

Agenda Item: ID#18-0563 (4-B)

Date: 6/14/18

REC'D JUN 8 '18 PM 2:42
FRESNO CITY CLERK

FRESNO CITY COUNCIL



Supplemental Information Packet Agenda Related Item(s) – ID#18-0563 (4-B)

Contents of Supplement: Staff Report

Item(s)

BILL – (for introduction) - Amending various sections of Article 24 of Chapter 14 of the Fresno Municipal Code relating to parades and other special events.

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REPORT TO THE CITY COUNCIL

REC'D JUN 8 '18 PM 2:42
FRESNO CITY CLERK

June 14, 2018

FROM: Council President Soria
Councilmember Baines

SUBJECT

BILL - (For Introduction) –Amending various sections of Article 24 of Chapter 14 of the Fresno Municipal Code, relating to parades and other special events.

RECOMMENDATIONS

It is recommended the Council adopt the amendments to the Parade and Other Special Events Ordinance, Fresno Municipal Code sections 14-2401 - 14-2419. When the ordinance returns for adoption, it is recommended Council adopt resolutions establishing parades routes and waiving fees for certain eligible parades.

EXECUTIVE SUMMARY

The proposed amendments are necessary to bring the Parade and Other Special Events Ordinance, FMC §§ 14-2401 - 14-2419 (the Parade Ordinance) into conformity with federal and state constitutional standards for parade and special event permitting schemes. The proposed resolutions establish pre-designated parade routes; and waive the Police Department traffic control fee, and contribute 50% toward cost of materials and labor for street closures for certain parades.

BACKGROUND

The proposed amendments update the Parade Ordinance to make it more consistent with federal and state constitutional requirements, and include the following changes:

- The purpose of the ordinance is being expanded to expressly include managing the health and safety concerns at special events, prohibiting illegal conduct at such events, protecting the rights of special event permit holders, and enabling the City to recoup its actual costs while not overburdening free speech activities;
- A permit will not be required for parades, marches, and demonstrations on City sidewalks where all participants comply with all laws;
- A permit will not be required for spontaneous events, to be conducted on the grounds of City Hall, prompted by news or affairs coming into public knowledge less than forty-eight hours prior to such event;
- Adding a definition of “expressive activities,” which allows the Parade Ordinance to specifically address free speech concerns;
- The definition of “parade route” requires the routes to be published on the City’s website, along with the number of officers to be assigned to the route, and the cost of the route;
- City staff will be required to take action on applications for the use of parade routes in five City-business days, and ten City-business days for all other applications;

- Application fees and crowd and traffic control fees for expressive activity events are required to be waived for indigents and organizations which have membership meeting the criteria for indigent status;
- The grounds for denial of an application are being expanded to include situations where an applicant fails to comply with any conditions of approval, or fails to pay for damage previously caused to City-property;
- The Chief of Police is prohibited from considering the perspective of the speaker in establishing conditions for special events;
- Applicants are provided the right to appeal any fees associated with a permit condition, and provides for a right to appeal directly to the City Manager;
- A permittee's obligation to indemnify the City is limited to damages or injuries proximately caused by actions of the permittee/sponsoring organization;
- Insurance requirements may be waived if the applicant produces satisfactory evidence that complying with the insurance would preclude the proposed event from occurring;
- Council is authorized to establish by resolution additional parade routes and fee waiver programs for expressive activities; and
- The penalty for violation is being lessened from a misdemeanor to an infraction and a fine to be set forth in the Master Fee Schedule, and the City Attorney is authorized to prosecute any violations as either an infraction or administrative citation.

If adopted, these amendments will authorize the Council to establish a fee waiver program for expressive activities, and to designate parade routes within the City. One resolution would exempt qualifying events from the Police Department traffic control fee, and allow the City to pay 50% of the cost of materials and labor for street closures. To qualify for these incentives, an event must have taken place for at least fifteen years; not be operated for profit; have historically required street closure; and march along a set, pre-established route. The resolution identifies a number of events recognized as currently qualifying, and allows an event which may in the future meet the criteria to petition for inclusion as an eligible event. Currently qualifying events include:

- Downtown Fresno Christmas Parade
- Rev. Dr. Martin Luther King Jr. Celebration
- Veteran's Day Parade
- Pride Parade
- Juneteenth Celebration
- Mardi Gras Parade
- Cesar Chavez Parade
- Chinese New Year Parade

The other resolution designates parade routes for which the number of officers to be assigned for police crowd and traffic control. The routes shall be published on the City's website, along with the fee schedule for police, crowd, and traffic control services.

ENVIRONMENTAL FINDINGS

This is not a project for CEQA purposes.

LOCAL PREFERENCE

Local preference is not applicable because this item does not involve an award of a contract.

FISCAL IMPACT

This ordinance could result in a General Fund expense of \$25,000 to \$50,000 for the City's 50% share of third party traffic control costs for the eight qualifying parades.