

## ORDINANCE NO. 2362

### AN ORDINANCE AMENDING TITLE VII OF THE HERMISTON MUNICIPAL CODE BY AMENDING CHAPTER 71 ENTITLED “TRAFFIC RULES” AND BY ADDING SECTIONS 71.01 “PERMITS REQUIRED FOR PARADES” AND 71.03 “TEMPORARY STREET CLOSURES”

**WHEREAS**, the staff of the City of Hermiston (City) is conducting a review of the City’s Code of Ordinances (Code); and

**WHEREAS**, an amendment to Chapter 71 is necessary to allow City staff to effectively manage parade and temporary street closures within the City of Hermiston.

#### THE CITY OF HERMISTON ORDAINS AS FOLLOWS:

(New language is in red and underlined and repealed language has ~~a line through it.~~)

**Section 1.** Section 71.01 of the Hermiston Municipal Code is repealed in its entirety and hereby amended to read:

#### 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. 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 master fee schedule:

- a. Community Center (415 S Highway 395) northward along SE 3rd St to the intersection of 3<sup>rd</sup> St and E Main St, thence westerly along E Main St to the intersection of Main St and 2<sup>nd</sup> 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 2<sup>nd</sup> 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.
3. The Umatilla County Fair Parade, Martin Luther King, Jr. Walk, and the Hermiston High School Senior Walk are not subject to the designated parade route restrictions.

(E) Permit Requirement. 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.

The Police Chief or designee 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.

(F) Permit Fees. A parade 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 seven (7) business days of receipt of a complete application, the Police Chief or designee shall grant the permit, grant a modified permit, or deny the permit.

1. The Police Chief or designee shall deny the permit only if the Police Chief or designee 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 or designee shall make reasonable efforts to propose reasonable modifications to the date, route, duration, or other aspects to allow the parade permit to be issued.

(H) Liability insurance- Hold harmless. 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 event without 30 days' written notice to the Police Chief or designee. 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.

Applicants shall agree to assume the defense of and indemnify and save harmless the City, its council members, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such parade and the activities permitted in connection therewith.

(I) Appeal Procedure. Any person seeking to conduct a parade may appeal a decision by the Police Chief or designee by filing the application, within three (3) business days after denial or modified approved permit, to the City Manager. The City Manager or designee shall conduct an informal review, including any additional information provided by the appellant, and within three (3) business days 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, within three (3) business days after denial or modified approved permit, to the City Recorder, who shall set the appeal for hearing at the next regular council meeting. After holding a hearing, the City Council may reserve, affirm, or modify in any respect the determination of the City Manager or designee.

(J) Departmental Cost Recovery.

1. In addition to payment of any required application or other fees, a non-designated parade route permit holder shall pay 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. 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.

(K) 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.

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

(M) The Police Chief or designee 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.

(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.

~~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) Unless waived by the Police Chief as provided in subsection (D) 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 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.~~

~~(C) — Within five business days of receipt of the application, the Police Chief shall grant the permit, grant a modified permit or deny the permit. 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. 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. The Police Chief may require liability insurance in an amount not less than the current tort claim limits and naming the city, its officers, employees and agents as additional insured if the Police Chief determines that based on the factors listed in this subsection there is a risk of property damage or injury.~~

~~(D) — Notwithstanding the foregoing, 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.~~

~~(E) — 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.~~

~~(F) — 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.~~

~~(G) — 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.~~

~~(H) — 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.~~

~~(I) — 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.~~

~~(J) Violation of any provision of this section, including violation of any terms of a parade permit, shall be a Class B violation.~~

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

**Section 2.** Section 71.03 of the Hermiston Municipal Code is amended to read:

**71.03 ~~[RESERVED]~~ TEMPORARY STREET CLOSURES**

(A) Purpose. Pursuant to the authority of Vehicle Code Section, the provisions of this chapter shall apply to and control the closing of any street or highway within the City for the purpose of holding a celebration, block party, street dance, local special event, or other purposes when in the opinion of local authorities such closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

(B) Permit for temporary street closure. No person shall close any portion of a public street or highway to vehicular or pedestrian traffic for the purpose of conducting a celebration, block party, street dance, local special event, or for other purposes, without first obtaining a permit from the City Manager, or designee, as provided in this chapter. This section shall not apply to those governmental agencies which are otherwise authorized to close streets. No person shall violate any of the terms of a permit for temporary street closure, nor in any manner interfere with the progress or orderly conduct of a temporary street closure.

(C) Application for permit. An application for a permit for temporary street closure shall be made upon a form provided by the City Manager, or designee, and shall contain the following information:

1. The name, physical and mailing address, and phone number of each person and/or organization responsible for sponsoring a temporary street closure.
2. The date(s) of such temporary street closure;
3. The block(s) or intersection(s) at which such closure is requested;
4. The estimated number of persons who will participate;
5. The purpose of the temporary street closure;
6. Whether parking is requested to be restricted or prohibited during such closure;
7. Whether any sound amplification equipment is proposed to be used, and if so, information describing such sound amplification equipment, and time frames sound amplification is requested to be used
8. Whether sales of food, beverages or other merchandise will occur;

9. Whether such temporary street closure will occupy all or only a portion of the street or intersection involved; and
10. Such other information as the City Manager, or designee, deems reasonably necessary in order to carry out duties under this chapter.

(D) Time of filing. The application shall be filed not less than twenty (20) days prior to the scheduled date of such temporary closing. The City Manager, or designee, shall act on an application within five (5) business days of its receipt.

(E) Standards of issuance. The issuance of a permit by the City Manager, or designee, shall be a determination by the City Manager that the temporary street closing is necessary for the safety and protection of persons who are to use that portion of the street during such temporary closing. A permit may be denied or revoked by the City Manager, or designee, when, from a consideration of the application or from such other information as may otherwise be obtained, the City Manager finds that one (1) or more of the following circumstances exist:

1. The applicant has knowingly and with intent to deceive made any false, misleading or fraudulent statements of a material fact in the application for a permit or in any other document required pursuant to this chapter;
2. The application has failed to meet the standards in this chapter, has failed to pay in advance any fee required, or refuses to agree to such conditions as are imposed in the permit;
3. The time, duration, size, and location of the temporary street closure will substantially disrupt the orderly and safe movement of other traffic;
4. The temporary street closure is of a size or nature that will require the diversion of so great a number of police officers of the City to properly police the closed or contiguous areas that it will adversely affect normal police protection to the remainder of the City;
5. The concentration of persons will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such street closure;
6. The temporary street closure will unduly interfere with the orderly operation of parks, hospitals, churches, schools or other public and quasi-public institutions in the City;
7. The temporary street closure will conflict with or interfere with another temporary street closure for which a permit has been granted.

(F) Permit subject to conditions. The City Manager, or designee, may issue the permit subject to such conditions as the City Manager or designee deems appropriate under the circumstances.

(G) Notice of issuance or denial. Written notice of the issuance or denial of a permit shall be



provided by the City Manager, or designee, to the applicant within five (5) business days of receipt of an application and state the reason(s) for denial.

(H) Appeal procedure. Upon the denial or modified approved permit by the City Manager, or designee, the applicant may appeal the decision to the City Council by filing a written request of appeal, within three (3) business days, to the City Recorder, who shall set the appeal for hearing at the next regular council meeting. After holding a hearing, the City Council may reverse, affirm, or modify in any respect the determination of the City Manager, or designee.

(I) Waiver of time limitations. The City Manager, or designee, may waive the time limitation for filing an application for a permit if it is found that unusual circumstances or good cause exists and no unreasonable burden upon the City or its citizens will be created thereby.

(J) Officials to be notified. Immediately upon granting or revoking a permit, the City Manager, or designee, shall send a copy of such permit (including any conditions or restrictions) or revocation to the Chief of Police.

(K) Barricades - litter collection. Permit recipients shall provide and remove such barricades and warning devices as are deemed necessary by and are acceptable to the City Manager, or designee. Such persons shall also provide for the collection and removal of all trash, garbage, and litter caused by or arising out of such temporary street closure.

(L) Liability Insurance- Hold harmless. The permit holder shall procure and maintain in full force and effect during the term of the 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 event without 30 days' written notice to the City Manager or designee. Proof of insurance shall be submitted to the City prior to issuance of the temporary closure permit, and maintenance of this insurance shall be a continuing condition of the permit.

Applicants shall agree to assume the defense of and indemnify and save harmless the City, its council members, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such temporary street closure and the activities permitted in connection therewith.

(M) Costs. The applicant(s) shall pay the temporary closure permit fee as set by resolution.

(N) Temporary closure by City. Notwithstanding the provisions of this chapter, the City Manager, or designee, may, on their own initiative, restrict the use of, temporarily close, or

authorize the closure of any street or highway within the limits of the City, when they consider such restriction or temporary closing of such street or highway to be necessary for the protection of the persons or property, during events or activities such as construction, storms, parades, celebrations or other special events.

(O) Other City permits. The issuance of a temporary street closure permit does not relieve the applicant of the responsibility to obtain any other necessary City permits, licenses or approvals, including but not limited to, business licenses, encroachment permits or special event permits.

(P) 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 temporary closure 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 temporary closure permit.

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

**Section 3.** All other provisions of the Hermiston Municipal Code remain unchanged and in full effect.

**Section 4.** The City Recorder is hereby authorized to correct any scrivener's errors and to conform the revisions to the Hermiston Municipal Code with appropriate numbering.

**Section 5. Effective Date.** This ordinance shall take effect on the 30th day after its adoption.

ADOPTED by the Common Council this 12th day of August 2024.

SIGNED by the Mayor this 12th day of August 2024.

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Dr. David Drotzmann, Mayor

ATTEST:

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Lilly Alarcon-Strong, CMC City Recorder