

71.01 PERMITS REQUIRED FOR PARADES

The purpose of this chapter is to establish a process for permitting use of city streets and right-of-way; to provide a coordinated process for managing parades to ensure the health and safety of parade participants, City residents, workers, and other visitors; to protect the rights of parade permit holders; to protect the rights of residents and business owners to access their homes and businesses, while establishing reasonable time, place, and manner regulations of these activities; and to create mechanisms for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of parade events.

(A) A “parade” means any march or procession consisting of people, animals, vehicles or combinations thereof, except funeral processions, upon any public street, sidewalk or alley, which affects the ordinary use of said public right(s)-of-way.

(B) “Person” means, as the context requires, natural person, corporation, limited liability company, partnership, co-operative, or any other entity in law or fact.

(C) “Public right-of-way or right-of-way” means the surface of, and the space above and below any street, road, alley, bridge, highway, sidewalk or pathway, that is used or intended to be used by the general public for movement or passage.

(D) Parade Routes. With the exception of the Umatilla County Fair Parade and the Hermiston High School Senior Walk, applicants for a parade have the following options:

- (1) “Designated Parade Routes” Each of these routes has been approved by City personnel and the fee is set in the city fee schedule:
 - a. Community Center (415 S Highway 395) northward along SE 3rd St to the intersection of 3rd St and E Main St, thence westerly along E Main St to the intersection of Main St and 2nd St. thence southerly along 2nd St to the Community Center.
 - b. Community Center (415 S Highway 395) northerly along 2nd St to the Hermiston City Hall (180 NE 2nd St.)
- (2) “Non-Designated Parade Routes,” an applicant may apply for a non-designated parade route subject to payment of all department cost recovery fees as outlined in subsection (I) and with an understanding that a parade may be delayed until such time that there is sufficient personnel to safely staff the event.

(E) Permit Requirement. Unless waived by the Police Chief as provided in subsection (H) of this section, no person shall organize or participate in a parade without first obtaining a parade permit. The parade permit application shall be submitted at least 30 days in advance if using a designated parade route and at least 45 days in advance if requesting a non-designated parade route and includes:

- (1) The name and address of the person and organization, if any, responsible for the proposed parade.
- (2) The date of the proposed parade.
- (3) The desired route including assembling points.
- (4) The number of persons, vehicles and animals anticipated to be participating in the parade.
- (5) The proposed starting and ending time.
- (6) A release, hold harmless and indemnification agreement in favor of the city, its officers, employees and agents.
- (7) The signature of the person designated as responsible for the parade.
- (8) Payment of a permit application fee and other additional fees, as may be adopted pursuant to this chapter.

(F) Permit Fees. A parade application fee and any other additional fees imposed for the use of public right-of-way or public property pursuant to this chapter shall be established by resolution of the Council.

(G) Within five business days of receipt of a complete application, the Police Chief shall grant the permit, grant a modified permit or deny the permit.

- (1) The Police Chief shall deny the permit only if the Police Chief determines that the parade presents a substantial risk of endangering public safety, creating a significant and unreasonable inconvenience to the public, or there are insufficient public safety resources to facilitate the parade considering such factors as the size, date, duration and proposed route.

(2) The Police Chief shall make reasonable efforts to propose reasonable modifications to the date, route, duration or other aspects to allow the parade permit to be issued.

(3) Liability insurance will be required unless the Police Chief determines that based on the factors listed in this subsection there are adequate reasons not to require it.

- a. Except as otherwise prohibited by law or unless a waiver is obtained as provided by this chapter, the permit holder shall procure and maintain in full force and effect during the term of the parade permit, a policy of insurance from a reliable insurance company authorized to do business in the State. Such insurance shall provide coverage of which the combined single limit per occurrence shall be not less than that required under the Oregon Tort Claims Act, ORS 30.270 et seq., or \$2,000,000, whichever is greater. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name the City, its officers, agents and employees as additional insureds. Such insurance shall further provide that the policy shall not terminate or be canceled prior to the completion of the community event without 30 days' written notice to the City Manager. Proof of insurance shall be submitted to the City prior to issuance of the parade permit, and maintenance of this insurance shall be a continuing condition of the parade permit.

(H) The Police Chief may grant a written waiver of the 30-day notice and the permit requirement for parades of short duration and anticipated to consist of fewer than 25 persons and fewer than 10 vehicles if the Police Chief determines that there likely will be minimal risk of endangerment or disruption.

(I) Departmental Cost Recovery.

(1) In addition to payment of any required application or other fees, a permit holder shall reimburse the City for seventy-five percent (75%) of the following costs, when such costs are directly attributable to an activity or event requiring the City to exceed its usual staffing levels:

- a. Costs of city personnel, including any overtime pay, required to close public rights-of-way before the community event or activity commences

and costs of city personnel, including any overtime pay, required to reopen public rights-of-way after the community event or activity ends, including, but not limited to, the erection of barricades or other obstacles necessary to direct or manage pedestrian or vehicular traffic.

- b. Costs of city personnel, including any overtime pay, required to direct or manage vehicular or pedestrian traffic.
- c. Costs of city personnel, including any overtime pay, required to clean up litter and other debris left on the public rights-of-way or other public property following the parade.

(2) The City shall provide the permit holder, in advance of the parade, an itemized invoice based on the applied for route of the parade, the duration of the parade, and estimated number of persons participating in or attending the parade.

(3) It shall be a condition of granting a parade permit that the permit holder agrees to reimburse the City for all costs described in this section.

(4) The City Manager shall have the discretion to waive departmental cost recovery under this section upon a satisfactory showing by the permit holder that the payment of such costs is likely to create an undue hardship upon the permit holder. The City Manager shall provide application forms for such purpose.

(5) In addition to any departmental cost recovery required to be paid under this section, if any public right-of-way or public property is damaged or destroyed by reason of the parade, the permit holder shall reimburse the City for the actual repair or replacement cost of the damaged or destroyed public right-of-way or public property.

(J) No person shall block, obstruct, hinder, impede the passage of, or throw objects on or toward the parade or its participants; except that a person may operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade if directed to do so by a police officer.

(K) No person shall deviate from the timing, route, duration or other terms of the parade as approved by the Police Chief unless directed to do so by a police officer.

(L) The Police Chief shall not consider the purpose or intended message of the parade in evaluating a parade, except that if the Police Chief determines that the parade poses a serious and imminent threat to public safety due to the anticipated response of third parties, and that public safety resources are inadequate to address that risk, the Police Chief may temporarily deny the permit for a reasonable time until adequate resources are available or issue a permit with modifications designed to reduce the risk.

(M) Any person seeking to conduct a parade may appeal a decision by the Police Chief to the City Manager. The City Manager promptly shall conduct an informal review, including any additional information provided by the appellant, and promptly issue a decision affirming, reversing or modifying the decision. If denied, the appellant may appeal the decision to the City Council by filing a written request of appeal to the City Recorder within five days after the denial.

(N) The provisions of this section shall not apply to parades officially authorized by the United States Armed Forces or the military forces of the state of Oregon or to an activity or event consisting of vehicles traveling in unison on any public right-of-way if such activity's or event's use of public right-of-way is specifically regulated as such under the Hermiston Municipal Code or the Oregon Vehicle Code, ORS 801 to 826.

(O) Failure to obtain a permit; failure to comply with permit term.

(1) It shall be unlawful for any person to engage in an activity or event for which a permit is required under this chapter without first obtaining a permit.

(2) It shall be unlawful for any person to violate the terms of a parade permit.

(3) It shall be unlawful for any person to provide a false, misleading or fraudulent statement of fact on the application, during the application process, or in connection with a parade permit.

(P) Violation of any provision of this section, shall be a Class B violation.

(Ord. [1759](#), passed 3-23-92; Am. Ord. [2329](#), passed 11-8-21)