

**CITY OF HIGHLAND HEIGHTS, KENTUCKY  
ORDINANCE NO. 08-2014**

AN ORDINANCE AMENDING THE CITY OF HIGHLAND HEIGHTS CODE OF ORDINANCES CHAPTER 71.40 THROUGH 71.51 REGARDING REGULATIONS AND PERMITS FOR PARADES TO INCLUDE SPECIAL EVENTS.

**WHEREAS**, the City of Highland Heights continues to undertake measures designed to provide economic revitalization, beautification, safety and welfare for individual citizens and businesses, and a sense of community peace and tranquility;

**WHEREAS**, the City has studied its current policies and Ordinances regarding parades and "street" events toward providing for the aforementioned continued economic revitalization, beautification, safety and welfare of individual citizens and businesses, and a sense of community peace and tranquility; and

**WHEREAS**, the City is always mindful of rights of citizens to assemble and participate in free speech, and intends to ensure that any regulation or the use of public property is narrowly tailored to serve a legitimate public interest to balance the same with the peace, tranquility, health, safety, and welfare of its citizens, and the conservation of City resources; and

**WHEREAS**, the City wishes for its citizens to enjoy the use of its facilities including its parks, recreational areas, and other properties owned by the City; and

**WHEREAS**, the City believes in conservation of City resources both manpower and facility use-wise; and

**WHEREAS**, it is believed that closing of City streets should be reserved only for permitted parades and extraordinarily large community-wide events accommodating the expectation of more attendees and needed parking than can be accommodated by the utilization of other City-owned properties; and

**WHEREAS**, it is anticipated that some special events may grow, or diminish, in number of attendees from year to year and may need to be located at various venues to accommodate the special event while also protecting the peace, tranquility, health, safety and welfare of citizens and code-compliant businesses, and conservation of City resources;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY THAT CHAPTER 71.40 THROUGH 71.51 BE AND ARE HEREBY AMENDED TO READ:**

**§ 71.40 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CHIEF OF POLICE:** Shall include the Chief of Police for the City of Highland Heights and his or her designee.

**PARADE:** Any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display in or on any street, sidewalk, park, or other public place in the city.

**PERMIT:** A permit or written authorization as required by this subchapter.

**SPECIAL EVENT:** Any activity which occurs upon private or public property that will affect the ordinary use of the public property, alleys, streets, rights-of-way, parking lots or sidewalks. This includes, but is not limited to fairs, festivals, foot runs, bicycle runs, block parties and public displays of personal or group feelings about a particular person or cause. Private social gatherings which will not require the use of City streets other than for lawful parking are not included.

#### § 71.41 PERMIT REQUIRED.

(A) No person or persons shall engage in, participate in, aid, form, or start any parade or special event unless a permit has been obtained from the Chief of Police or other authorized city official.

(B) This subchapter shall not apply to:

- (1) Funeral processions; or
- (2) A governmental agency acting within the scope of its functions.

#### § 71.42 APPLICATION FOR PERMIT.

A person seeking issuance of a permit for a parade or special event shall file an application with the Chief of Police on forms provided by the Chief of Police.

(A) **Filing Period.** The application for a permit shall be filed not less than five (5) days or not more than sixty (60) days before the date on which it is proposed to conduct the parade.

(B) **Application Contents.** The application for a permit shall set forth the following information:

- (1) The name, address, and telephone number of the person seeking to conduct the parade or special event;
- (2) If the parade or special 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 the organization;
- (3) The name, address, and telephone number of the person who will be the parade or special event chairman and who will be responsible for its conduct;
- (4) The date and hours when the parade or special event is to be conducted;

(5) If the proposed activity is a parade, then the proposed route to be traveled for the parade, the starting point, and the termination point. If the proposed activity is to be a special event, then the proposed, or requested, location and time of such special event. For either activity, the Applicant shall include a statement as to whether the parade or special event is proposed to occupy all or any portion of the width of any street within the City.

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

(7) A statement as to whether the parade or special event will occupy all or only a portion of the width of the streets, sidewalk, park, or other public place proposed to be traversed;

(8) If the proposed activity is a parade, the location by street of any assembly area for the parade and the time at which units of the parade will begin to assemble at such assembly areas;

(9) If the parade or special event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his behalf;

(10) Any additional information reasonably necessary for a fair determination as to whether a permit should be issued.

(C) **Filing Fee.** There shall be paid at the time of filing an application for a parade or special event permit a fee in an amount of \$25.

#### § 71.43 STANDARDS FOR ISSUANCE OF PERMIT.

The Chief of Police shall issue a permit when, from a consideration of the application and from other information obtained, he finds that:

(A) The parade or special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The parade or special event will not require the diversion of so great a number of police officers of the city as to prevent normal police protection to the city;

(C) The parade or special event 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 parade or special event;

(D) The concentration of persons, animals, and vehicles at the parade or special event will not unduly interfere with proper fire and police protection of, or ambulance service;

#### § 71.44 NOTICE OF REJECTION OF PERMIT.

The Chief of Police shall act on the application for a parade or special event permit within three days, Saturdays, Sundays, and holidays excluded. If he disapproves the application, he shall mail to

the applicant within the three days, Saturdays, Sundays, and holidays excluded, a notice of his action stating the reasons for his denial of the permit.

**§ 71.45 APPEAL PROCEDURE WHEN PERMIT DENIED.**

Any person aggrieved shall have the right to appeal the denial of a parade or special event permit to the City Council. The appeal shall be taken within thirty (30) days after notice of denial. The City Council shall act on the appeal within thirty (30) days after its receipt.

**§ 71.46 ALTERNATIVE PERMIT.**

The Chief of Police, in denying an application for a parade or special event permit, shall be empowered to authorize the conduct of the parade or special event on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of his acceptance. An alternate permit shall conform to the requirements of, and shall have the effect of, a parade permit under this subchapter.

**§ 71.47 NOTICE TO CITY AND OTHER OFFICIALS WHEN PERMIT ISSUED.**

Immediately on the issuance of a parade permit, a copy thereof shall be sent to the following persons:

- (A) The Mayor;
- (B) The City Attorney;
- (C) The Fire Chief; and
- (D) The general manager or responsible head of each public utility, the regular routes of whose routes vehicles will be affected by the route of the proposed parade.

**§ 71.48 CONTENTS OF PERMIT.**

Each parade or special event permit shall state the following information:

- (A) Starting and End time;
- (B) If the proposed activity is a parade, the minimum and maximum speed of the parade, and the maximum interval of space to be maintained between the units of the parade;
- (C) The portions of the street, sidewalk, park, or other public place to be occupied or traversed by the proposed activity; and
- (D) Such other information as is reasonably necessary to the enforcement of this subchapter.

**§ 71.49 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 the activity shall carry the parade permit on his person during the conduct of the parade.

**§ 71.50 PUBLIC CONDUCT DURING PARADES OR SPECIAL EVENTS.**

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

(B) **Driving through parades.** No driver of a vehicle except a police car or other emergency vehicle 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.

(C) **Unpermitted Parade or Special Event Activity.** Any person in charge of, or responsible for a parade or special event to knowingly conduct the parade or event in the City of Highland Heights without a permit shall, upon conviction, be guilty of a Class B misdemeanor and be subject to penalties as provided in the Kentucky Revised Statutes.

(D) **Failure to Comply with Permit Conditions.** Any person in charge of, or responsible for the conduct of a duly licensed parade, special event, or outdoor demonstration to knowingly fail to comply with any condition of the permit shall, upon conviction, be guilty of a Class B misdemeanor and be subject to penalties as provided in the Kentucky Revised Statutes.

**§ 71.51 REVOCATION OF PERMIT.**

The city shall have the authority to revoke a parade or special event permit issued hereunder on application of the standards for issuance as herein set forth.

**§ 71.52 PERFORMANCE BOND/RENTAL FEES.**

If deemed necessary by the Chief of Police, a performance bond may be required before the parade, special event, or outdoor demonstration permit is issued. The type and amount of the performance bond shall be determined within the discretion of the Chief of Police based on information contained in the application. The purpose of the performance bond is to pay for damages to City property and to pay the costs incurred by the City in the cleanup of the parade, special event, or outdoor demonstration. Any part of the bond not withheld by the City will be returned to the permit holder within 30 business days after the event has occurred.

In addition to the performance bond, persons requesting the rental of certain City property shall be required to comply with established rental fees.

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**§ 71.53 INSURANCE, HOLD HARMLESS AGREEMENT AND SECURITY PLAN REQUIRED**

(A) If required by the Chief of Police, the permittee shall obtain and present evidence of comprehensive liability insurance naming the City as an additional insured in an amount and from an insurance company satisfactory to the City.

(B) The applicant shall provide a hold harmless agreement in which the applicant agrees to defend, pay and hold harmless the City, its officers and employees, from any and all claims for personal or property injuries or damages arising from or in any way connected to the parade or special event.

(C) The applicant shall cooperate with the Highland Heights Police Department in designing a security plan for the parade or special event that will involve the use of police officers, whether on duty or off duty.

**§ 71.54 NOTICES.**

If required by the Chief of Police, the applicant shall pay the cost of publication of 2 announcements in the local newspaper one and two weeks prior to the event.

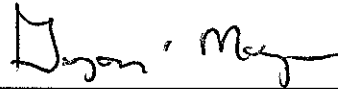
**§ 71.55 SANITATION AND CLEANUP.**

A parade or special event permit may be issued only after adequate waste disposal facilities have been identified and obtained by the applicant. The applicant will clean the rights-of-way or other public property of solid waste and litter, returning it to its pre-event condition immediately at the conclusion of the event. If the applicant fails to clean up such solid waste, such clean up shall be arranged by the City and the costs charged to the applicant.

That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer, recorded and published. Same shall be in effect at the earliest time provided by law.

First reading on this 15<sup>th</sup> day of July, 2014.

Second reading on this 5<sup>th</sup> day of August, 2014.



MAYOR GREGORY V. MEYERS

ATTEST:

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JEAN RAUF  
CITY CLERK/TREASURER  
14.08