

ORDINANCE NO. 22-79  
BY: Carmella Williams

Amending Section 1111.03 of the Traffic Code, and adding new Chapter 165 to the Administrative Code, of the Codified Ordinances of the City, in order to clarify and update requirements for parades and special events in the right-of-way and on City-owned property.

WHEREAS, Section 1111.03 of the Traffic Code of the City's Codified Ordinances was last amended in Ordinance 01-50, enacted on November 26, 2001; and

WHEREAS, it has been more than 20 years since the City updated its parade and special event ordinance, and the Chief Administrative Officer and Director of Recreation have recommended certain changes to clarify and update the regulation of parades and special events to meet the current needs and resources of the City and the interest of residents in different types of uses of the City's right-of-way and City-owned property.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Section 1111.03 of the Traffic Code of the Codified Ordinances of the City of Shaker Heights as heretofore in effect is hereby repealed.

Section 2. Section 1111.03 of the Traffic Code of the Codified Ordinances of the City of Shaker Heights is hereby enacted as amended, and new Chapter 165 of the Administrative Code of the Codified Ordinances of the City of Shaker Heights is hereby enacted, as follows:

1111.03 PARADES AND SPECIAL EVENTS IN THE RIGHT-OF-WAY; PERMITS.

(a) "Parade", ~~or "special event",~~ for the purpose of this Traffic Code, means a group of ten or more persons on foot, or three or more vehicles, carts, or equestrians, standing or moving upon the right-of-way, including any public street, sidewalk, tree lawn or other portion of the dedicated public right-of-way or ground, excluding sidewalks, under common control or direction. This definition does not include any governmental officers or employees acting in their capacity as such, or persons under their direction, ~~any military organization, any funeral procession, a group using the sidewalk only and obeying all traffic control laws for pedestrians,~~ or any person while engaging in the person's ~~his~~ lawful employment in business or trade.

(b) "Special event", for the purpose of this Traffic Code, means an activity, other than a Parade, taking place in the dedicated public right-of-way, including, but not limited to, an organized running race or walk, block party, festival, market, street fair, art exhibit or concert or other performance.

(~~c~~) No person shall take part in any parade or special event in the right of way unless a permit for the parade has been issued pursuant to Chapter 165 of the Administrative Code as herein provided, except that no permit shall be required for any person who is picketing pursuant to the provisions of Chapter 739 of the General Offenses Code.

~~(c) Except for parades or special events sponsored by the City,~~

~~including, but not limited to, holiday parades, block parties, commemorations, social gatherings, tours and similar events, no person or organization shall sponsor or conduct a parade or special event without first obtaining a permit from the Mayor's designee. The application for such a permit shall be filed with the Mayor's designee prior to January 15, for the period March 1 through July 31; and prior to June 15, for the period August 1 through November 30 of the year of the parade or special event, and including the following information:~~

- ~~(1) The name and address of the applicant and of all other persons who will have complete or partial charge of the parade;~~
- ~~(2) The proposed time and route, including a map of the proposed route;~~
- ~~(3) The approximate number of participants and how many will be on foot, mounted or in vehicles;~~
- ~~(4) The name of the organization or organizations, if any, represented in the parade, and the names of such officers in charge or control of the participants in the parade for each organization;~~
- ~~(5) The purpose of the parade;~~
- ~~(6) The proposed number and types of banners, placards and signs;~~
- ~~(7) The proposed number and types of animals or bands, if any;~~
- ~~(8) Whether food and/or refreshments will be served, and by whom prepared; and~~
- ~~(9) Such other information as the Mayor may reasonably require.~~

~~(d) Each permit application shall be accompanied by the payment of the fee as outlined in the chart below, to partially reimburse the City for its administrative costs, including set up, inspections and assignment of safety personnel for traffic control; the application fee shall be refunded only if no permit is issued.~~

<del>Category</del>	<del>Fee</del>	<del>Conditions</del>
<del>Shaker Heights Public Schools</del>	<del>\$250.00*</del>	<del>If the schools conduct back to back races/parades that meet the above guidelines, within a four hour time frame, the fee for both races will be \$250.00</del>
<del>Shaker Heights Private Schools and Shaker Heights Not for Profit Organizations</del>	<del>\$1000.00*</del>	
<del>All Other Organizations</del>	<del>\$1,500.00* (down payment)</del>	<del>Deposit required; after event and all direct and indirect costs have been calculated, will bill or refund the difference</del>

~~\* all fees doubled for Non City offered routes.~~

~~(e) Each permit application shall also include proof of liability insurance, naming the City as an additional insured, with limits of at least~~

~~one million dollars (\$1,000,000) per person and three million dollars (\$3,000,000) per occurrence.~~

~~(f) The Mayor's designee shall consider the application and pass upon the same within fourteen days of its submission, provided all the information required in the permit application has been submitted, along with proof of insurance and the payment of the permit fee. If the Mayor's designee finds that the proposed parade will result in disturbance of the peace, or violation of law, or unreasonable interference with public travel, or unreasonable demand upon the personnel of the Police, Fire or Service Departments, including the cumulative cost and impact of permits granted previously during the year for other parades or special events, or unreasonable interference with the right of quiet enjoyment by the citizens in the use of their property, or that food will be prepared or served in violation of the City Health Code, the permit shall not be issued; otherwise the Mayor's designee shall issue a permit therefor.~~

~~(g) The forty five day application period may be shortened by the Mayor's designee for good cause shown, upon the written request of the applicant, stating the reasons therefor, and further, that the shortening of the permit application period would not be detrimental to the peace, health, safety and welfare of the City, in consideration of the factors set forth in subsection (f) hereof, the size of the proposed parade or special event, the proposed route, the length of time of the event itself, and the time in which the City has to prepare and allocate its equipment, vehicles and manpower for the event.~~

~~(h) The Mayor's designee may promulgate written rules and regulations for the administration of this section, a copy of which, if so promulgated, shall be provided with any permit application requested. The Mayor's designee may delegate an officer or employee of the City to process permit applications.~~

~~(i) No person shall knowingly give any false or misleading information in any permit application for a parade or special event permit.~~

(d~~j~~) No person shall drive a vehicle through a parade or special event except with permission of a police officer.

## TITLE ELEVEN - Public Property

### Chapter 165 Public Property Use and Special Event Permits

#### Section 165.01 DEFINITIONS

(a) "Parade", for the purpose of this Public Property Code, means a group of ten or more persons on foot, or three or more vehicles, carts, or equestrians, standing or moving upon the right-of-way, including any public street, sidewalk, tree lawn or other portion of the dedicated public right-of-way, under common control or direction. This definition does not include any governmental officers or employees acting in their capacity as such, or persons under their direction, a funeral procession, a group using the sidewalk only and obeying all traffic control laws for pedestrians, or any person while engaging in the person's lawful employment in business or trade.

(b) "Special event", for the purpose of this Public Property Code, means an activity, other than a Parade, taking place in the dedicated public right-of-way, on any public property, including, but not limited to, parks and other City-owned facilities, or a public event on private property when

City-services are required. Special events include, but are not limited to, an organized running race or walk, block party, festival, market, street fair, art exhibit or concert or other performance, or a private party.

Section 165.02 PERMITS REQUIRED

(a) No person or organization shall sponsor or conduct a parade or special event ("Event") without first obtaining a permit from the Recreation Department. The application for such a permit shall be submitted to the Recreation Department at least thirty (30) days prior to the Event.

(b) A Parade Permit application shall be submitted to the Recreation Department on the form provided by the Department, and shall include the following information:

- (1) The name and address of the applicant and of all other persons who will have complete or partial charge of the parade;
- (2) The proposed time and route, including a map of the proposed route;
- (3) The approximate number of participants and how many will be on foot, mounted or in vehicles;
- (4) The name of the organization or organizations, if any, represented in the parade, and the names of persons in charge or control of the participants in the Parade for each organization;
- (5) The purpose of the parade;
- (6) The proposed number and types of banners, placards and signs;
- (7) The proposed number and types of animals or bands, if any;
- (8) Whether food and/or refreshments will be served, where, and by whom prepared; and
- (9) Such other information as the City may reasonably require.

(c) A Special Event Permit application shall be submitted to the Recreation Department on the form provided by the Department.

(d) Each Parade Permit application shall be accompanied by the payment of the fee as outlined in the chart below, to partially reimburse the City for its administrative costs, including set-up, inspections and assignment of safety personnel for traffic control. The application fee shall be refunded only if no permit is issued. The City may waive fees in particular circumstances when the public interest would be furthered thereby.

<u>Parades Sponsors</u>	<u>Fee</u>	<u>Conditions</u>
<u>Shaker Heights Public Schools/Parent Teacher Organizations</u>	<u>\$250.00</u>	<u>If the schools conduct back-to-back races/parades that meet the above guidelines, within a four-hour time frame, the fee for both races/parades will be \$250.00</u>
<u>Shaker Heights Private Schools and Shaker Heights-Based Not-for-Profit Organizations</u>	<u>Actual Cost to City, maximum \$1,000.00</u>	

<u>All Other Non-Profit and For-Profit Organizations/ Entities</u>	<u>\$1,500.00 plus actual costs to City</u>	<u>Deposit required; after event and all direct and indirect costs have been calculated, will bill any additional cost</u>
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(e) Each Special Event Permit application shall be accompanied by the payment of the fee as set forth in the Special Event Regulations and Charges, to partially reimburse the City for its administrative costs, including set-up, inspections and assignment of safety personnel for traffic control. The application fee shall be refunded only if no permit is issued. The City may waive fees in particular circumstances when the public interest would be furthered thereby.

(f) Each permit application shall also include proof of liability insurance, naming the City as an additional insured, with limits of at least one million dollars (\$1,000,000) per person and three million dollars (\$3,000,000) per occurrence. The City may modify this requirement to meet the risk of the particular Event.

(g) The Recreation Department shall approve or deny an application within fourteen (14) days of its submission, provided all the information required in the permit application has been submitted, along with proof of insurance and the payment of the permit fee. -If the Recreation Department finds that the proposed Event will result in disturbance of the peace, or violation of law, or unreasonable interference with public travel, or unreasonable demand upon the personnel of the Police, Fire or Public Works Departments, including the cumulative cost and impact of permits granted previously during the year for other parades or special events, or unreasonable interference with the right of quiet enjoyment by the citizens in the use of their property, or that food will be prepared or served in violation of law, the permit shall not be issued; otherwise the City shall issue a permit.

(h) The thirty-day application period may be shortened by the Recreation Department for good cause shown, upon the written request of the applicant, stating the reasons therefor, and further, that the shortening of the permit application period would not be detrimental to the peace, health, safety and welfare of the City, in consideration of the factors set forth in this Chapter, the size of the proposed parade or special event, the proposed route, the length of time of the Event itself, and the time in which the City has to prepare and allocate its equipment, vehicles and manpower for the Event.

(i) No person shall knowingly give any false or misleading information in any permit application for a parade or special event permit.

Section 165.03 RULES AND REGULATIONS

(a) The Recreation Department may promulgate written rules and regulations for the administration of this Chapter, a copy of which, if so promulgated, shall be provided with any permit application requested.

Section 3. This Ordinance shall be effective on the earliest date permitted by law.

Enacted July 25, 2022.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022.

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DAVID E. WEISS, Mayor

Attest:

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JERI E. CHAIKIN  
Clerk of Council

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