, exhibition, march, walk-a-thon, foot race, or procession.

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(c) The city passes this section in the interest of all its citizens' public safety, health, welfare, comfort, and convenience.

(d) The City of Belle Meade has limited resources and passes this section so that it may properly allocate these resources among its citizens.

(e) The purpose of this section is to promote order, safety, and tranquility in the streets of the city.

(f) This section is passed to help minimize traffic interruptions, and disruptions of the peace and tranquility of residential neighborhoods, during parades.

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(b) This section shall not apply to funeral processions.

(3) Application. (a) Any person seeking issuance of a parade permit shall file an application with the city manager on forms provided by the city manager. The city manager shall place the request for a parade permit on the agenda of the next meeting of the board of commissioners for action by it in the normal course of business.

(b) The application for a parade permit shall be filed in writing with the city manager not less than thirty (30) days prior to the contemplated parade or less than five (5) days prior to any regularly scheduled meeting of the board of commissioners. No permit shall be granted earlier than one hundred eighty (180) days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and make a report to the board of commissioners.

(c) The application for a parade permit shall set forth the following information:

(i) The name, address, and telephone number of the persons seeking to conduct a parade or of the organization and its responsible heads;

(ii) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(iii) The date when the parade is to be conducted;

(iv) The route to be traveled, the starting point, and the termination point;

(v) A description of any "special events signs" to be used on the day of the parade, including the location of such signage, and the identification of all third-parties who have made a direct contribution to the special event and who will be identified on "special event signs" used in connection with the parade.

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

(vii) The hours when the parade will begin and end;

(viii) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(ix) The location by streets of any assembly area(s);

(x) The time at which units of the parade will begin to assemble at any assembly area(s);

(xi) The interval of space to be maintained between units of the parade; and

(xii) If the parade is to be held on behalf of any person other than the applicant, the authorization of that person.

(xiii) Whether the applicant has been convicted for the violation of the city parade ordinance of the City of Belle Meade.

(d) The board of commissioners shall decide whether to grant the application for a permit. The board of commissioners may consult with the chief of police in making their decision.

(e) The board of commissioners in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point, or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace, or order.

(4) Standards of issuance. (a) The board of commissioners shall issue a parade permit upon consideration of the application and other information obtained when they find that:

(i) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;

(ii) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire or ambulance services;

(iii) The parade is scheduled to move from its origin to its

termination expeditiously and without unreasonable delay;

(iv) The applicant has satisfied the bond or evidence of financial responsibility requirement; and

(v) No other permit has been granted for the same calendar quarter.

(b) A permit shall be granted to the first person properly applying under the requirements of this section.

(c) The times during which parades must be conducted, are as follows:

(i) Saturdays, Sundays, or legal holidays;

(ii) Of no more than three hours duration;

(iii) Between the hours of 8:00 A.M. and 5:00 P.M.

(d) Permittee shall be responsible for all clean up, and in advance of the parade shall post a \$500.00 bond or provide other evidence of financial responsibility to secure payment of expense of such clean up.

(e) The city manager shall notify the applicant within five (5) days after the action of the board of commissioners whether the permit has been granted or denied. If the permit has been denied, the city manager shall set forth the reasons why the board of commissioners denied the permit.

(f) In computing any period of time set out in this section, no Saturdays, Sundays, or holidays are to be computed in the time period.

(5) Contents of permit. Each parade permit shall state the following:

(a) Assembly and disassembly time and place;

(b) Starting time;

(c) The route and the portions of the streets to be traversed that may be occupied by the parade;

(d) Minimum speed;

(e) Maximum speed;

(f) Interval of space between parade units;

(g) The maximum length of the parade in miles or fractions thereof;

(h) Other information as the board of commissioners in cooperation with the chief of police shall find necessary to the enforcement of this section.

(i) Insurance coverage for any and all acts that occur during the course of the parade event naming the City of Belle Meade as an additional insured, and in amounts to be determined by the City Manager.

(6) Duties of permittee. (a) Permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and ordinances.

(b) The permittee shall advise parade participants of such permit requirements.

(c) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade.

(d) The parade chairman or other person heading or leading such activity is personally responsible for strict compliance with all other provisions of the Municipal Code of the City of Belle Meade including without limitation compliance with Section 14-202(3)(c) of the Municipal Code of the City of Belle Meade which prohibits the erection of structures and signs "solely for the advertising purposes" and Section 14-211 governing "special events signs" used in connection with the event.

(i) Only of the holder of the parade permit may post a "special event sign."

(ii) For the purposes of "special event signs" used solely in connection with a parade on the day of the parade, the holder of the parade permit may post signage identifying those who have made direct contributions to the charitable non-profit for support to the event.

(7) Revocation of permit. (a) The board of commissioners or their designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance has herein set forth if it is found that:

(i) Applicant materially misrepresented facts of information in the application; and/or

(ii) Applicant failed to meet the standards for issuance set forth herein.

(iii) Applicant has violated any other provision of the Municipal Code of the City of Belle Meade.

(b) The board of commissioners or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if:

(i) A public emergency arises requiring such revocation to protect the safety of persons or property; or

(ii) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants, occurs.

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(b) It shall be unlawful for any person to participate in a parade on the streets of Belle Meade for which a permit has not been granted.

(c) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

(d) Any person violating the provisions of any section of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00) for each violation.

(10) Notice to city officials. Immediately upon the issuance of a parade permit, the city manager shall send a copy of the permit to the following:

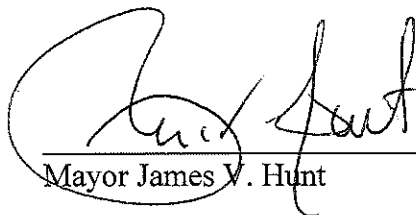
(a) The mayor.

(b) The city attorney.

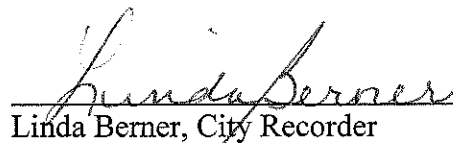
(c) The chief of police.

Section 3. This ordinance shall take effect upon its passage.

Passed on first reading  
June 19, 2012

  
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Mayor James V. Hunt

Passed on second reading  
July 17, 2013

  
\_\_\_\_\_  
Linda Berner, City Recorder