



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 8
Council Meeting Date: 11/29/2007
RFCA Tracking No: R-2454

DEPARTMENT: SAPD

DEPARTMENT HEAD: William McManus

COUNCIL DISTRICT(S) IMPACTED:
City Wide

SUBJECT:
Parade and Procession Ordinance

SUMMARY:

This ordinance will repeal Article XII (Parades) and Article XIII (Run, Walk and Cycling Events of Chapter 19 of the City Code, and create Article XVII (Parades, Runs, Walks, and Related Events) including the establishment of criminal penalties for violations of its provisions.

BACKGROUND INFORMATION:

The issuance of a parade permit is currently addressed by Article XII (Parades) of Chapter 19 of the City Code and the issuance of a run, walk, or cycling event permits is currently addressed by Article XIII (Run, Walk and Cycling Events) of Chapter 19 of the City Code. The purpose of this ordinance is to standardize and simplify the permit process for events and to ensure the constitutional rights of individuals as guaranteed under the first amendment.

Freedom of expression and association are critical to democracy. One characteristic of a vibrant city is flourishing public speech and debate. Marches, parades, demonstrations, and rallies are an important part of public speech. Another characteristic of a vibrant city is community gatherings, including culturally diverse holiday celebrations. Block parties, community events, posadas, and other opportunities for neighbors to interact enrich the life of our city. The goal of this ordinance is to enable public speech and debate to flourish in San Antonio and to support gatherings for community events, while also addressing the necessity to protect public safety during such events. The proposed ordinance is an attempt to simplify and clarify the process.

In order to achieve these objectives, it is essential that all special public events be conducted in a safe and responsible manner. The law provides that the city may enact reasonable, content-neutral restrictions on the time, place, and manner of special public events, even those that involve the rights of free speech and association, in order to ensure public safety. This ordinance establishes reasonable rules and procedures governing special public events taking place in the City's public roadways.

It is the experience of the San Antonio Police Department that large outdoor gatherings that

involve the use of city roadways used by vehicular traffic can create a danger to public health and safety regardless of the purpose of the event. Roadways are primarily used for vehicular transportation. Disruption to traffic patterns and vehicular and pedestrian use can also be affected by time of day, selection of route and number of individuals participating in the event making use of the roadway. In order to maintain public safety and avoid congestion when processions, parades, runs, walks, and cycling events are conducted on City streets, the City Code provision requires submission of an application to the Chief of Police for consideration and the issuance of a permit. The permit application sets out, among other things, the proposed route, the duration of the event, and the estimated number of participants. In reviewing the application, the Chief of Police considers, among other things, whether the event will: (1) substantially interrupt safe and orderly movement of other traffic on the route and on roadways near the route; (2) require diversion of SAPD police officers to properly staff the line of movement and the areas near the event; and (3) require diversion of ambulances and public transportation vehicles so as not to interrupt normal service to the remainder of the City. All permits not passed under separate ordinance are issued by the Chief of Police. A decision by the Chief of Police to deny an application may be appealed by the applicant to the City Manager or City Council.

Unless the event is authorized by separate ordinance, applicants who are granted a permit are required to bear all costs related to: (1) traffic control devices; (2) traffic control personnel; (3) personal injury and liability insurance for non-first amendment processions; and (4) clean-up of the route. For any first amendment procession, the city shall assume the first \$2000 of the traffic control device and traffic control personnel costs. Costs beyond the \$2000 amount for traffic control device and traffic control personnel costs, as well as the \$75 permit application fee, will be paid for by the organizers of the event. The current ordinance establishes a permit fee schedule based on the number of officers required to address public safety for the event; this ordinance establishes a flat permit application fee of \$75 per event. The \$75 represents minimum costs for San Antonio Police Department personnel to develop a traffic safety plan for processional events.

In the past, the City Council has recognized the benefits and importance to the community of certain annual parades and events utilizing the City's streets. Historically, these events have been City-supported events based on their broad appeal, historic tradition, cultural significance, association with national or state holidays, and days given national, statewide or local recognition. For such events, the costs of traffic control personnel and, in some cases, traffic control devices are either paid for through various City funds or absorbed within the SAPD budget. The following event will not be responsible for the costs of traffic control personnel: (1) the Diez y Seis Parade. The following event will not be responsible for the costs of traffic control personnel or traffic control devices: (1) the Veterans Day Parade and (2) the Martin Luther King March.

Notable provisions of the proposed Article XVII are: (1) to recognize the rights of individuals as guaranteed under the first amendment; (2) to absorb traffic control personnel and traffic control devices costs for first-amendment events up to \$2000; (2) to impose a requirement of liability insurance coverage of \$1,000,000 for non-first amendment processions; (3) to establish a penalty for violation of the provisions of Article XVII of a fine not to exceed \$500; and (4) to impose a surety bond requirement guaranteeing payment of the aforementioned costs, under certain circumstances. Further, events taking place on sidewalks that do not disrupt pedestrian or vehicular traffic or static events taking place within city parks or other public spaces will not be subject to the permitting regulations of this proposed ordinance and provide a free alternative to groups that wish to engage in public expression.

On October 22, 2007, City staff held a public meeting pertaining to this ordinance. Several spoke in favor of the proposed ordinance, and several voiced their opinion that the city should not charge

for police services or traffic control devices for any event in which citizens engage in speech protected by the first amendment, including events taking place within public roadways.

City staff reviewed all topics and suggestions discussed at the meeting, reviewed the ordinances of other cities, and in response has proposed a provision in which the City absorbs the costs of any first amendment procession up to an amount of \$2,000.

ISSUE:

This proposed ordinance continues City Council's policy of conducting comprehensive reviews and oversight of city operations and regulations to ensure public safety.

ALTERNATIVES:

Continue to issue parade or run, walk, and cycling event permits under two separate articles and require the organizers of certain significant City-wide events to bear the cost of police required to secure their events in accordance with the City Code.

FISCAL IMPACT:

The consolidation of the Permit Fee structure will not impact the FY 2008 budgeted General Fund Revenues. The costs associated with the First Amendment events are consistent with the FY 2008 Adopted Budget.

RECOMMENDATION:

Staff recommends approval of this ordinance.

ATTACHMENT(S):

File Description	File Name
Ordinance/Supplemental Documents	200711291193.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

David Head Assistant Police Chief SAPD

APPROVED FOR COUNCIL CONSIDERATION:

Penny Postoak Ferguson Assistant City Manager