

CHAPTER 49

PARADES AND PUBLIC ASSEMBLIES

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49.01 DEFINITIONS. As used in this chapter, the following definitions shall apply:

1. “Affiliated group” means a group of persons or an entity which: (i) is engaged in sports or recreation affiliated with and either sponsored or co-sponsored by the City, including (but not limited to) organized youth soccer, boys’ baseball, and girls’ softball; and (ii) has executed a memorandum of understanding with the City for the use of public property.
2. “Applicant” means a person who applies for a parade or public assembly permit as provided in this chapter.
3. “Parade” means a march or procession of more than 25 persons, vehicles, or other forms of transportation, such as bicycles, or combination thereof, in or upon the public right-of-way or in a park that necessitates or results in the exclusion, in whole or in part, of use of the public right-of-way or the park by others.
4. “Parade or public assembly permit” means written authorization by the City for use of public property, including the public right-of-way, as provided in this chapter.
5. “Park” means any park or playground owned or controlled by the City, including streets, trails, and roadways therein.
6. “Person” means any natural or corporate person, business association or other business entity, including (but not limited to) a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assignee of any of the foregoing, or any other legal entity.
7. “Public assembly” means any meeting, demonstration, picket line, rally, or gathering of more than 25 persons on the public right-of-way or 100 persons in a park for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian or vehicular traffic on the public right-of-way or in a park or occupies any area in the public right-of-way or in a park.
8. “Public right-of-way” means the area on or below a public roadway, highway, street, bicycle lane, alley, and public sidewalk which is designed for vehicular, bicycle, or pedestrian travel and dedicated to public use.
9. “Public sidewalk” means the improved portion of public right-of-way dedicated to and/or intended primarily for pedestrian use.

49.02 EXEMPTIONS. The following are exempt from the provisions of this chapter:

1. Funeral processions.
2. A gathering of an affiliated group or subpart thereof.
3. Spontaneous events responding to news or affairs coming into public knowledge within three (3) days of such public assembly or parade, provided that the organizer thereof gives written notice to the Mayor at least one hour prior to such parade or public assembly.

49.03 PERMIT AND COMPLIANCE REQUIRED.

1. It is unlawful for any person or group of persons to engage in, present, conduct, or stage a parade or public assembly without first having obtained a parade or public assembly permit as provided in this chapter.
2. No person shall knowingly participate in or conduct a parade or public assembly unless a parade or public assembly permit has been obtained.
3. All parades and public assemblies shall be conducted in accordance with the provisions of the parade or public assembly permit and shall comply with all applicable State and local laws. No person shall knowingly fail to comply with the terms and conditions of a parade or public assembly permit.
4. 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 any parade or public assembly.

49.04 APPLICATION FOR PERMIT. An application for a parade or public or private assembly permit shall be filed with the Mayor by any person or group of persons desiring to use any public right-of-way as provided in this chapter. If the applicant is not a natural person, the applicant shall identify a natural person who has authority to act for the applicant with regard to the parade or public assembly. All applications shall be filed at least three (3) working days in advance of the date of the requested use. Applications shall be made on forms prepared by the Mayor. The application form shall contain the following information:

1. Name and address of the applicant.
2. An acknowledgement to be signed by a natural person that he or she has authority to act on behalf of the group that is requesting the permit.
3. The type of event that is planned (parade or public assembly).
4. Proposed location or locations.
5. Expected size of group.
6. Date, time and expected duration of the use.
7. Names and contact information of any person to be present at and who will serve as a contact person for the applicant at the proposed parade or public assembly.
8. List and description of mechanical or electronic equipment to be used, including sound amplification.
9. Number and type of any motor vehicles or other forms of transportation to be used, including bicycles.
10. Number and type of any animals to be used.

11. Proposal to monitor the event, including the names of any person not employed by the City who will be responsible for setting up, cleaning up, or maintaining order and whether the Sheriff's Department will be needed to assist in maintaining order.

12. Proposal for cleanup.

13. Unless the parade or public or private assembly numbering in excess of 60 is held entirely on a public sidewalk or in a park and does not require any equipment, cables, objects, structures, or similar items to be placed on the sidewalk or park, an agreement in which the applicant shall agree to pay on behalf of the City all sums which the City shall be obligated to pay by reason of any liability imposed upon the City for damages of any kind resulting from use of public property and the public right-of-way, whether sustained by any person or persons, caused by accident or otherwise, and shall defend at its own expense and on behalf of the City any claim against the City arising out of the use of public property and the public right-of-way.

14. Unless the parade or public assembly is held entirely on a public sidewalk or in a park, and does not require any equipment, cables, objects, structures, or similar items to be placed on the sidewalk or park, insurance is required in the reasonable amount necessary to minimize risk of harm to persons and property based on the nature and size of the event, as determined by the Mayor. The speech content of the parade or public assembly shall not be a factor in determining the amount of insurance. The insurance requirement may be waived if applicant demonstrates inability to obtain insurance or to pay the cost of insurance.

15. Any other information that the Mayor finds necessary.

49.05 STANDARDS FOR ISSUANCE OF PERMIT. The Mayor shall grant or deny the application for a permit in writing, which shall be mailed by ordinary mail or personally delivered to the applicant and stating the reasons therefor within seven (7) working days of the application being filed, and no later than the day prior to the event, assuming the application is timely filed. The Mayor shall examine the application and shall grant a permit if the following conditions are met:

1. The use will not unreasonably interfere with the privacy, safety, security, convenience, and tranquility of the residents or inhabitants of the area in light of the date and time of said proposed use.

2. The proposed public right-of-way can accommodate the group or use, based both on group size and on health and sanitation facilities, whether available or to be provided by applicant.

3. The proposed use or activity is compatible with the normal activity of the proposed public right-of-way at the requested time or date.

4. The application demonstrates the applicant has the means, planning and coordination to hold the proposed event, considering the time of day, location, public facilities available, traffic control, parking requirements and any monitoring required to protect the public health and safety.

5. The event will not interfere with another event for which a permit has already been granted or an event organized and conducted by the City for the same date and time.

6. The use will not substantially interrupt the flow of street and/or pedestrian traffic.

7. The use will not require the excessive diversion of peace officers from other duties or substantially interfere with the City's firefighting operations.

8. The use does not create undue health or safety hazards.

9. All applicable fees have been paid.

10. The application is fully completed and executed.
11. The indemnification agreement has been signed, if applicable.
12. A certificate of insurance showing compliance with this section has been provided, if applicable.
13. The application contains no material falsehood or misrepresentation.
14. The applicant is legally competent to contract and to sue and be sued.
15. The applicant has not damaged City property, and if the applicant has, the damage has been paid in full, and has paid all other outstanding and unpaid debts to the City.
16. The use or activity intended by the applicant is not prohibited by law.
17. The applicant paid cleanup costs, if any, within thirty (30) days of the date of invoice as the result of a previously issued permit.
18. Additional police protection, if required under this chapter, has been secured.

49.06 CONTENTS AND CONDITIONS OF PERMIT. The permit shall contain the following information:

1. Name, address, and telephone number of permittee.
2. Time, date, and place of the permitted activity.
3. If a parade, the route and staging area.
4. Number of monitors or policing personnel required for safe use of the public right-of-way.
5. Such other information that the Mayor finds necessary for the enforcement of this chapter.

49.07 APPEALS REGARDING ISSUANCE OR DENIAL OF PERMIT:

1. Any party aggrieved by the Mayor's decision to grant or deny a permit under this chapter may appeal the determination to the Council if, within five working days after the decision, the party files a written notice of appeal with the Clerk. In such event, a hearing shall be held by the Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the *Code of Iowa*.
2. Upon such hearing, the Council may, based upon the standards enumerated herein, reverse, affirm, or modify in any regard the Mayor's decision. The Council's decision is the final decision.

49.08 REVOCATION OF PERMIT. The Mayor (or Council if permit is issued following an appeal) may revoke a parade or public assembly permit if:

1. It is determined that the permittee has misstated any material fact in the application;
2. There is a substantial and material variance between the information in the application and the actual facts or those facts which appear reasonably to have occurred;
3. It is determined by the peace officer or the fire chief that, by reason of disaster, public calamity, riot or other emergency, the public safety requires such revocation;
4. The permittee's insurance has been canceled; or

5. The permittee is operating in violation of the terms and conditions of the permit or local, State, or Federal law.

A permit holder may appeal the revocation in the same manner as appealing the issuance or denial of a permit.

49.09 SALE OR ASSIGNMENT OF PERMIT. The sale, transfer, or assignment of a permit is prohibited.

49.10 FEES. Fees for permits shall be set by resolution of the Council.

49.11 POLICE PROTECTION.

1. The Johnson County Sheriff shall determine whether and to what extent additional police or security protection is reasonably necessary for the parade or public assembly for traffic control and public safety. The Sheriff shall base this decision on the size, location, duration, time, and date of the event, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the public right-of-way. The speech content of the event 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 event. If additional police or security protection for the parade or public assembly is deemed necessary by the Sheriff, the applicant shall be so informed. The applicant shall have the duty to secure the police or security protection deemed necessary by the Sheriff at the sole expense of the applicant.

2. Persons engaging in parades or public assemblies conducted for the primary purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

49.12 PENALTIES. Any violation of this chapter shall be considered a simple misdemeanor or municipal infraction.