

ORDINANCE NO. 2-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARION, TEXAS PROVIDING FOR THE REGULATION OF PARADES WITHIN THE CITY; PROVIDING FOR A PARADE PERMIT PROCESS; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Marion is granted control over the highways, streets and alleys of the municipality pursuant to Texas Transportation Code § 311.002, and has governmental and police powers over public property within the City; and

WHEREAS, the Marion City Council has determined that a parade ordinance is necessary in the interests of public safety and good order; and

WHEREAS, the City Council has determined that this ordinance will promote the general health, safety, welfare, and morals of its citizens; and

WHEREAS, the City Council has determined that this ordinance serves a public purpose by maintaining safe streets and public areas within the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, TEXAS THAT:

- I. The matters and facts set forth in the preamble are hereby found to be true.
- II. The following ordinance is hereby adopted:

PARADE ORDINANCE

SECTION 1: DEFINITIONS

Applicant - Any individual, group, or entity that proposes to conduct a parade upon any street within the Marion city limits.

Application - The City's Parade Street Closure Application, including all required attachments such as proof of insurance, and including payment of all applicable fees.

Parade - Any parade, march, procession, or exhibition of any kind consisting of more than five (5) people, animals or vehicles or a combination thereof, upon any public highway, street, alley or other public place.

Arterial Intersection - Any intersection of any street, sidewalk or crosswalk that traverses any State highway, or is identified as such in the City Thoroughfare Master Plan.

SECTION 2: STREET CLOSURE PROCEDURE

All Applicants must comply with the following procedures:

- A. **Parade Street Closure Application** – Applicants must complete and submit the city's Parade Street Closure Application and proof of insurance, and pay all fees as established by the city council, no less than forty-five (45) days nor more than sixty (60) days prior to the date and time of the commencement of a parade.

B. Fee Exemptions – Events sponsored by the City of Marion, the Marion Chamber of Commerce, and/or the Marion Independent School District are exempt from application fees.

C. Permit Exemptions - No parade permit shall be required for the following:

1. The Armed Forces of the United States of America, the military forces of the State, and county and city law enforcement departments and fire departments acting within the scope of their duties.
2. Funeral processions proceeding by vehicle by the most reasonable route from a funeral home, church or residence of a deceased to the place of service or place of interment.
3. Sidewalk processions which observe and comply with traffic regulations and traffic control devices, utilizing that portion of a sidewalk nearest the street, but at no time more than one-half of the sidewalk.

D. Review of Application - The Mayor, Utilities Director and Police Chief, or their designees, will review each Application. Applications may be approved, denied, or approved with amendments at the sole discretion of the City.

E. State Right-of-Way Closures: Less than Two Hours - For closure of a State right-of-way within the City limits for less than two (2) hours, a Texas Department of Transportation (TxDOT) "Right-of-Way Use Agreement" must be completed and approved by TxDOT and submitted to the City.

F. State Right-of-Way Closures: Longer than Two Hours - For closure of a State right-of-way within the City limits for two (2) hours or more, a Traffic Control Plan, which incorporates the requirements of the Texas Manual on Uniform Traffic Control Devices (TMUTCD), signed and sealed by a registered professional civil engineer, must be prepared. Applicant is required to abide by the engineer's Traffic Control Plan.

G. Traffic Control Devices - The City and/or TxDOT may require traffic control devices for any parade. Any traffic control devices required must be installed by the Applicant and must comply with the TMUTCD.

H. Restricted Activities – The City reserves the authority to restrict activities during a parade in its sole discretion for the health, safety, good order and/or morals or the public and the welfare of the City. The following are some of the activities that are not allowed during a parade:

1. Candy, gum, beads, paper or any other article(s) shall not be thrown to a spectator or transferred directly to the hand of a spectator.
2. Parade participants, spectators, and the public are prohibited from disembarking from or boarding a moving vehicle, or climb off or on an animal, during a parade, other than when necessary for the immediate safety of a participant.

SECTION 3: APPLICATION REQUIREMENTS

A. Permit Fee - A nonrefundable parade permit fee, as determined by the City Council from time to time, shall be submitted with each Application unless such fee is exempted as provided herein.

B. Parade Street Closure Application - The Parade Street Closure Application shall contain the following information and shall be signed by the Applicant:

1. The name, address and telephone number of the Applicant and of any other persons, organizations, firms or corporations on whose behalf the Application is made.
2. The date requested for the parade and the proposed schedule of start and stop times.
3. The specific route (including a map) to be traveled including city, county, and highway names and numbers, physical locations, and the starting and termination points.
4. A brief description of the proposed activities, including the proposed placement of event staff and equipment on rights-of-way.
5. A letter from the law enforcement agency that will be providing traffic control for the event confirming its traffic control services, and the contact name and a telephone number for the responsible law enforcement agency.
6. An original Certification of Insurance submitted on TX DOT Form 1560 for the event/parade.
7. Staging areas for the start of the parade and disassembly areas at the termination point must be designated and fully described. Applicant must sign a statement that all staging and disassembly areas on private or public property have been approved by the owner/management of the property. The name, address and phone numbers for the owner/manager authorizing the use of property must be included in the Application, including without limitation public rights-of-way and property operated by the City, if applicable.
8. The estimated number of persons to participate in the parade. Marching units or organizations shall require an individual count for each member. The total number of people shall be included.
9. The estimated number, if any, of animals without riders, animals with riders, animal drawn vehicles, floats, motor vehicles, and motorized displays.
10. A signed statement ensuring that each marching unit or organization will only be allowed to conduct a maximum of one stationary performance at a specified and approved location during the parade route. The marching unit or organization shall then continuously march along all other portions of the parade route.
11. A signed statement that sponsors will ensure that assembly and disassembly of the parade will be orderly so as not to block or interfere with traffic flow.
12. A signed statement ensuring that the Applicant will be responsible for the ground maintenance of the assembly and disassembly areas that occur in public rights-of-way and/or on public property including without limitation cleaning and removal of animal droppings.

SECTION 4: APPLICATION REVIEW

A. Time Period - Upon receipt of the Parade Street Closure Application and the parade permit fee, the City Secretary or Secretary designee shall furnish to the Applicant, within fifteen (15) working days, excluding Saturdays, Sundays and legal holidays, the approval or denial of the Application. Approval or denial of the Application may be delayed if the Applicant fails to give complete information, if the proposed route requires staff research, or if other aspects of the Application require staff review that exceeds the normal process.

B. Alternate Routes - In the event the Application reveals that the requested parade staging, parade route and/or parade disassembly will interfere with the orderly flow of vehicular or pedestrian traffic, the Police Chief or designee may establish a reasonable alternate route and may regulate the width and the duration of the parade.

SECTION 5: DENIAL OF PERMIT

The Mayor or designee shall deny a parade permit when:

1. The Applicant fails to provide complete information on the Application.
2. The movement of the parade will conflict in time and location with another parade or activity for which a permit has previously been granted.
3. The parade could damage roadways or other facilities of the City.
4. The Applicant has not paid the permit fee and estimated traffic control and security fees as required by the City.
5. The Applicant refuses to sign a statement ensuring that each marching unit or organization will only be allowed to conduct a maximum of one stationary performance at a specified and approved location during the parade route.
6. The Applicant refuses to sign a statement ensuring that appropriate property owner/managers have authorized their property for use as staging and disassembly areas.
7. The Applicant refuses to sign a statement ensuring that the parade assembly and disassembly will be orderly so as not to block or interfere with traffic flow.

SECTION 6: REVOCATION OF PERMIT

A parade permit may be revoked at any time by the Mayor or designee for the following reasons:

1. The information contained in the Application is found to be inaccurate in any material detail.
2. The parade fails to begin within thirty (30) minutes of the appointed time of commencement.
3. The Applicant materially misrepresents or miscalculates the number of participants in the parade and/or does not provide a final parade participation count at least seven (7) days before the date of the parade.
4. Reasonable grounds to believe that the parade is being conducted in a manner constituting a real or possible danger to any person or property.
5. Any material failure to comply with this Ordinance.

SECTION 7: ROUTE PLAN

Applications shall include a route that shall not pass through arterial intersections, as defined above, during the hours of 7:00 a.m. to 9:00a.m.; 12:00 noon to 1:00 p.m.; or 4:30 p.m. to 6:30 p.m. on

weekdays, except major holidays. Applicants shall be notified if the proposed route conflicts with this requirement. Applicants shall provide planned speeds of the procession along the route.

SECTION 8: TRAFFIC CONTROL AND SECURITY

The Police Chief or designee will determine the number of employees and equipment required for traffic control and security for a parade and provide the Applicant with estimated fees for the traffic control and security, and other cost associated with the parade. Such fees will be established by the City Council from time to time. Applicants or parade sponsors shall pay these estimated fees and costs at least twenty-four (24) hours before the parade start. Additional costs not paid as part of the estimate, or excess fees paid as part of the estimate, shall be paid or refunded within three (3) days of the date of the parade.

SECTION 9: INDEMNIFICATION AND INSURANCE

The Applicant and/or the sponsors, and/or any other individual or entity reasonable required by the City, must execute a written indemnity agreement in the form and substance required by the City, indemnifying and holding harmless the City and its officers, employees, servants, and parties in interest with the City against all claims, damages, or causes of action arising from the parade or Application, including injury or death to persons and damage to property, whether public or private. The Applicant shall take all reasonable measures necessary to protect parade participants. A general liability insurance policy for the parade shall be furnished to the City at least twenty-four (24) hours prior to the parade, with the City as a named insured and with limits of at least One Million Dollars (\$1,000,000) for personal injury or death and Two Hundred and Fifty Thousand Dollars (\$250,000) for property damage, unless otherwise agreed upon by the Mayor.

III. Repealing Clause: All Ordinances and all provisions of any Ordinance of the City of Marion, Texas, in conflict with the provisions of this Ordinance shall be, and the same are, hereby repealed.

IV. Penalty Clause: It shall be a criminal offence for a person, firm, corporation, group or entity to knowingly organize, engage in, participate in, aid or commence a parade upon any street of the City without making written application for and receiving a City parade permit, and maintaining a valid parade permit for the pendency of a parade. A violation of any of the provision or term of this Ordinance shall be a misdemeanor and, upon conviction, a violator shall be subjected to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by state law for such offense, and for any violation of any provision which governs public health or sanitation, which shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.


V. Severability Clause: If any word, phrase, paragraph, or section of this Ordinance is held to be unconstitutional, illegal or invalid by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole, or any part of provision thereof other than the part so decided to be unconstitutional, illegal or invalid.

VI. Publication: The City Secretary is directed to cause this ordinance caption to be published in a newspaper of general circulation according to law.

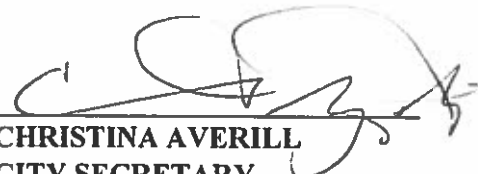
VII. Effective Date: This ordinance shall become effective February 7, 2017.

PASSED, APPROVED and ADOPTED this the 6th day of February, 2017.

CITY OF MARION, TEXAS


WILLIAM SEILER, MAYOR

ATTEST:


CHRISTINA AVERILL
CITY SECRETARY

**ATTACHMENT A
CITY OF MARION
PARADE STREET CLOSURE APPLICATION**

Sponsor: _____ Applicant: _____

Mailing Address: _____

Telephone: _____ Cell Phone: _____

Pager: _____ E-mail: _____

Date of parade: _____ Estimated duration (hours): _____

Close Street at (Time) _____ Open Street at (Time): _____

Describe the route, include the name and location of streets, alleys, and/or sidewalks to be blocked (please attach a map): _____

Staging Area: _____

Termination Point: _____

Of Participants: _____ # of Animals: _____

_____ # of Vehicles: _____

Brief description of proposed activities during parade: _____

I ensure that each marching unit or organization will only be allowed to conduct a maximum of one stationary performance at a specified and approved location during the parade route. The unit shall then continuously march along all other portions of the parade route. _____ Yes _____ No

I ensure that assembly and disassembly of the parade will be directed and orderly so as not to block or interfere with traffic flow. _____ Yes _____ No

I ensure that I will be responsible for the ground maintenance of the assembly and disassembly areas that occur in public rights-of- way as related to animal droppings. _____ Yes _____ No



The information contained in this application is true and correct. I agree to all of the terms and procedures as specified in Parade Ordinance No. 2-2017.

Signature of Applicant: _____ Date: _____

* * * * *

Date Received: _____

Permit Fee Received (\$ Amount): _____

Security/Public Works Fee Received (\$ Amount) _____

City Mayor: _____

Chief of Police: _____

City Secretary: _____

TXDOT Contact: _____ Phone: _____

TXDOT Permit Number: _____

TXDOT Approval Date: _____

