

Chapter 17

PARADE; PUBLIC ASSEMBLY

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Sec. 17-1. Definitions.

- A. *Parade* means any march, demonstration, procession or motorcade consisting of persons, animals, and/or vehicles upon streets, parks or other public grounds within the City with a common purpose of traveling from one location to any other location to attract public attention in a manner which interferes with the normal flow or regulation of traffic upon such streets, parks or other public grounds and which is intended to express feelings or beliefs regarding current political, religious, or social issues. Parade shall include fun runs, bicycle races, walk-a-thons, and the like.
- B. *Parade or public assembly permit* means a permit required by this Chapter.
- C. *Public assembly* means any meeting, demonstration, picket line, rally or gathering of persons for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian and/or vehicular traffic including, but not limited to, a

block party, wedding, quinceanera, bar mitzvah, street fair, carnival, anniversary and the like.

- D. *Sidewalk* means any way or pathway adjacent to a public right-of-way, whether within the public right-of-way or on private property, which is designed primarily for pedestrian and/or bicycle use.
- E. *Street* means the entire width between the boundary lines of every way publicly maintained when any part is open to the use of the public, extending to the adjacent property line, including sidewalks, shoulders, berms and rights-of-way not intended for motorized traffic.
(Ord. 2005-05, 01/18/2005)

Sec. 17-2. Permit Required.

No person shall engage in or conduct any parade or public assembly unless a permit is issued by the City pursuant to this Chapter.
(Ord. 2005-05, 01/18/2005)

Sec. 17-3. Exceptions.

This Chapter shall not apply to the following:

- A. Funeral processions;
- B. Students going to and from school classes or participating in educational activities, provided that such conduct is under the direction and supervision of the proper school authorities;
- C. A governmental agency acting within the scope of its functions;
- D. An event or activity in a portion of a public park for which no Park Special Event permit is required;
- E. A parade or public assembly which occurs within the location and pursuant to a permitted Downtown Special Event or a permitted Park Special Event; and
- F. An event or activity which occurs within a reserved portion of a City Park as allowed by the Parks and Recreation Department.
(Ord. 2005-05, 01/18/2005)

Sec. 17-4. Application.

- A. A person seeking a parade or public

assembly permit shall file an application with the Clerk on forms provided and the application shall be signed by the applicant.

- B. For single, non-recurring parades or public assemblies, an application for a permit shall be filed with the Clerk at least ten (10) and not more than one hundred eighty (180) days before the parade or public assembly is proposed to commence. The Clerk may waive the minimum ten (10) day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place and nature of the parade or public assembly, the anticipated number of participants, and the City services required in connection with the event, the City staff determines that the waiver is not likely to present a hazard to public safety.
- C. For parades or public assemblies held on a regular or recurring basis at the same location, an application for a permit covering all such parades or assemblies during that calendar year shall be filed with the Clerk at least sixty (60) and not more than one hundred eighty (180) days before the date and time at which the first such parade or public assembly is proposed to commence. The Clerk may waive the minimum sixty (60) day period after due consideration of the factors specified in subsection (B) herein.
- D. The application for a parade or public assembly permit shall set forth the following information:
1. The name, address and telephone number of the person seeking to conduct such parade or public assembly;
 2. The names, addresses and telephone numbers of the headquarters of the organization for which the parade or public assembly is to be conducted, if any, and the authorized and responsible heads of the organization;
 3. The requested date of the parade or public assembly;
 4. The route to be traveled, including the starting point and the termination point;

5. The approximate number of persons, animals, and/or vehicles constituting such parade or public assembly and the type of animals and description of the vehicles, if any;

6. The time when such parade or public assembly will start and terminate;

7. A statement as to whether the parade or public assembly will occupy all or only a portion of the width of the streets proposed to be traversed;

8. The location of any assembly areas for such parade or public assembly;

9. The time at which units of the parade or public assembly will begin to assemble at any such area;

10. If the parade or public assembly is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from that person with the Clerk authorizing the applicant to apply for the permit on such person's behalf;

11. The type of public assembly, including a description of activities planned during the event;

12. A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the parade or public assembly;

13. The approximate number of participants (spectators are by definition not participants);

14. The approximate number of spectators;

15. A designation of any public facilities or equipment to be utilized; and

16. Any additional information that the Clerk finds reasonably necessary to a fair determination as to whether a permit should be issued.

(Ord. 2005-05, 01/18/2005)

Sec. 17-5. Fees.

- A. A non-refundable fee established from time to time by duly adopted resolution of the Council to cover administrative costs of processing the permit shall be

paid to the City by the applicant when the application is filed.

- B. If the application is for the use of any City property or if any City services are required for the parade or public assembly, the applicant shall pay, prior to the issuance of a permit, the charges for those services in accordance with a schedule of service costs established from time to time by duly adopted resolution of the Council.
(Ord. 2005-05, 01/18/2005)

Sec. 17-6. Police Protection.

- A. The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the parade or public assembly for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the parade or public assembly, the number of streets and intersections blocked, and the need to detour or preempt travel and use of the streets and sidewalks. The speech content of the parade or public assembly shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the parade or public assembly. If additional police protection for the parade or public assembly is deemed necessary by the Chief of Police, the applicant for the permit shall be informed. The applicant then shall have the duty to arrange with the Chief of Police for protection deemed necessary by the Chief of Police at the sole expense of the applicant.
- B. Persons engaging in parades or public assemblies conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.
(Ord. 2005-05, 01/18/2005)

Sec. 17-7. Standards for Issuance.

- A. The Clerk shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, the Clerk finds that:
1. The conduct of the parade or public assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location (such as during Farmers' Market);
 2. The conduct of the parade or public assembly will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection in the City;
 3. The concentration of any persons, animals, and/or vehicles at public assembly points of the parade or public assembly will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas;
 4. The conduct of the parade or public assembly is not reasonably likely to cause injury to persons or property;
 5. The parade or public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
 6. Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;
 7. There are sufficient parking places near the site of the parade or public assembly to accommodate the number of vehicles reasonably expected;
 8. The application has secured the police protection, if any, required by this Chapter;
 9. Such parade or public assembly is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to

signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;
 10. No parade or public assembly permit application for the same time and location is already granted or has been received and will be granted;

11. No parade or public assembly permit application for the same time but different location is already granted or has been received and will be granted, and the police resources required for that prior parade or public assembly are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and

12. No event is scheduled elsewhere in the City where the police resources required for that event are so great that the deployment of police services for the proposed parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

- B. No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a City street, sidewalk, or right-of-way unless advance approval for the erection or placement of the structure is obtained from the Clerk.

(Ord. 2005-05, 01/18/2005)

Sec. 17-8. Non-Discrimination.

The Clerk shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Chapter based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

(Ord. 2005-05, 01/18/2005)

Sec. 17-9. Notice of Denial of Application.

The Clerk shall act promptly upon a timely filed application for a parade or public assembly permit but in no event shall grant or deny a permit less than forty eight (48) hours prior to the event unless such application is

filed less than forty eight (48) hours prior to the event. In such case, notification shall occur as soon as possible following the grant or denial. If the Clerk disapproves the application, the Clerk shall notify the applicant either by personal delivery or certified mail at least forty eight (48) hours prior to the event and shall state the reasons for denial.

(Ord. 2005-05, 01/18/2005)

Sec. 17-10. Alternative Permit.

A. The Clerk, in denying an application for a parade or public assembly permit, may authorize the conduct of the parade or public assembly at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Clerk, file a written notice of acceptance with the Clerk.

B. An alternate parade or public assembly permit shall conform to the requirements of, and shall have the effect of, a parade or public assembly permit issued under this Chapter.

(Ord. 2005-05, 01/18/2005)

Sec. 17-11. Appeal Procedure.

A. Any applicant shall have the right to appeal the denial of a parade or public assembly permit to the Council. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Clerk and a copy of the notice with the Clerk. The Council shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

B. At the consideration of the appeal before the Council, the applicant or person appealing shall be entitled to appear in person and offer evidence pertinent to the denial or may appear through legal counsel. The Clerk legal counsel and/or other City personnel shall likewise be entitled to appear at the appeal and offer evidence in support of the denial.

Failure by applicant, person appealing, or their representative to appear before

Council at the time scheduled to consider such an appeal shall result in the automatic denial of such appeal.

- C. In the event that the Council rejects an applicant’s appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.
(Ord. 2005-05, 01/18/2005)

Sec. 17-12. Notice of Permit to Others.

Upon the issuance of a parade or public assembly permit, the Clerk will send a copy thereof to the following:

- A. Mayor;
- B. City Supervisor;
- C. Police Chief
- D. Fire Chief;
- E. City Engineer
- F. Parks and Recreation Manager; and
- F. City Attorney.

(Ord. 2005-05, 01/18/2005; 2021-09, 07/19/2021)

Sec. 17-13. Contents of Permit.

Each parade or public assembly permit shall state the following information:

- A. Starting and approximate ending time;
- B. The portions of the streets that may be occupied by the parade or public assembly;
- C. The maximum length of the parade; and
- D. Such other information as the City staff shall find necessary to the enforcement of this Chapter.

(Ord. 2005-05, 01/18/2005)

Sec. 17-14. Duties of Permittee.

- A. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. The parade or public assembly chair or other person heading such activity shall carry the parade or public assembly permit upon his or her person during the conduct of the parade or public assembly.

(Ord. 2005-05, 01/18/2005)

Sec. 17-15. Prohibitions.

The following prohibitions shall apply to all parades and public assemblies:

- A. It shall be unlawful for any person to stage, present, or conduct any parade or

public assembly without first having obtained a permit as herein provided;

- B. It shall be unlawful for any person to participate in a parade or public assembly 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 duly licensed parade or public assembly to knowingly fail to comply with any condition of the permit;
- D. It shall be unlawful for any person to engage in any parade or public assembly activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the peaceful enjoyment of their property;
- E. It shall be unlawful for any person to carry any sign, poster, plaque, or notice, whether or not mounted on a length of material as specified in subsection (e) of this Section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;
- F. It shall be unlawful for any person in any parade to throw any object from a float, automobile, or animal during such parade; and
- G. It shall be unlawful for any person participating in a parade or public assembly to utilize sound amplification equipment at decibel levels which exceed those limits allowed by this Code.

(Ord. 2005-05, 01/18/2005)

Sec. 17-16. Public Conduct During Parades or Public Assemblies.

- A. No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or public assembly or with any person, vehicle or animal participating or used in a permitted parade or public assembly.
- B. No driver of a vehicle shall drive between the vehicles or persons comprising a permitted parade or public assembly when such vehicles or persons are in motion.

- C. The Chief of Police or City Engineer shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade or public assembly. The Chief of Police or City Engineer shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof and the Chief of Police is authorized to tow any vehicle found in violation of such posting. The registered owner shall be liable for any fees or fines resulting from the towing of such vehicle. No person shall be liable for parking on a street not properly posted pursuant to this Chapter.

(Ord. 2005-05, 01/18/2005)

Sec. 17-17. Revocation of Permit.

The Clerk or Chief of Police shall have the authority to revoke a parade or public assembly permit instantly upon violation of any condition or standard for issuance as set forth in this Chapter or when a public emergency arises where City resources required for that emergency are so great that deployment of police services for the parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.

(Ord. 2005-05, 01/18/2005)

Sec. 17-18. Penalties.

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code.

(Ord. 2005-05, 01/18/2005)