

ORDINANCE NO. 3861

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO ENACT ARTICLE V OF CHAPTER 15 OF THE CITY CODE (TO-WIT: SECTIONS 15-80 TO 15-90, INCLUSIVE) PERTAINING TO PARADES AND SPECIAL EVENTS."

WHEREAS, the City's protocols and procedure relative to parades and special events have not been set forth in writing, nor have they been adequately defined; and

WHEREAS, the enactment of this Ordinance established defined protocols and procedures.

NOW THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Sections 15-80 to 15-90 of the Code of the City of Cumberland (1991 Edition) are hereby enacted and shall read as set forth in the attachment to this ordinance.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this ____ day of _____, 2019.

Raymond M. Morriss, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

CHAPTER 15 , ARTICLE V

Sec. 15-80. Applicability; Short Title.

The terms of this article shall apply to parades and special events, as indicated hereinafter. The short title of this article shall be the Parades and Special Events Ordinance.

Sec. 15-81. Definitions.

As used in this Article, the following definitions apply:

Parade. "Parade" means any parade, march, race or procession upon any street, excluding.

- (i) Funeral processions;
- (ii) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities; or
- (iii) Governmental agencies acting within the scope of their functions.

Permit. "Permit" means a permit for a parade or special event

Special event. "Special event" means any activity held on city property which is expected to draw a crowd in excess of fifty (50) people or which involves the sale of food, alcohol, or merchandize or which involves the erection or placement of a stand, tent, platform or other structure. Activities organized by the Downtown Development Commission within its special taxing district are excluded from this definition.

Sec. 15-82. Permit required.

No person shall organize, hold or start a parade or special event without a permit. A violation of this provision shall constitute a municipal infraction, punishable by a fine of \$500.00. Each day a violation occurs shall constitute a separate offense.

Sec. 15-83. Compliance with laws and regulations.

A permit applicant shall be responsible for ensuring that the parade or special event is conducted in compliance with all permit requirements and conditions and with all applicable laws, ordinances, rules and regulations. The applicant shall also be responsible for securing any permits which may be required by other governmental agencies for the conduct of the parade or special event and the activities associated therewith.

Sec. 15-84. Application.

- (a) A person desiring a parade/special event permit shall file an application with the city clerk on forms provided by such officer. Such application shall be filed not less than thirty (30) days before the date proposed for the parade or special event.
- (b) The application for a permit shall include the following information:
 - (1) The name, address, telephone number and e-mail address of the person organizing the parade or special event and who will be responsible for its conduct;
 - (2) If the parade or special event is proposed to be conducted for, on behalf of, or by an organization, the name, address, telephone number and e-mail addresses, as applicable, of the headquarters of the organization and the same information for the individual officer who will be responsible for its conduct;
 - (3) The date the parade or special event will be conducted;
 - (4) As to a parade, the route to be traveled, the starting point and the termination point, the location of any assembly area, and whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (5) As to a special event, the boundaries of the location where the special event will be held and a sketch showing the location of the stand, tent, platform and other structures that will be erected or placed on site;
 - (6) As applicable, the approximate number of persons and vehicles that are expected to be present and, as to vehicles, the number and types thereof;
 - (7) The hours the parade or special event will start and terminate;
 - (8) The time at which the units/facilities of the parade or special event will begin to be assembled and when their disassembly will be completed;
 - (9) Any additional information which the city clerk shall find reasonably necessary for the city administrator to make a fair decision regarding whether a permit should be issued; and
 - (10) Whether a waiver of the insurance requirements set forth in section 15-88 is being requested and, if so, a statement describing which those requirements should be waived and the good cause which serves as the basis for the request

- (c) For good cause shown and to the extent practicable, the city administrator, may waive the thirty (30) day requirement of subsection (a).

Sec. 15-85. Fees.

(a) A nonrefundable permit fee of \$150.00 shall be paid upon submission of a permit application.

(b) Upon consultation with the police and fire departments, the city administrator shall estimate the overtime/compensatory time and other costs the city is likely to incur as a result of the conduct of the parade or special event and, unless waived by city council, those estimated costs shall be paid before a permit is issued. Unless the aforesaid waiver is granted, the permit applicant shall be liable for the actual costs of the parade or special event which exceed the estimated costs and shall pay those costs within fifteen (15) days of the date of the submission of an invoice therefor.

Sec. 15-86. Standards for permit issuance.

A permit shall be issued when, upon consideration of the application and such information as may otherwise be obtained, and after consultation with the police, fire and street departments, the city administrator finds it is likely that:

- (a) The conduct of the parade or special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to the parade route or the location of the special event;
- (b) The set up for and conduct of the parade or special event will not require the diversion of so great a number of police officers or fire department personnel as to impair the city's ability to provide adequate police and fire protection elsewhere in the city;
- (c) The set up for and conduct of the parade or special event will not require the diversion of so great a number of street department staff that they shall be precluded from performing their normally assigned duties;
- (d) The conduct of such parade or special event will not interfere with the movement of firefighting and emergency medical services equipment in route to or from a fire or emergency; and
- (e) As to a parade, it is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays.

Sec. 15-87. Permit conditions.

- (a) *Standard conditions.* All permits are subject to the following standard conditions with or without further notification:

- (1) If vehicles will be loading, unloading or parking on the pedestrian mall, the applicant must obtain permission and a sign from the Downtown Development Commission at least ten (10) days in advance of the parade or special event.
- (2) Compliance with the insurance requirements set forth in this article is mandatory.
- (3) At events where the consumption of alcohol is permitted, no glass beverage containers shall be permitted unless approved by the city council.
- (4) The applicant shall indemnify and hold the city harmless from any and all claims, actions, suits, procedures, costs, fines expenses, damages and liabilities, including, but not limited to, attorneys' fees, court costs and litigation expenses arising out of, as an incident to or as a result of the conduct of a parade or special event except for those caused by the grossly negligent or intentionally harmful acts of the city's representatives or employees.
- (5) Applicants must comply with all city, county, state and federal laws, rules, regulations and ordinances, including, but not limited to, obtaining all required permits. The issuance of a parade and special events permit is not a substitute for or evidence of compliance with the foregoing.

(b) *Optional conditions.*

- (1) If deemed necessary because of the nature of a parade or special event or because of a failure on the part of organizers to restore or clean up after the conduct of a previously conducted parade or special event, the city administrator may require the applicant to post a bond to cover the projected costs of restoration and cleanup.
- (2) Upon the advice of department heads and the Downtown Development Commission, if the parade or special event travels through or is within its special taxing district, the city administrator may impose such other conditions as are reasonably necessary for the safety, health and general welfare of the public.

Sec. 15-88. Insurance requirements.

The applicant shall be responsible for obtaining and maintaining comprehensive general public liability insurance covering personal injury and property damage in the amount of One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the aggregate and shall furnish the City with a certificate of insurance evidencing the procurement of

the coverage required hereunder and proof that the premium has been paid no later than ten (10) days prior to the date of the parade or special event. Each policy shall provide that it shall not be subject to cancellation, material change, or non-renewal without at least fifteen (15) days' prior written notice to the city. Each policy shall name "Mayor and City Council of Cumberland" as an additional insured. The city administrator may waive or modify these requirements on a case-by-case basis for good cause shown. In general, I think the city administrator is given too much latitude in dealing with these issues.

Sec. 15-89. Notice of denial.

If an application for a permit is denied, the city administrator shall send written notice of the denial to the applicant by mail or e-mail no later than fourteen (14) days after the date of the filing of the application and the production of all of the information required by section 15-84.

Sec. 15-90. Revocation.

The city administrator may revoke a permit issued in accordance with this article for good cause shown, including, but not limited to, the applicant's failure to comply with the requirements of this article.

CPD IR # _____

DATE _____



CUMBERLAND POLICE DEPARTMENT APPLICATION FOR SPECIAL PERMIT



Request permission for: *(Circle one)*

Firearms Discharge

Special Event

Parade

Special Parking

EVENT: _____

Start Date _____ Start Time _____ End Date _____ End Time _____

Organizing Agency: _____

Contact Person: _____

Phone 1: _____

Address: _____

Phone 2: _____

Email: _____

REQUEST: *(describe routes, street closures, number of volleys to be fired, or other needs, attach map or drawing if applicable)*

LIST OTHER AGENCIES INVOLVED: _____

ACKNOWLEDGEMENTS

The organizer hereby affirms that the event and all participants will comply with all applicable city, county, state and federal government laws and that the issuance of this permit does not constitute evidence of such compliance. Furthermore, the organizer and participants agree to hold harmless from any liability, the various government agencies providing assistance for this event.

The Cumberland Police Department has the authority to require the stoppage of such events in the event of any unsafe or malicious activities associated with the event. It may also require the organizer to alter the manner in which the permitted activity is being conducted for the purpose of ensuring public safety and traffic flow and reducing inconvenience to the neighborhood.

If a firearm is to be discharged, the applicant agrees to not fire a projectile and will give every consideration to safe firearm operation. The applicant will also only be allowed to shoot the number of times to achieve their purpose as specified by the Chief of Police.

I acknowledge and agree to abide by the above.

SIGNED _____

ADMINISTRATION USE

REVIEWED BY _____

APPLICATION: *(CIRCLE)* DENIED GRANTED PERMIT VALID FROM: _____ UNTIL _____

NOTES/STIPULATIONS: _____
