COUNCIL ITEM 8A
DATE 9-24-12

COUNCIL ITEM 10A
DATE 9-10-12

COUNCIL ITEM 10A
DATE 8/27/12

ORDINANCE 12-50

AN ORDINANCE AMENDING CHAPTER 99: PARADES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA REGARDING STREET CLOSURE FOR PARADES AND SPECIAL EVENTS; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Chapter 99: Parades is hereby amended as follows:

Sec. 99.01. - Short title.

This chapter shall be titled the "Street Closure For Parades And Special Events ~~Parade~~ Ordinance of the City of Port St. Lucie."

Sec. 99.02. Authority.

The Chief of Police is authorized and empowered to issue a street closure permit for the temporary complete or partial closure of roads, alleys, sidewalks or any other public ways used for vehicular or pedestrian traffic, parking or other public use in a manner consistent with regulations and conditions set forth in this chapter.

Sec. 99.0~~2~~3. - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Block party. An organized residential neighborhood gathering on a public right-of-way (street, sidewalk, alley) that is confined to a designated area.

Chief of police. The Chief of Police, or his designee, for the City of Port St. Lucie, Florida.

City. The City of Port St. Lucie, Florida.

Maintenance of Traffic (MOT) Plan. A plan prepared by a Professional Engineer or qualified person certified in Advanced MOT Training that addresses the maintenance of vehicular and/or pedestrian traffic required for the temporary,

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complete and partial closure of public right-of- way in accordance with current Florida Department of Transportation Design Standards 600 Index Series.

Organized competitive event. Any planned race, walk,or event, whether human powered or otherwise, that involves a contest of skill(s) and/or strength.

Parade/Procession. Any march, assembly, run, or walk, ~~or procession~~ (except funeral processions) of any kind within the city in or upon any street used for vehicular traffic, which does not comply with normal and usual traffic regulations and controls.

~~*Parade permit.* A permit as required by this chapter.~~

Person. Any person, firm, partnership, association, corporation, company, group, or organization of any kind.

Right-of-way. Any street, alley, sidewalk, or portion of land set aside for public use, vehicular or pedestrian travel, which is either owned by, or dedicated to, a governmental agency by deed or plat and/or is intended or designated for public use.

Road festival. An organized public gathering on a public right-of-way (street, sidewalk and alley) on a specified date and confined to a designated area, that requires an admission fee to enter and participate. A road festival is distinguished from a block party in that there is an admission to enter and participate in the event.

Special Event. A temporary outdoor event , including but not limited to, circuses, carnivals, tent revivals, outdoor exhibitions, road festivals, and organized competitive events.

Street closure permit. A permit as required by this chapter.

Sec. 99.0~~3~~4. - Permit required.

It shall be unlawful for any person to engage in, participate in, aid, form or start any ~~parade~~ activity, such as a block party; organized competitive event; road festival; parade/procession ; filming of movies, television shows or

documentaries; or other special event utilizing a public right-of-way or portion thereof, unless a ~~parade~~ street closure permit shall have been obtained as provided in this chapter.

Sec. 99.045. - Application.

A person seeking issuance of a ~~parade~~ street closure permit shall file an application with the chief of police on the applicable forms provided:

(a)*Filing period.* An application for a ~~parade~~ street closure permit shall be filed with the chief of police not less than ~~60~~ 30 days nor more than 365 days prior to the date on which it is proposed to conduct the ~~parade~~ event.
(b)*Contents.* The application for a ~~parade~~ street closure permit shall set forth the following information:

(1) The name, address, and telephone number of the person seeking to conduct ~~such parade~~ the event;
(2) If the ~~parade~~ event is proposed to be conducted for, 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 organizing body shall be included;
(3) The name, address, and telephone number of the person(s) who will be responsible for the conduct of the ~~parade (i.e., parade chairman)~~ event;
(4) The proposed date when the ~~parade~~ event is to be conducted;
(5) The proposed route to be traveled, the starting point, termination point, and direction of travel and/or the segment of the right-of-way proposed to be utilized for the event;
(6) The approximate number of persons who will ~~constitute such parade~~ participate in the event;
(7) The proposed hours when such ~~parade~~ event will start and terminate;
(8) An MOT (maintenance of traffic plan);
(9) The location of any assembly and disbursement area for ~~such~~ parades/processions or organized competitive events;
(9)The type of entrants involved in a parade/procession (floats, marching groups, and the like);

(10) The time at which the units of ~~the~~ a parade/procession will begin to assembly at an assembly point;
(11) If the ~~parade~~ event is designed to be held by, for, or on behalf of, 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~~ event, authorizing the applicant to apply for the permit on his behalf;
(12) The chief of police ~~or his designee~~ be notified by the applicant of any planning or organizational meetings for the ~~parade~~ event prior to the ~~parade~~ event.
(13) Proof of comprehensive liability insurance satisfactory to the City.

(c)*Signature*. The person applying for a permit shall agree in writing to abide by all provisions of this chapter and shall sign said agreement. If the person applying is an entity rather than an individual, the above signature shall be supplied by a duly authorized representative of such entity.

Sec. 99.0~~5~~6. - Regulation of time, place and manner of parades.

The following time, place, and manner regulations are to apply to all parades held within the city.

(a) Parades shall take place within designated parade routes, to be determined by the chief of police ~~or his designee~~.
(b) Animals or animal drawn vehicles shall be permitted within a parade if they are trained for utilization in crowd situations and are cleaned up after.
(c) Parades shall be held between the hours of 9:00 a.m. and sunset, only upon Saturdays, Sundays, or national holidays recognized by the federal government of the United States of America, provided, however, for good cause shown the chief of police ~~and review board or their designees~~, may grant a parade permit for days and hours other than those indicated herein.
(d) There shall be no more than one parade at one location on any given day, with priority for any particular day to be granted to the first person to submit a completed application request designating that day.

~~(e) A review of the completed parade permit application shall proceed within ten days of submission to the chief of police and review board. The review board shall contain the following members, or their designees:~~

~~(1)Chief of police;~~

~~(2)Director of public works/utilities and traffic safety division~~ City ~~Engineer;~~

~~(3)Parks and recreation director.~~

~~(f)The granting of a parade permit under this chapter shall not require the complete blockading of streets or intersections to vehicular traffic. The city shall be empowered to apportion such streets and intersections for simultaneous use by parade participants and vehicular traffic.~~

~~(g)Nothing herein shall preclude picketing or demonstrations on public streets, sidewalks or within the parks of the city, which is otherwise permitted by state and federal law, so long as the picketing or demonstration otherwise complies with all city ordinances and the picketers or demonstrators are situated in a manner so as not to obstruct, impede or hinder with the orderly movement of pedestrian or vehicular traffic.~~

Sec. 99.06~~7~~. - Standards for review and issuance.

(a) The Chief of Police shall consult with other City departments in the review of the completed permit application. The departments shall include, but not be limited to:

(1) Public Works;

(2) Parks and Recreation;

(3) Risk Management.

(b) The granting of a permit under this chapter shall not require the complete blockading of streets or intersections to vehicular traffic. The city shall be empowered to apportion such streets and intersections for simultaneous use by participants and vehicular traffic.

(c) Nothing herein shall preclude picketing or demonstrations on public streets, sidewalks or within the parks of the city, which is otherwise permitted by state and federal law, so long as the picketing or demonstration otherwise complies with all city ordinances and the picketers or demonstrators are situated in a manner so as not to obstruct,

impede or hinder with the orderly movement of pedestrian or vehicular traffic.

The chief of police~~, upon recommendation of the review board,~~ shall issue a permit as provided for herein when from consideration of the application and from such other information as may be otherwise obtained, he finds that:

(a) No other applicant has received priority consideration for the date requested;
(b) The ~~parade~~ applicant has agreed in writing to abide by all provisions set forth in this chapter;
(c) All required information is set forth in the application and is in accordance with all provisions set forth in this chapter;
(d) The concentration of persons and vehicles at assembly points of the ~~parade~~ event will not interfere with the proper police and fire protection of, or ambulance service to, areas contiguous to such assembly areas;
(e)The conduct of such ~~parade~~ event will not interfere with the movement of emergency medical services equipment in route to an emergency;
(f)~~The~~ A parade/procession is scheduled to move from its point of origin to its point of termination expeditiously without unreasonable delays in route;
(g)~~The~~ A parade/procession is not to be held for the purpose of advertising any product, and is not designed to be held for private profit or private fund raising.

Sec. 99.0~~7~~8. - Notice of rejection.

The chief of police ~~and review board~~ shall take action on the review of an application for a ~~parade~~street closure permit within ten days after the filing thereof and shall notify the applicant of the approval or denial of the application within five days. If the ~~board denies the~~ application is denied, a written notice stating the reasons for denial shall be sent to the applicant by certified mail, and made available by the city for inspection, within the five day period specified above.

Sec. 99.08~~9~~. - Appeal procedure and ~~board~~ review.

Any person aggrieved by denial of a permit shall have the right to appeal the denial to the city manager. The appeal shall be filed within five days of notice

of denial. In the event of an appeal to the city, the city manager shall expeditiously review the decision within 72 hours.

Sec. 99.0~~9~~10. - Notice to city and other officials.

Immediately upon the issuance of a permit, the chief of police shall send a copy thereof to the city manager who shall provide distribution to:

(a) The mayor and city council;
(b) The assistant city manager;
(c) City clerk;
(d) Parks and recreation director;
(e) Director of public works~~/utilities and traffic safety division~~;
(f) Director of ~~community relations~~ communications.

Sec. 99.~~10~~11. - Duties of permittee.

The permittee hereunder shall comply with all provisions of this chapter, all permit directions and conditions and with all applicable laws and ordinances.

~~**Sec. 99.11. - Possession of permit.**~~

~~The parade chairman or his designee heading or leading such activity shall carry the parade permit upon his person during the parade.~~

Sec. 99.12. - Public conduct during parades.

(a)*Interference.* No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any participants in a parade.
(b)*Driving through parades.* No vehicle shall be driven between participants comprising a parade when such participants are in motion and conspicuously designated as a parade; with the exception of authorized emergency vehicles.
(c)*Parking on parade route.* The chief of police shall have the authority to prohibit or restrict the parking of vehicles along a highway or part thereof constituting any part of the parade route. 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.

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Sec. 99.13. - Revocation of permit.

The chief of police shall have the authority to revoke a ~~parade~~ street closure permit issued herein if deemed necessary. The revocation of a permit may be appealed in the same manner and under the same time limitations as a permit denial.

Sec. 99.14. – Indemnification and Insurance.

The City reserves the right to request that indemnification and insurance to protect the City be provided for any event using public property.

Section 2. This Ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
JoAnn M. Faiella, Mayor

ATTEST:

By: _____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

By: _____
Roger G. Orr, City Attorney

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PORT ST. LUCIE CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR _X_ SPECIAL

DATE: 8-27-12 and 9-10-12

ORDINANCE _X_ RESOLUTION ___ MOTION

PUBLIC HEARING 9-10-12 LEGAL AD PUBLISH DATE City Clerk's Office

NAME OF NEWSPAPER St. Lucie News Tribune

ITEM: P12-087. City Code Text Amendment – Chapter 99: Parades – Street Closure For Parades and Special Events

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RECOMMENDED ACTION: The Planning & Zoning Department staff recommends approval of the proposed amendment to the City's Code.

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EXHIBITS: A. Staff Report and Recommendation
B. Ordinance

SUMMARY EXPLANATION/BACKGROUND INFORMATION: Proposed amendment to rename the chapter "Street Closure For Parades And Special Events" and to amend the chapter to require a street closure permit to be obtained from the Police Department for special events utilizing a public right-of-way.

IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?

SUBMITTING DEPARTMENT: Planning Department DATE: 8/14/12

City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: **CITY COUNCIL - MEETING OF AUGUST 27, 2012**

FROM: **ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING** AC

RE: **CITY CODE TEXT AMENDMENT TO RENAME CHAPTER 99: PARADES "STREET CLOSURE FOR PARADES AND SPECIAL EVENTS" AND AMEND THE CHAPTER (PROJECT NO. P12 - 087)**

DATE: **AUGUST 14, 2012**

BACKGROUND

On July 13, 1992, the City Council adopted Ordinance 92-12 providing for the regulation of parades. The ordinance was proposed by staff because with the growth of the City the requests for parades was expected to increase and it was the desire to facilitate the public's right to assembly in an efficient manner providing for the overall safety of the community. The ordinance authorized the chief of police to receive applications and issue permits and provided regulations governing the time, place and manner in which parades would be permitted.

PROPOSED TEXT AMENDMENTS

As the city has continued to grow, there have been different types of events, requiring street closures similar to parades, for which entities have requested special event permits. The Planning and Zoning Department staff met with the City Manager and departments to discuss proposed changes to the code. Staff is proposing to amend Chapter 99, Parades, of the City Code to rename the chapter "Street Closure For Parades And Special Events" and to amend the chapter to require a street closure permit to be obtained from the Police Department for special events utilizing a public right-of-way. These would include but not be limited to: block parties; organized competitive events; road festivals; parades/processions, runs or walks; and filming of movies, television shows or documentaries. The Police Department would consult with the City's Public Works, Parks and Recreation, and Risk Management Departments in

reviewing permit applications. The proposed amendments are shown by the ~~struck through~~ and underlined text in the attached proposed ordinance.

STAFF RECOMMENDATION:

The Planning and Zoning Department staff recommends approval of the proposed text amendments to Chapter 99: Parades, as shown in the attached proposed ordinance.