



NEIGHBORHOODS  
SERVICES DEPARTMENT

CITY OF SACRAMENTO  
CALIFORNIA

4623 T STREET  
SACRAMENTO, CA  
95819

AREA 3

PH ( 916) 277-6167

November 9, 2004

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: PARADE AND PARK USE REGULATIONS**

**LOCATION AND COUNCIL DISTRICT:** Citywide

**RECOMMENDATION:**

It is recommended that the item be passed for publication of title and continued to November 30, 2004.

**CONTACT PERSON:** Richard J. Ramirez, Deputy City Manager, 808-5704  
Gary L. Little, Neighborhood Services Area Director, 566-524  
Max Fernandez, Neighborhood Services Area Director, 264-7940  
Albert Nájera, Chief of Police, 433-0804

**FOR COUNCIL MEETING OF:** November 16, 2004

**SUMMARY:**

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.

**BACKGROUND INFORMATION:**

This item is presented at this time for approval of publication of title pursuant to City Charter Section 32. Prior to publication of an item in a local newspaper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date. This report also contains the November 30, 2004, Council report, which discusses in more detail the proposed ordinance modifications.

City Council  
Parade and Park Regulations  
November 9, 2004

Proposed amendments to the Parade and Park Use Regulations were initially Passed for Publication on June 29, 2004. Since then, the following public meetings have occurred:

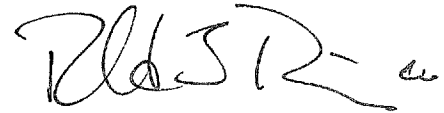
- July 29<sup>th</sup> Pre-meeting with specific interest group/leaders
- August 2<sup>nd</sup> Community meeting on proposed regulations
- August 25<sup>th</sup> Downtown Partnership sponsored meeting
- September 8<sup>th</sup> follow-up to the Downtown Partnership sponsored meeting
- September 14<sup>th</sup> City Council public hearing on proposed amendments

During September and October, staff has refined the proposed amendments to the Parade and Park regulations per City Council direction.

Respectfully submitted:



Gary Little  
Area Director, Neighborhood Services



Richard Ramirez  
Deputy City Manager

RECOMMENDATION APPROVED:



Robert P. Thomas  
City Manager

Table of Contents

Proposed Ordinance	Pages 3-8
"Dirty" Version	Pages 9-15
Council Report for Nov.30, 2004	Pages 16-19
Current Parade Regulations	Pages 20-22

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE REPEALING AND REENACTING, AS AMENDED, SECTION 12.48.090 OF CHAPTER 12.48 OF TITLE 12 OF THE CITY CODE PERTAINING TO REASONABLE TIME, PLACE AND MANNER RESTRICTIONS CONCERNING OBJECTS AND MATERIALS THAT MAY BE POSSESSED, CARRIED OR USED IN PARADES AND DEMONSTRATIONS; AND REPEALING AND REENACTING, AS AMENDED, SECTION 12.48.030 OF CHAPTER 12.48, AND SECTION 12.72.065 OF CHAPTER 12.72, OF TITLE 12 OF THE CITY CODE PERTAINING TO THE PROCESSING OF PARADE PERMITS AND PERMITS FOR THE USE OF CITY PARKS.**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

## **Section One**

The recitals, findings and purposes set forth in Sections 1 and 2 of Ordinance No. 2003-026, and the recitals, findings and purposes set forth in Sections 1 and 2 Ordinance No. 2003-028, are incorporated by reference as if set forth fully herein.

## **Section Two**

Section 12.48.090 of Chapter 12.48 of Title 12 is hereby repealed and reenacted as amended to read as follows:

### **Section 12.40.090 Parade and Demonstration Equipment Prohibited**

The following prohibitions shall apply to all parades.

1. It shall be unlawful for any person to carry or possess any weapon, as defined herein, notwithstanding any other definition of the term "weapon" set

- 1 -

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

forth in this City Code.

a. For purposes of this chapter, "weapon" means any pistol, rifle, shotgun or other firearm of any kind, air rifle, air pistol, paintball gun, paintball rifle, hatchet, ax, slingshot, slungshot.

b. Exceptions:

a. The prohibition on possession or carrying of weapons shall not apply to law enforcement officers, soldiers of the United States Armed Forces and the California National Guard.

b. Firearms: Notice: Inspection: Notwithstanding subsection (1) above, unloaded firearms shall be permitted, provided:

i) the application for the parade permit indicates that the parade will include participants carrying or possessing unloaded firearms;

ii) the parade permit is filed not less than fifteen (15) days prior to the date of the event; and

iii) the unloaded firearms shall be presented for inspection by City police officers at the starting point of the parade not less than one (1) hour prior to the time the parade is scheduled to commence [or at such other time on the day of the parade as designated by the City when granting the permit. The purpose of the inspection is to ensure that the firearm is lawful and unloaded, and the police officers shall either mark the firearm or, alternatively, provide the person carrying the firearm with written certification, to indicate that the firearm has been inspected and its possession by the parade participant permissible. For purposes of this exception, "firearm" shall mean any pistol, rifle or shotgun or other lawful firearm of any kind.

2. It shall be unlawful for any person to carry or possess any sign, poster, plaque or notice unless such sign, poster plaque, or notice is constructed solely of a cloth, paper, cardboard, styrofoam or foamboard and is no greater than one-third inch (1/3") in thickness.

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

3. It shall be unlawful for any person to carry or possess any length of pipe made of metal, PVC or plastic: provided that hollow PVC or plastic pipe that does not exceed one inch in diameter, does not exceed one-eighth inch (1/8") in wall thickness and is not filled with any material, liquid or solid, may be used to support a sign, banner, placard or other similar display. Both ends of the PVC or plastic pipe shall be blunt.
4. It shall be unlawful for any person to carry or possess glass bottles, glass jars or glass containers of any kind.
5. It shall be unlawful for any person to carry or possess balloons filled with any material or substance other than air, oxygen or helium. Prohibited materials and substances include, but are not limited to water, paint, or any other liquid, solid, or gas.
6. It shall be unlawful for any person to carry or possess bricks, stones, rocks, pieces of asphalt or concrete that are more than one-half inch in diameter, or if not generally round, that exceed three quarter's inch in the thickest dimension.
7. It shall be unlawful for any person to carry or possess spray paint cans.
8. It shall be unlawful for any person to carry or possess any projectile launcher or other device which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, including but not limited to supersoakers and watercannons. Nothing in this subsection is intended to prohibit or restrict those participating in parades, demonstrations, rallies or assemblies from possessing sufficient amounts of water or other liquids designed and intended for human consumption during such events.
9. It shall be unlawful for any person to carry, possess or wear any operational gas mask or similar device designed to filter all air breathed and that would protect the respiratory tract and face against irritating, noxious or poisonous gases. For purposes of this subsection, an operational gas mask or similar device means a gas mask or filtering device that is equipped with all necessary equipment to be functional and capable of filtering the air when worn by a person. Nothing in this section is intended to prohibit the wearing of bandanas, masks, including non-operational gas masks, costumes, facial or head coverings or other similar devices that may block or obscure the identity of the wearer but are not designed to filter, or are not functionally

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

5

capable of filtering, the air breathed by the wearer in the same or similar manner as a gas mask.

10. It shall be unlawful for any person to carry, possess or wear a body vest as that term is defined in Penal Code Sec. 12022.2.
- B. Nothing in this section shall prohibit a disabled person from carrying, possessing or using a wheelchair, cane, walker, or similar device necessary for providing mobility so that the person may participate in a parade.
- C. Nothing in Subsection A is intended to authorize the possession or use of materials, weapons or devices that are otherwise prohibited by any other local, state or federal ordinance, statute or regulation. The purpose of Subsection A is to prohibit the carrying or possession of items and materials that have the potential to be used as weapons to cause physical or personal damage, and whose possession might not otherwise be prohibited by local, state or federal law.

The provisions of Subsection A shall be construed narrowly to prohibit the use or possession of the items listed therein, but not to prohibit the use or possession of other items by parade participants, including but not limited to items associated with the expression of ideas, such as masks, costumes or puppets. Nothing in Subsection A shall be construed to restrict or interfere with the right to use cameras, tape recorders and other audio and video devices to document or record events occurring at a parade or demonstration.

Further, nothing in Subsection A shall be construed to prohibit the carrying, possession or use of musical instruments by participants in a parade.

- D. Notwithstanding Section 12.48.070, a violation of this section shall be punishable as a misdemeanor.

### **Section Three**

Section 12.48.030 of Chapter 12.48 of Title 12 is repealed and reenacted, as amended, to read as follows:

1. The City Manager or designee shall act on all applications in the following manner:
  - A. Applications received not less than fifteen (15) days before the

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

6

proposed parade shall be acted upon within seven (7) days of receipt of a completed application.

- B. Applications received not less than ten (10) days before the proposed parade shall be decided not later than 72 hours before the proposed parade.
- C. Applications for spontaneous parades involving free speech rights and which are occasioned by news or affairs coming into public knowledge within ten (10) days of the date of the proposed parade shall be acted upon within five days of receipt of a completed application; provided that if the date of the proposed parade is less than seven (7) days but three (3) or more days from the date of the application, the application shall be acted upon within 2 days of the date of receipt of the application. If the date of the proposed parade is less than three days from the date of the application, the application shall be acted upon within 24 hours or not later than six (6) hours of the scheduled start time of the parade, whichever is earlier. No application shall be accepted for a proposed parade scheduled for less than 24 hours from the time of filing of the application. Given the expedited basis for consideration of applications for spontaneous parades, there shall be no appeal from the decision of the City Manager or designee.

For purposes of this section, "free speech rights" means expressive activity protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution, provided that such activity is the primary purpose of the event.

- 2. Exception: Spontaneous parades of 75 or fewer participants: Notwithstanding subsection 1 above, no permit shall be required for spontaneous parades of seventy-five (75) or fewer participants. The restrictions set forth in Section 12.40.090 on items that may be possessed or carried shall apply to spontaneous parades of 75 or fewer participants undertaken pursuant to this subsection 2.

**Section 4**

Section 12.72.065 of Chapter 12.72 of Title 12 of the City Code is repealed and reenacted, as amended, to read as follows:

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

Section 12.72.065 Spontaneous Use of a City Park

Applications for spontaneous use of a City park involving free speech rights and which are occasioned by news or affairs coming into public knowledge within ten (10) days of the date of the proposed use of the City park shall be processed in the same manner as applications for spontaneous parades under Section 12.48.030 of Chapter 12.48 of Title 12 of this code.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
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DATE ADOPTED: \_\_\_\_\_

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE REPEALING AND REENACTING, AS AMENDED, SECTION 12.48.090 OF CHAPTER 12.48 OF TITLE 12 OF THE CITY CODE PERTAINING TO REASONABLE TIME, PLACE AND MANNER RESTRICTIONS CONCERNING OBJECTS AND MATERIALS THAT MAY BE POSSESSED, CARRIED OR USED IN PARADES AND DEMONSTRATIONS; AND REPEALING AND REENACTING, AS AMENDED, SECTION 12.48.030 OF CHAPTER 12.48, AND SECTION 12.72.065 OF CHAPTER 12.72, OF TITLE 12 OF THE CITY CODE PERTAINING TO THE PROCESSING OF PARADE PERMITS AND PERMITS FOR THE USE OF CITY PARKS.**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

## **Section One**

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## **Section Two**

Section 12.48.090 of Chapter 12.48 of Title 12 is hereby repealed and reenacted as amended to read as follows:

### **Section 12.40.090 Parade and Demonstration Equipment Prohibited**

The following prohibitions shall apply to all parades.

1. It shall be unlawful for any person to carry or possess any weapon, as defined herein, notwithstanding any other definition of the term "weapon" set

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

forth in this City Code.

a. For purposes of this chapter, ~~and notwithstanding any other provision of this code~~, "weapon" means any pistol, rifle, shotgun or other firearm of any kind, whether loaded or unloaded, air rifle, air pistol, paintball gun, paintball rifle, ~~explosive, blasting cap(s), knife, hatchet, ax, slingshot or slungshot blackjack, metal knuckles, mace, iron buckle, baseball bat, ax, ax handle, chains, crowbar, hammer, shovel, stick, pole or other club or bludgeon or any other instrumentality customarily used or intended for probable use as a dangerous weapon.~~

b. Exceptions:

a. The prohibition on possession or carrying of weapons shall not apply to law enforcement officers, soldiers of the United States Armed Forces and the California National Guard.

b. Firearms: Notice: Inspection: Notwithstanding subsection (1) above, unloaded firearms shall be permitted, provided:

i) the application for the parade permit indicates that the parade will include participants carrying or possessing unloaded firearms;

ii) the parade permit is filed not less than fifteen (15) days prior to the date of the event; and

iii) the unloaded firearms shall be presented for inspection by City police officers at the starting point of the parade not less than one (1) hour prior to the time the parade is scheduled to commence [or at such other time on the day of the parade as designated by the City when granting the permit. The purpose of the inspection is to ensure that the firearm is lawful and unloaded, and the police officers shall either mark the firearm or, alternatively, provide the person carrying the firearm with written certification, to indicate that the firearm has been inspected and its possession by the parade participant permissible. For purposes of this exception, "firearm" shall mean any pistol, rifle or shotgun or other lawful firearm of any kind.

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

2. It shall be unlawful for any person to carry or possess any sign, poster, plaque or notice unless such sign, poster, plaque, or notice is constructed solely of a cloth, paper, cardboard, styrofoam or foamboard and is no greater than one-third inch (1/3") ~~one-quarter (1/4")~~ in thickness.

~~3. It shall be unlawful for any person to carry or possess any length of lumber, wood or wood lath unless it is one-fourth inch or less in thickness and two inches or less in width or if not generally rectangular in shape, such object shall not exceed three-quarters inch in its thickest dimension. Both ends of the length of lumber, wood or wood lath shall be blunt and shall not be pointed.~~

3. It shall be unlawful for any person to carry or possess any length of pipe made of metal, PVC or plastic, whether hollow or solid ~~or other similar hard or stiff material~~; provided that hollow PVC or plastic pipe that does not exceed ~~three-quarter's inch~~ one inch in diameter, does not exceed one-eighth inch (1/8") in wall thickness and is not filled with any material, liquid; gas or solid, may be used to support a sign, banner, placard or other similar display. ~~However,~~ Both ends of the PVC or plastic pipe shall be blunt and ~~not pointed~~.

4. It shall be unlawful for any person to carry or possess glass bottles, glass jars or glass containers of any kind.

5. It shall be unlawful for any person to carry or possess balloons filled with any material or substance other than air, oxygen or helium. Prohibited materials and substances include, but are not limited to water, paint, or any other liquid, solid, or gas.

6. It shall be unlawful for any person to carry or possess bricks, stones, rocks, pieces of asphalt or concrete that are more than one-half inch in diameter, or if not generally round, that exceed three quarter's inch in the thickest dimension ~~or pieces of other similar hard materials or substances that are capable of being thrown or projected.~~

~~7. It shall be unlawful for any person to carry or possess solid golf balls, ball bearings, marbles, paint balls, solid balls or other solid shapes made of rubber, plastic, metal, wood or any other similar hard substance, including batteries; provided that nothing is intended to prohibit the possession of bicycles, wheelchairs and other similar devices that include ball bearings or other as part of their structure; and, provided further, that nothing is intended~~

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

~~to prohibit the possession of electronic, electrical or other devices that are battery-operated. The purpose of this subsection is to prohibit the possession of materials or devices that can be thrown or projected and can or may cause, or have the potential for causing, significant personal or property damage.~~

7. It shall be unlawful for any person to carry or possess spray paint cans.
  8. It shall be unlawful for any person to carry or possess any projectile launcher or other device which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, including but not limited to supersoakers and watercannons. Nothing in this subsection is intended to prohibit or restrict those participating in parades, demonstrations, rallies or assemblies from possessing sufficient amounts of water or other liquids designed and intended for human consumption during such events.
  9. It shall be unlawful for any person to carry, possess or wear any operational gas mask or similar device designed to filter all air breathed and that would protect the respiratory tract and face against irritating, noxious or poisonous gases. For purposes of this subsection, an operational gas mask or similar device means a gas mask or filtering device that is equipped with all necessary equipment to be functional and capable of filtering the air when worn by a person. Nothing in this section is intended to prohibit the wearing of bandanas, masks, including non-operational gas masks, costumes, facial or head coverings or other similar devices that may block or obscure the identity of the wearer but are not designed to filter, or are not functionally capable of filtering, the air breathed by the wearer in the same or similar manner as a gas mask.
  10. It shall be unlawful for any person to carry, possess or wear a body vest as that term is defined in Penal Code Sec. 12022.2.
- B. Nothing in this section shall prohibit a disabled person from carrying, possessing or using a wheelchair, cane, walker, or similar device necessary for providing mobility so that the person may participate in a parade.
- C. Nothing in Subsection A is intended to authorize the possession or use of materials, weapons or devices that are otherwise prohibited by any other local, state or federal ordinance, statute or regulation. The purpose of Subsection A is to prohibit the carrying or possession of items and materials that have the potential to be used as

12

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

weapons to cause physical or personal damage, and whose possession might not otherwise be prohibited by local, state or federal law.

The provisions of Subsection A shall be construed narrowly to prohibit the use or possession of the items listed therein, but not to prohibit the use or possession of other items by parade participants, including but not limited to items associated with the expression of ideas, such as masks, costumes or puppets. Nothing in Subsection A shall be construed to restrict or interfere with the right to use cameras, tape recorders and other audio and video devices to document or record events occurring at a parade or demonstration.

Further, nothing in Subsection A shall be construed to prohibit the carrying, possession or use of musical instruments by participants in a parade.

- D. Notwithstanding Section 12.48.070, a violation of this section shall be punishable as a misdemeanor.

### **Section Three**

Section 12.48.030 of Chapter 12.48 of Title 12 is repealed and reenacted, as amended, to read as follows:

1. The City Manager or designee shall act on all applications in the following manner:
  - A. Applications received not less than fifteen (15) days before the proposed parade shall be acted upon within seven (7) days of receipt of a completed application.
  - B. Applications received not less than ten (10) days before the proposed parade shall be decided not later than 72 hours before the proposed parade.
  - C. Applications for spontaneous parades involving free speech rights and which are occasioned by news or affairs coming into public knowledge within ten (10) days of the date of the proposed parade shall be acted upon within five days of receipt of a completed application; provided that if the date of the proposed parade is less than seven (7) days but three (3) or more days from the date of the application, the application shall be acted upon within 2 days of the date of receipt of the application. If the date of the proposed parade

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

is less than three days from the date of the application, the application shall be acted upon within 24 hours or not later than six (6) hours of the scheduled start time of the parade, whichever is earlier. No application shall be accepted for a proposed parade scheduled for less than 24 hours from the time of filing of the application. Given the expedited basis for consideration of applications for spontaneous parades, there shall be no appeal from the decision of the City Manager or designee.

For purposes of this section, "free speech rights" means expressive activity protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution, provided that such activity is the primary purpose of the event.

2. Exception: Spontaneous parades of 75 or fewer participants: Notwithstanding subsection 1 above, no permit shall be required for spontaneous parades of seventy-five (75) or fewer participants. The restrictions set forth in Section 12.40.090 on items that may be possessed or carried shall apply to spontaneous parades of 75 or fewer participants undertaken pursuant to this subsection 2.

#### **Section 4**

Section 12.72.065 of Chapter 12.72 of Title 12 of the City Code is repealed and reenacted, as amended, to read as follows:

#### **Section 12.72.065 Spontaneous Use of a City Park**

Applications for spontaneous use of a City park involving free speech rights and which are occasioned by news or affairs coming into public knowledge within ten (10) days of the date of the proposed use of the City park shall be processed in the same manner as applications for spontaneous parades under Section 12.48.030 of Chapter 12.48 of Title 12 of this code.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

CITY CLERK \_\_\_\_\_

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_



NEIGHBORHOODS  
SERVICES DEPARTMENT

CITY OF SACRAMENTO  
CALIFORNIA

4623 T STREET  
SACRAMENTO, CA  
95819

AREA 3

PH ( 916) 277-6167

November 9, 2004

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: PARADE AND PARK USE REGULATIONS**

**LOCATION AND COUNCIL DISTRICT: Citywide**

**RECOMMENDATION:**

Staff recommends the Council do the following:

- 1) Adopt the attached ordinance that would a) repeal and reenact, as amended, the provisions of Section 12.48.090 of the City Code concerning the types of objects that may be possessed, carried or used by those participating in parades, including demonstrations; and b) repeal and reenact, as amended, Section 12.48.030 and Section 12.72.072 of the City Code, concerning the timing of processing permits for parades and uses of City parks.

**CONTACT PERSON:** Richard J. Ramirez, Deputy City Manager, 808-5704  
Gary L. Little, Neighborhood Services Area Director, 566-6524  
Max Fernandez, Neighborhood Services Area Director, 264-7940  
Albert Nájera, Chief of Police, 433-0804

**FOR COUNCIL MEETING OF:** November 30, 2004

**SUMMARY:**

On June 17, 2003, ordinances for Parade and Park Use regulations were adopted in order to provide reasonable timeframes to review parade and park permits and to provide additional safeguards for public safety during parades and demonstrations. As a result of community meetings and further analysis of how best to provide public safety during a parade or demonstration, the City Council on September 14, 2004, conducted a hearing to obtain public testimony on the issue while considering the repeal and re-enactment of the ordinance.



City Council  
Parade and Park Regulations  
November 30, 2004

During the September 14, 2004 public hearing, the City Council asked staff to return to the Council with modifications to the proposed ordinance. Attachments 1A and 1B in this staff report, outline a proposed ordinance with modifications to the Code provisions in response to Council concerns and suggestions. Staff believes this new ordinance allows for the reasonable administration of parade and park permits, protects the Constitutional rights of individuals to assemble and protects the right to free speech, yet provides adequate safeguards for public safety and for the protection of property.

### **BACKGROUND INFORMATION:**

In 2003, an inter-departmental task force was asked to assess and determine reasonable steps that should be taken to address the significant number of annual events being held in the City of Sacramento. The necessity of having a reasonable procedure to process applications was a key objective. In addition, credible evidence suggested violent demonstrations could occur at an upcoming USDA Conference, which could result in significant property damage and personal injury. Consequently, on June 17, 2003, Ordinances (No. 2003-026 and No. 2003-028) were adopted to establish reasonable timeframes to process parade and park permits and to enhance the ability of the city to protect property and public safety.

Since the adoption of the ordinances, city staff has further evaluated the ordinances, debriefed from the experience with the USDA Conference, and at the Council request considered public comment from community and focus group meetings.

On September 14, 2004, the City Council conducted a public hearing on the parade ordinance issue. The staff report for that hearing summarized public comments received during public outreach on the issue. The following presents several key comments:

- The emergency ordinance(s) should be repealed
- Reconsider regulating hard objects, weapons, gas masks and bullhorns.
- We have a long history of demonstrations in the city. Demonstrations are not a danger. This ordinance was passed to stop free speech.
- The ordinance raises the issue of selective enforcement.
- Most people are law abiding - others are instigators. There needs to be a compromise to maintain safety and civil rights - providing an opportunity to maintain both public safety and administering the permit process.
- The city should be prepared for action that is violent, i.e., specific groups.
- Should spontaneous events be regulated? There should be a definition. Should have parameters and guidelines for spontaneous events.
- Concerned about some of the restrictions for signs, bandana, etc. This is a behavior problem. Tie regulations of projectiles to use.

During the September 14, 2004 public hearing, the City Council, asked among other

City Council  
Parade and Park Regulations  
November 30, 2004

things, for staff to return with a modified ordinance that clarifies the definition of a weapon, allow for certain weapons to be carried or displayed in parade (e.g. during the Veterans Day parade), and to fine-tune the provisions regarding the issuance of permits for spontaneous events. The following are key modifications to the proposed ordinance that have been made to address Council issues and/or concerns:

- Changes the definition of a weapon to exclude items that are not firearms, slingshots or slingshot. For example, baseball bats and flagpoles would be permitted under this ordinance.
- Unloaded firearms would be permitted subject to these items being listed in the permit, and that the unloaded firearm is inspected by the Police at least 1 hour prior to the parade, or at another time as stated in the permit.
- Signs that are constructed of cloth, paper, Styrofoam, foam board, or cardboard material and no greater than 1/3 of an inch in thickness are permitted (an increase from 1/4).
- Hollow plastic material that does not exceed 1 inch in thickness (an increase from 3/4 of an inch) and does not exceed 1/8 inch in wall thickness, and is not filled with any material (i.e., gas, liquid, or solid) can be used to support a sign, banner, or placard. Both ends of this material must be blunt and cannot be pointed.
- The following items would be unlawful to carry: glass bottles, or glass containers; balloons filled with any material or substance other than air or helium; bricks or stones and other objects that are more than one-half inch in diameter or three quarters of an inch if not round; projectile launchers and operational gas masks

In response to concerns expressed regarding permits required for a spontaneous parade or similar event, staff is recommending that a permit not be required for a spontaneous parade of 75 people or fewer.

These changes would have the following benefits:

- The above-recommended changes, as detailed in the attached ordinance, would generally liberalize the restrictions contained in the existing ordinance without sacrificing public safety.
- Provides for an ordinance that is easier to understand and administer.

#### **FINANCIAL CONSIDERATION:**

Adoption of the proposed ordinance will have nominal impact on the budget. However not having regulations related to reasonable parade and park permitting can result in significant property damage, law enforcement expense, personal injury, and a tarnished image as occurred in Seattle in 1999.

City Council  
Parade and Park Regulations  
November 30, 2004

**ENVIRONMENTAL CONSIDERATIONS:**

None required

**POLICY CONSIDERATIONS:**

The proposed ordinance provides an enhanced ability to protect public safety and property, and to reasonably administer and process parade and park permits. This ordinance provides that parades and demonstrations are conducted in a peaceful manner, and that business and residential neighborhoods will remain safe.

**E/SBD CONSIDERATIONS:**

No goods or services are being purchased under this report.

Respectfully submitted:

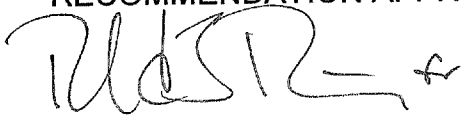


Gary Little  
Area Director, neighborhood Services



Richard Ramirez  
Deputy City Manager

**RECOMMENDATION APPROVED:**



Robert P. Thomas  
City Manager

Table of Contents

Attachment 1A: Clean ordinance	Pages xx
Attachment 1B: "Dirty" Ordinance	Pages xx
Current Parade Regulations	Pages xx

## Chapter 12.48

### PARADES

#### Sections:

12.48.010	<b>“Parade” defined.</b>
12.48.020	<b>Permit—Application.</b>
12.48.030	<b>Permit—Action on application.</b>
12.48.040	<b>Permit—Denial or revocation.</b>
12.48.050	<b>Alternative times and sites.</b>
12.48.070	<b>Unlawful conduct.</b>
12.48.080	<b>Unlawful participation.</b>
12.48.090	<b>Parade and demonstration equipment prohibited.</b>

#### 12.48.010 “Parade” defined.

“Parade” means any march, demonstration, procession or event consisting of persons, animals or vehicles or combination thereof upon any public street, sidewalk or alley which does not comply with normal and usual traffic regulation or controls. (Prior code § 38.12.150)

#### 12.48.020 Permit—Application.

A. Any person desiring to conduct a parade, except as provided in Section 12.48.060 of this chapter, shall file an application with the city manager not less than ten (10) days prior to the proposed assembly time for the parade.

B. Such application shall contain:

1. The name of the applicant, the sponsoring organization, the parade chairman and the addresses and telephone numbers of each; the assembly area, disbanding area and the route to be travelled; the assembly time, and the starting time.

2. So far as reasonably practicable, the disbanding time; the maximum parade length; the total number of bands, sound vehicles or musical units, if any, their type and number of members in each unit; the total number of marching units, if any, their type and the number of members in each unit; the number of animals, if any, and type; the number of floats, if any, their size, type and how powered; and the space between the units and their speed.

C. If such a parade is designed to be held by and on behalf of or for any organization other than the applicant, the applicant for such permit shall file a communication in writing from such organization, authorizing the applicant to apply for such permit on its behalf. (Prior code § 38.12.151)

#### 12.48.030 Permit—Action on application.

The city manager shall act on all applications in the following manner:

A. Applications received not less than fifteen (15) days before the proposed parade shall be acted upon within seven days of receipt of a completed application.

B. Applications received not less than ten (10) days before the proposed parade shall be decided not later than seventy-two (72) hours before the proposed parade.

C. Applications for spontaneous parades involving free speech rights and which are occasionally by news or affairs coming into public knowledge within ten (10) days of the date of the proposed parade shall be acted upon within five days of receipt of a completed application; provided that if the date of the proposed parade is less than seven days but three or more days from the date of the application, the application shall be acted upon within two days of the date of receipt of the application. If the date of the proposed parade is less than three days from the date of the application, the application shall be acted upon within twenty-four (24) hours or not later than six hours of the scheduled start time of the parade, whichever is earlier. No application shall be accepted for a proposed parade scheduled for less than twenty-four (24) hours from the time of filing of the application. Given the expedited basis for consideration of applications for spontaneous parades, there shall be no appeal from the decision of the city manager.

For purposes of this section, “free speech rights” means expressive activity protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution, provided that such activity is the primary purpose of the event. (Ord. 2003-028 § 2: prior code § 38.12.152)

#### 12.48.040 Permit—Denial or revocation.

A. Permits may be denied or revoked by the city manager only upon his or her determination that one or more of the following conditions exist:

1. That more persons would be seriously inconvenienced by the event than would participate in it;

2. That the number of persons who would be less than seriously inconvenienced would be grossly disproportionate to the number of participants;

3. That the parade will occur between the hours of six-thirty a.m. to nine-thirty a.m. or four p.m. to seven p.m. Monday through Friday;

4. That the parade will exceed three hours duration;

5. That the parade will unduly interfere with ingress to, egress from or travel on a freeway or state designated highway;

6. That the applicants, after receiving a permit, have refused to inform the city of the general message or purpose of the demonstration;

7. That a significant number of the demonstrators have a specific intent, manifested by specific plans, to engage in or provoke violence;

8. That a fully enforced general curfew will be in existence at the time and place proposed for the demonstration;

9. That the applicants have failed to make a timely application for a permit, and could have done so since their parade was not in response to an event of obvious importance;

10. That the parade will conflict with a previously scheduled parade.

B. No permit shall be denied or revoked, except in an emergency, without reasonable opportunity for a hearing. (Prior code § 38.12.153)

**12.48.050 Alternative times and sites.**

Any denial or revocation of a permit on the grounds of the unacceptability of the time or place of the proposed parade shall contain a counteroffer of alternative acceptable times and sites. (Prior code § 38.12.154)

**12.48.070 Unlawful conduct.**

No person shall conduct, manage or participate in any parade which is not authorized by a written permit from the city manager. (Prior code § 38.12.156)

**12.48.080 Unlawful participation.**

No person shall knowingly join or participate in any parade conducted under permit from the city manager, in violation of any of the terms of such permit, nor knowingly join or participate in any permitted parade without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct. (Prior code § 38.12.157)

**12.48.090 Parade and demonstration equipment prohibited.**

A. The following prohibitions shall apply to all parades.

1. It shall be unlawful for any person to carry or possess any weapon, as defined in this section, notwithstanding any other definition of the term "weapon" set forth in this City Code.

For purposes of this chapter, and notwithstanding any other provision of this code, "weapon" means any pistol, rifle, shotgun or other firearm of any kind, whether loaded or unloaded, air rifle, air pistol, paintball gun, paintball rifle, explosive, blasting cap(s), knife, hatchet, ax, slingshot, slungshot, blackjack, metal knuckles, mace, iron buckle, baseball bat, ax, ax handle, chains, crowbar, ham-

mer, shovel, stick, pole or other club or bludgeon or any other instrumentality customarily used or intended for probable use as a dangerous weapon.

2. It shall be unlawful for any person to carry or possess any sign, poster, plaque or notice unless such sign, poster plaque, or notice is constructed solely of a cloth, paper or cardboard material no greater than one-quarter inch in thickness.

3. It shall be unlawful for any person to carry or possess any length of lumber, wood or wood lath unless it is one-fourth inch or less in thickness and two inches or less in width or if not generally rectangular in shape, such object shall not exceed three-quarters inch in its thickest dimension. Both ends of the length of lumber, wood or wood lath shall be blunt and shall not be pointed.

4. It shall be unlawful for any person to carry or possess any length of metal, plastic or other similar hard or stiff material, whether hollow or solid; provided that hollow plastic pipe that does not exceed three-quarters inch in its thickest dimension, does not exceed one-eighth inch in wall thickness and is not filled with any material, liquid, gas or solid, may be used to support a sign, banner, placard or other similar display; however, both ends of the length of plastic material shall be blunt, and not pointed.

5. It shall be unlawful for any person to carry or possess glass bottles, glass jars or glass containers of any kind.

6. It shall be unlawful for any person to carry or possess balloons filled with any material or substance other than air, oxygen or helium. Prohibited materials and substances include, but are not limited to water, paint, or any other liquid, solid, or other gas.

7. It shall be unlawful for any person to carry or possess solid golf balls, ball bearings, marbles, paint balls, solid balls or other solid shapes made of rubber, plastic, metal, wood or any other similar hard substance, including batteries; provided that nothing is intended to prohibit the possession of bicycles, wheelchairs and other similar devices that include ball bearings or other as part of their structure; and, provided further, that nothing is intended to prohibit the possession of electronic, electrical or other devices that are battery-operated. The purpose of this subsection is to prohibit the possession of materials or devices that can be thrown or projected and can or may cause, or have the potential for causing, significant personal or property damage.

8. It shall be unlawful for any person to carry or possess bricks, stones, rocks, pieces of asphalt or concrete or pieces of other similar hard materials or substances that are capable of being thrown or projected.

9. It shall be unlawful for any person to carry or possess spray paint cans.

10. It shall be unlawful for any person to carry or possess any projectile launcher or other device which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, including but not limited to supersoakers and watercannons. Nothing in this subsection is intended to prohibit or restrict those participating in parades, demonstrations, rallies or assemblies from possessing sufficient amounts of water or other liquids designed and intended for human consumption during such events.

11. It shall be unlawful for any person to carry, possess or wear any gas mask or similar device designed to filter all air breathed and that would protect the respiratory tract and face against irritating, noxious or poisonous gases.

12. It shall be unlawful for any person to carry, possess or wear a body vest as that term is defined in Penal Code Sec. 12022.2.

B. Nothing in this section shall prohibit a disabled person from carrying, possessing or using a wheelchair, cane, walker, or similar device necessary for providing mobility so that the person may participate in a parade.

C. Nothing in subsection A of this section is intended to authorize the possession or use of materials, weapons or devices that are otherwise prohibited by any other local, state or federal ordinance, statute or regulation. The purpose of subsection A of this section is to prohibit the carrying or possession of items and materials that have the potential to be used as weapons to cause physical or personal damage, and whose possession might not otherwise be prohibited by local, state or federal law.

D. Notwithstanding Section 12.48.070, a violation of this section shall be punishable as a misdemeanor. (Ord. 2003-026 § 3; Ord. 2003-024 § 3)