

EXHIBIT A

Cleveland, OH Code of Ordinances

§ 411.05 Parade Permits and Fee

(a) *Definitions.* As used in this section:

(1) "Chief" means the Chief of Police or the Chief's designee.

(2) "Crosswalk" shall have the same meaning as defined in Section 401.14.

(3) "Impromptu Demonstration" means a spontaneously-announced parade, whether proposed by a person or group, with little or no advanced planning and usually with the help of social media in response to events of great community or public interest occurring within two (2) days of the parade.

(4) "Parade" means any formation, march, procession of any kind, or motorcade consisting of persons, animals, or vehicles, or combination thereof traveling in unison for a common purpose upon the streets and public grounds within the City with an intent of attracting public attention that interferes with the normal flow or regulation of vehicular or pedestrian traffic upon the streets, sidewalks, and public grounds within the City.

(5) "Pedestrian" shall have the same meaning as defined in Section 401.37.

(6) "Person" shall have the same meaning as defined in Section 401.38.

(7) "Public Grounds" means property under the control of the City to which the general public has access, including all parks, malls, public lands and any paved areas on such property, but excluding streets, public buildings, and sidewalks.

(8) "Sidewalk" means the portion of a street adjacent to the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for use of pedestrians.

(9) "Social Media" means online or electronic communication created by individuals using publicly-accessible technologies through the internet.

(10) "Special Event" shall have the same meaning as defined in Section 131.07 and a permit as provided in Section 131.07.

(11) "Street" means any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof, excluding sidewalks.

(12) "Vehicle" shall have the same meaning as defined in Section 401.73.

(b) *Permit Required.* Except as provided in division (f)(2) of this section, no person shall engage in or conduct a parade without first obtaining a permit issued as provided in this section.

(c) *Application Filing.* A person seeking a parade permit shall file an application with the Office of Special Events and Marketing on the forms and in the manner provided and the application form shall be signed by the applicant.

(1) A permit application for a parade to be held with a special event shall be filed at least fourteen

(14) days before the special event is proposed to commence.

(2) A permit application for a parade that will not be held with a special event shall be filed at least four (4) business days before the parade is proposed to commence.

(3) An application for a parade permit shall be considered filed upon receipt of the fully completed application by the Office of Special Events and Marketing.

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

(1) The name, address, day-time telephone number, and email, if available, of the applicant;

(2) The name, address, and telephone number of the headquarters of the organization for which the parade is to be conducted;

(3) The name and telephone number of the on-site coordinator or person in charge of the parade if different from the applicant;

(4) The date, time and estimated duration of the parade including time to organize before and disperse after the parade, and any possible alternative dates and times;

(5) A description of the route to be traveled, if applicable, including the starting point, the identification of and the directions to be followed on all streets, the termination point, and any areas to be used to set up before and disperse after the parade;

(6) An aerial street map of the route to be traveled clearly delineating all of the affected streets, compass coordinates and any proposed street closures;

(7) A statement of whether the proposed parade is a new or a recurring event;

(8) The approximate number of persons who, and animals and vehicles which, will constitute the parade and the types of animals and vehicles participating in the parade;

(9) The contact information for any private security services to be provided by the organizer for the parade, if applicable; and

(10) A description of any sound amplification equipment to be used in connection with the parade, if applicable.

(e) *Application Review.* Applications for parade permits shall be reviewed by the Office of Special Events and Marketing and the Division of Police, and approved by the Chief and the Directors of Public Safety and Public Works, or the Director's designees, before a permit is issued. In determining whether to issue a permit, the following factors shall be considered:

(1) Whether the information contained in the permit application is found to be false, misleading, or incomplete in any material detail;

(2) Whether the time, place, or size of the parade including the assembly areas and route of march, will unreasonably interfere with the safe and expeditious movement of pedestrian and vehicular traffic, ingress or egress to or use of adjoining private property, or unreasonably disrupt the use of a street when it is usually subject to significant traffic congestion;

(3) Whether the parade will present an unreasonable danger to the health or safety of the parade participants or other members of the public, or cause damage to public or private property;

(4) Whether the conduct of the parade will require the diversion of so great a number of City police officers to properly police the line of movement and contiguous areas as to prevent normal police protection within the City, including previously permitted parades and special events;

(5) Whether the parade would unreasonably interfere with the movement of police vehicles, fire-fighting equipment, or ambulance service to other areas of the City;

(6) Whether a permit for a parade or special event has been granted or has previously been filed and will be granted, for the same time and approximate location, or would unreasonably interfere with another parade or special event for which a permit has been issued;

(7) Whether the parade will substantially interfere with any construction or maintenance work schedule to take place along the planned route or location; and

(8) Whether the applicant, the organization, or persons represented by the applicant or organization have previously violated the provisions of a similar permit or have violated any City ordinances or state or federal laws in connection with a previous parade in the City.

(f) *Policy; Exceptions.* It is the policy of the City of Cleveland that persons and groups have the right to organize and participate in peaceful parades and impromptu demonstrations on the streets and public grounds of the City, subject to reasonable restrictions designed to protect public safety, persons and property, and to accommodate the interest of persons not participating in the assemblies to use the streets and sidewalks to travel to their intended destinations, and use public grounds for their intended purposes. For this reason:

(1) Except as provided in division (f)(2) of this section, all parades shall obtain a parade permit under this section and all reasonable efforts shall be taken to expedite the review of any application for a permit for a parade;

(2) A person or group is not required to obtain a permit for a parade before conducting the parade where:

A. The parade is not associated with a special event, will take place on sidewalks and crosswalks and will not prevent pedestrian traffic from using the sidewalks or crosswalks or interfere with vehicular traffic on the streets at the crosswalks, and will not occur on streets; or

B. The event is an impromptu demonstration, provided that a person involved in organizing the event notifies the Chief, by telephone, in writing, or in person, at least eight (8) hours prior to the parade of: 1) the date and time of the parade; 2) the name and telephone number of an on-site coordinator or a person in charge of the parade; and 3) a description of the proposed route to be traveled, including the starting point, the identification of and the directions to be followed on all streets, the termination point, and any areas to be used to set up before and disperse after a parade.

(3) The Chief may impose reasonable time, place, and manner restrictions on parades that have not obtained a permit under division (f)(2) of this section based on the Chief's determination that the parade will substantially interfere with:

A. The safe and expeditious movement of pedestrian and vehicular traffic, ingress or egress to or use of adjoining private property, or unreasonably disrupt the use of a street when it is usually subject to significant traffic congestion;

B. The health or safety of the parade participants or other members of the public, or cause damage to public or private property;

C. The movement of police vehicles, fire-fighting equipment, or ambulance service to other areas of the City;

D. Another parade, special event, or impromptu demonstration; or

E. Any construction or maintenance work schedule to take place along a route or location to be used by the parade.

(g) *Permit Fee.* A fee of twenty-five dollars (\$25.00) to cover the administrative cost of processing the permit shall be paid to the City when the approved permit is obtained from the Division of Assessments and Licenses. This fee is separate from and in addition to any fees or charges paid for special events under Section 131.08.

(h) *Permit Revocation.* Based on the recommendation of the Director of Public Safety or the Director's designee, the Commissioner of Assessments and Licenses may revoke or suspend any permit granted under this section because of any false statement made in the application for the permit.

(i) *Appeals.* If an application for a parade permit is denied or revoked, the applicant or permittee shall be notified in writing by email, if available, or by telephone and regular mail to the address on the application with the reason for the denial or revocation. An applicant or permittee shall have the right to appeal the denial or revocation of a parade permit within three (3) business days of receipt of the notice of denial to the Director of Public Safety. The Director of Public Safety, or his designee, shall hold a hearing on the denial or revocation within three (3) business days of receipt of the notice of appeal. If the Director determines that the permit should be granted, the applicant shall be notified in writing and obtain the permit from the Division of Assessments and Licenses upon payment of the fee. If the Director determines that a revoked permit should be reinstated, the permittee shall be notified in writing and proceed as if the permit was not revoked. If the Director affirms the denial or revocation of the permit, the applicant shall be immediately notified of the decision and shall have the right to appeal the denial within the same time and in the same manner provided in Section 403.09.

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