

AN ORDINANCE AMENDING THE CITY OF LEON VALLEY'S CODE OF ORDINANCES, CHAPTER 1 "GENERAL PROVISIONS", ARTICLE 1.10 "PUBLIC GATHERINGS", DIVISION 2, "PARADES"

WHEREAS, the City of Leon Valley is authorized to adopt ordinances for the purpose of good government, peace, or order of the municipality pursuant to Chapter 51 of the Local Government Code;

WHEREAS, the City Council of the City of Leon Valley, Texas (the "City Council") recognizes that all activities related to the First Amendment should be regulated without reference to content, should be narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels of communication of information; and

WHEREAS, the City Council has reviewed the Public Gatherings Ordinance and instructed staff to review the said ordinance for purposes of ensuring First Amendment compatibility; and

WHEREAS, the City Council hereby finds and determines that the regulations adopted herein are narrowly tailored to serve a significant governmental interest and leave open ample alternative channels of communication of information.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

SECTION I. That the statements above are found to be true and correct and are hereby incorporated herein.

SECTION II. Chapter 1 "General Provisions", Article 1.10, Division 2, "Parades" is hereby amended as follows:

Sec. 1.10.031 Definitions

Chief of police. The chief of police of the City of Leon Valley.

Parade. Any group of persons moving along, by whatever means, in an orderly, formal manner on any street, alley, or public thoroughfare from a point of origin to a point of termination or a group of persons moving along, by whatever means, in an orderly, formal manner anywhere else in the city from a point of origin to a point of termination in such a way as to impede the normal flow or regulation of pedestrian or vehicular traffic.

Parade permit. A permit as required by this division.

Sec. 1.10.032 Police security personnel

Due to the inherent risks involved regarding traffic and other safety issues, both as to participants and others, all permit holders shall be required to hire city police officers, at a number to be determined by the chief of police, dependent upon:

- (1) The route and the identification of roadways that cross through or feed into the street of the proposed route;
- (2) The number of anticipated participants and vehicles in the event;
- (3) Identification of other roadways, or public transportation and emergency vehicle routes that may be affected by the event;
- (4) Length of the route and the identification of the number of intersections along the route that will require barricades or traffic control personnel;
- (5) Whether intersections must be individually barricaded or whether officers can be assigned to move along with the event;
- (6) The date and time of the event;
- (7) Volume of vehicular and pedestrian traffic typical on and along the route for the time of day, day of the week and time of year for the proposed route.

If an applicant believes the number of officers required is an undue amount, the applicant can appeal this to the City Council. The applicant, within 10 days of receiving the number of officers required under Section 1.10.032, shall submit a written appeal to the City Secretary. The City Council shall act upon this appeal within 30 days after its receipt.

Sec. 1.10.033 Public conduct

- (a) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.
- (b) No driver of any vehicle whatsoever shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

Sec. 1.10.034 Parking on parade route

The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section. (1972 Code, sec. 26.1113)

Part II. Permit

Sec. 1.10.071 Required; exceptions

No person shall engage in, participate in, aid, form or start any parade unless a parade permit shall have been obtained from the chief of police.

Sec. 1.10.072 Application; fee

(a) Filing. A person seeking issuance of a parade permit shall file an application with the chief of police on forms approved by the chief of police as follows:

(1) An application for a parade permit shall be filed with the chief of police not less than thirty (30) calendar days nor more than one hundred fifty (150) calendar days before the proposed procession date;

(2) Where the organization of a parade, however, begins within thirty (30) calendar days of the proposed parade date, an application for a parade permit shall be filed with the chief of police within three (3) calendar days of the date on which organization of the procession begins, but not less than two (2) calendar days before the proposed procession date.

(3) The chief of police, may consider a parade permit application filed less than thirty (30) calendar days, but not less than two (2) calendar days, before the proposed procession date where organization of the parade began more than thirty (30) calendar days before the proposed parade date so long as there is adequate time for the Leon Valley Police Department to process the application and plan for the parade.

(b) Contents. The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade;

(2) If the parade is proposed to be conducted for or on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;

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

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

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

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

(7) The hours when such parade will start and terminate;

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

(9) The location by streets of any assembly areas for such parade;

- (10) The time at which units of the parade will begin to assemble at any such assembly area or areas;
 - (11) The interval of space to be maintained between units of such parade; and
 - (12) If the parade is designed to be held by, and on behalf of, or for, any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
 - (13) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued based on the standards set forth in Sec. 1.10.073.
- (c) Fee. There shall be paid at the time of filing the application for a parade permit a fee as provided in appendix A of this code.

Sec. 1.10.073 Standards for issuance

The chief of police shall issue a permit as provided for hereunder when, from a consideration of the application and other information as may otherwise be obtained, the chief of police finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route, and the parade route shall not be conducted along/across any of the following routes due to the safety issues created by congestion and heavy traffic flow: Highway 16 (Bandera Road); FM 471 (Grissom Road); Wurzbach Road; and Huebner Road, east of Highway 16;
- (2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city, such number to be determined by the chief of police;
- (3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;
- (6) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in route; and

- (7) The applicant has fulfilled the requirements of this article; and
- (8) The event does not conflict with a previously scheduled event that is scheduled to:
 - a. Occur at the same time and place; or
 - b. Occur at the same time, though at a different location or along a route that crosses over or conflicts with previously scheduled events.

Sec. 1.10.074 Action on application; Notice of denial

The chief of police shall act upon the application for a procession permit within five (5) calendar days after it has been filed with the chief of police. If an application for a parade permit has been filed under subsections 1.10.072 (a)(2) or (3) for an event which will take place within five (5) days of the submission of the application, the chief of police shall act upon the application as soon as is practicably possible. If the chief does not approve the application, he shall mail, by certified mail/return receipt requested, to the applicant, within ten (10) calendar days after the date upon which the application was filed, a notice of his action, stating the reason for his denial of a permit.

Sec. 1.10.075 Appeal of denial

Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within ten (10) days after notice. The city council shall act upon the appeal within ten (10) days after its receipt.

Sec. 1.10.076 Alternate permit

The city secretary and the chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within ten (10) days after notice of the action of the city, file a written notice of acceptance with the city secretary. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this division.

Sec. 1.10.077 Notification of city officials

Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to:

- (1) The city manager;
- (2) The mayor;
- (3) The city secretary; and

- (4) The fire chief.

Sec. 1.10.078 Contents

Each parade permit shall state the following information:

- (1) Starting time;
- (2) Minimum speed;
- (3) Maximum speed;
- (4) Maximum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade;
- (6) The maximum length of the parade in miles or fractions thereof;
- (7) Types and numbers of animals approved;
- (8) Mode of transportation, i.e., vehicles, pedestrians, etc.; and
- (9) Such other information as the city secretary and chief of police shall find necessary to the enforcement of this division.

Sec. 1.10.079 Duties of permittee

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

Sec. 1.10.080 Revocation

The chief of police shall have the authority to revoke a procession permit issued pursuant to this article when the conditions supporting the findings made by the chief of police pursuant to section 1.10.073 change in such a way, prior to the date on which the procession is to be held, that a procession permit would not otherwise be issued.

Sec. 1.10.081 Criminal Penalties

(a) It shall be unlawful to fail to obtain a permit required under this chapter for any parade. Any violation shall be deemed a misdemeanor and shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00).

(b) The intentional, knowing or reckless commission of any act made unlawful by section 1.10.033 shall be deemed a misdemeanor and shall upon conviction be punished by a fine not exceeding five hundred dollars (\$500.00).

SECTION III. All provisions of the Code of Ordinances of the City of Leon Valley codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Leon Valley codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION IV. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance. .

SECTION V. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 2nd day of June, 2015.

A P P R O V E D



CHRIS RILEY
MAYOR

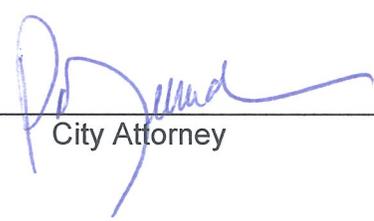
Attest:



SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form:



City Attorney