

## CHAPTER 8-9: PARADE, SPECIAL EVENT AND PUBLIC ASSEMBLY PERMITS

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### **8-9-1 DEFINITIONS:**

**DIRECTOR:** The city of Prescott parks and recreation director or his designee.

**OWNED BY THE CITY:** Ownership in fee simple by the city or a public easement which has been approved by the city.

**PARADE:** Any march, demonstration, procession or motorcade consisting of persons, animals or vehicles, or a combination thereof, upon any public streets, or parks or other public grounds owned by the city, with an intent of attracting public attention that interferes with the normal flow or regulation of traffic upon or within said property or interferes with or restricts the normal use of said property by the general public.

**PERMIT:** A permit as required by this chapter.

**PERSON:** Any person, firm, partnership, association, corporation, company or organization of any kind.

**PUBLIC ASSEMBLY:** Any meeting, demonstration, picket line, rally or gathering of more than twenty five (25) persons for a common purpose which might interfere with the normal flow or regulation of traffic upon or within public property or which might interfere with or restrict the normal use of said property by the general public.

**SIDEWALK:** Any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved, which is owned by the city.

**SPECIAL EVENT:** The use of any public street, or park or other public grounds which is owned by the city, for events including (but not limited to) sporting events, music festivals, pageants, reenactments, regattas, entertainment, public assemblies, demonstrations, and other activities which would require a closure or limitation of some or all of said grounds for the uses to which they are generally available.

**STREET:** Any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right of way or median strip thereof, which is owned by the city. (Ord. 4088, 2-27-2001)

### **8-9-2 PERMIT REQUIRED:**

No person shall engage in or conduct any parade, special event or public assembly unless a permit is issued by the director. (Ord. 4088, 2-27-2001)

### **8-9-3 EXCEPTIONS:**

The provisions of this chapter shall not apply to:

- (A) Funeral processions.
- (B) Students going to and from school classes or participating in educational or school-related activities.
- (C) A governmental agency acting within the scope of its functions.
- (D) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such public assembly, provided that the organizer thereof gives written notice to the city chief of police at least twenty four (24) hours prior to such parade or public assembly. (Ord. 4088, 2-27-2001)

### **8-9-4 APPLICATION:**

- (A) A person seeking a parade, special event or public assembly permit shall file an application with the director on forms provided by the city.
- (B) For a single, nonrecurring parade, special event or assembly, a permit shall be filed with the director at least thirty (30), but not more than one hundred eighty (180), days before the parade, special event or assembly is proposed to commence. The director may waive the minimum thirty (30) day filing period and accept an application filed within a shorter period of time if, after due consideration of the date, time, place and nature of the parade, special event or public assembly, the anticipated number of participants, and the city services required in connection with the event, the director determines that the waiver will not present a hazard to public safety.
- (C) For events held on a regular or recurring basis at the same location, an application for a permit covering all such events during that calendar year may be filed with the director at least sixty (60) days and not more than one hundred eighty (180) days before the date and time at which the first such event is proposed to commence. The director may waive the minimum sixty (60) day period after due consideration of the factors specified in subsection (B) of this section. (Ord. 4088, 2-27-2001)

### **8-9-5 POLICE PROTECTION:**

- (A) The city chief of police or his designee shall determine whether and to what extent additional police protection is reasonably necessary for the parade, special event or public assembly for traffic control and public safety. The chief of police shall base his decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections to be blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. 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 are deemed necessary by the chief of police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the chief of police, at the sole expense of the applicant, prior to the issuance of a permit. The applicant may also provide security other than certified police officers if so approved by the chief of police.
- (B) Persons engaging in parades, special events or public assemblies conducted for the sole purpose of public issue speech protected under the first amendment are not required to pay for any additional police protection which may be required by the city; provided, however, that if the applicant requests additional police protection (which is not otherwise required by the chief of police), then and in that event the applicant shall be responsible for all costs associated therewith, which must be paid or provided for prior to the issuance of a permit. (Ord. 4088, 2-27-2001)

### **8-9-6 STANDARDS FOR ISSUANCE:**

- (A) The director, after consultation with affected city departments, shall issue a permit provided for herein when, from a consideration of the application and from such other information as may be otherwise obtained, he/she finds that:

1. The conduct of the event will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location; and
2. The conduct of the event 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 of the city; and
3. The concentration of persons, animals and vehicles at public assembly points of the event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas; and
4. The conduct of the event is not reasonably likely to cause injury to persons or property; and (Ord. 4088, 2-27-2001)
5. The event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; or if the event provides for a total or partial closure of a roadway, the closure of said roadway is for the minimum period of time required for the event; and (Ord. 4121, 6-26-2001)
6. Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas; and
7. There are sufficient parking places near the site of the event to accommodate the number of vehicles reasonably expected; and
8. The applicant has secured the necessary additional police protection, if any, required under section 8-9-5 of this chapter; and (Ord. 4088, 2-27-2001)
9. The event is not for the primary purpose of advertising any product, goods or services, and the event itself is not primarily for profit; provided, however, that a "farmers' market" or similar type of event which would result in the provision of goods or services from numerous vendors representing a common theme, and which would result in perceived economic benefits to the area where the event is scheduled (such as increased pedestrian traffic, tourism, etc.) would not be prohibited by the provisions of this subsection; and (Ord. 4121, 6-26-2001)
10. No permit application for the same time and location has already been granted; and
11. 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 event would have an immediate and adverse effect upon the welfare and safety of persons and/or property. (Ord. 4088, 2-27-2001)

(B) The director, after consultation with affected city departments, may deny a permit in the event that he/she finds that:

1. The application for permit (including any required attachments and submissions) is not fully completed and executed; or
2. The applicant has not tendered any required fees, insurance certificates or other required documentation; or
3. The application contains a material falsehood or misrepresentation; or
4. The applicant is legally incompetent to contract or to sue or be sued; or
5. The applicant or the person or entity on whose behalf the application is being made has on prior occasions damaged city property and has not paid in full for such damage, or has other outstanding and unpaid debts to the city; or

6. A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular portion of city property; or
7. The use or activity intended by the applicant would conflict with previously planned programs organized, conducted or sponsored by the city for the same time and place; or
8. The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of city property, or of city employees, or of the general public; or
9. The applicant has not complied with or cannot comply with applicable licensure requirements; or
10. The use or activity intended by the applicant is prohibited by law. (Ord. 4200, 2-12-2002)

#### **8-9-7 NONDISCRIMINATION:**

The director 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 or gender related grounds. (Ord. 4088, 2-27-2001)

#### **8-9-8 NOTICE OF DENIAL OF PERMIT:**

The director shall act promptly upon a timely filed application for an event, but in no event shall grant or deny a permit no more than forty five (45) days after said application has been filed. (Ord. 4088, 2-27-2001)

#### **8-9-9 APPEAL PROCEDURE:**

An applicant shall have the right to appeal the denial of a permit, or any conditions included as a part of the approval thereof, to the city manager. Said appeal shall be in writing and shall be made within five (5) working days after written notice of the denial or of the conditions of approval. The city manager shall rule upon said appeal within ten (10) working days of the receipt of said appeal. (Ord. 4088, 2-27-2001)

#### **8-9-10 DUTIES OF PERMITTEE:**

(A) A permittee hereunder shall comply with all permit directions and conditions, and with all applicable laws and ordinances.

(B) The chairman or other person heading the event shall carry the permit upon his person during the conduct of the event. (Ord. 4088, 2-27-2001)

#### **8-9-11 PUBLIC CONDUCT DURING PARADES, SPECIAL EVENTS AND PUBLIC ASSEMBLIES:**

(A) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade, special event or public assembly, or with any person, vehicle or animal participating or used in any such event.

(B) No driver of a vehicle shall drive between the vehicles or persons comprising a parade, special event or public assembly. (Ord. 4088, 2-27-2001)

#### **8-9-12 REVOCATION OF PERMIT:**

The director and/or the chief of police or his designee shall have the authority to revoke a permit issued pursuant to this chapter immediately upon a violation of the conditions or standards for issuance as set forth in this chapter, or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the event would have an immediate and adverse effect upon the welfare and safety of persons or property. (Ord. 4088, 2-27-2001)

**8-9-13 PENALTY:**

Any person who violates any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 1-3-1 of this code. (Ord. 4088, 2-27-2001)

**8-9-14 SEVERABILITY:**

The provisions of this chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this chapter shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the validity of any part thereof. (Ord. 4088, 2-27-2001)

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**The Prescott City Code is current through Ordinance 4864, passed July 23, 2013.**

Disclaimer: The City Clerk's Office has the official version of the Prescott City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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