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DEPARTMENT OF PARKS AND RECREATION

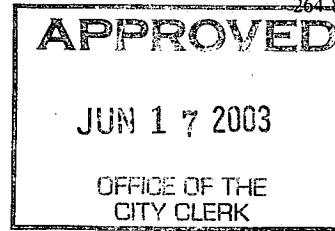
CITY OF SACRAMENTO CALIFORNIA

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ROBERT G. OVERSTREET DIRECTOR

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June 13, 2003 Ref: 6-11



City Council Sacramento, California

Honorable Members in Session

SUBJECT: AN ORDINANCE AMENDING SECTION 12.48.030 AND DELETING SECTION 12.48.060 OF CHAPTER 12.48 AND ADDING SECTION 12.72.065 TO CHAPTER 12.72 OF TITLE 12 OF THE CITY CODE, PERTAINING TO APPLICATIONS FOR PARADES AND USE OF CITY PARKS AND DECLARING THE ORDINANCE AN EMERGENCY TO TAKE EFFECT IMMEDIATELY

LOCATION AND COUNCIL DISTRICT Citywide

STAFF RECOMMENDATION:

Staff recommends that City Council adopt the attached ordinance to amend Section 12.48.030 and to delete Section 12.48.060 of Chapter 12.48 of Title 12 of the City Code, and to add Section 12.72.065 to Chapter 12.72 of Title 12 of the City Code, regarding the procedures for processing and deciding applications for parades and for use of parks in the City of Sacramento. This ordinance is an emergency ordinance, which would take effect immediately pursuant to Section 32 of the City Charter. The purpose of the ordinance is to amend the City's existing parade and park use regulations and to expedite the procedures for processing and deciding applications for "spontaneous" parade and park use permits.

CONTACT PERSONS Robert Overstreet Director

FOR COUNCIL MEETING OF June 17, 2003



Optimize the Experience of Living!

## **SUMMARY**

This report recommends that the Council approve the attached ordinance to amend the current regulations governing applications for parades on City streets and for use of City parks for demonstrations, rallies and assemblies. The purpose of the ordinance is to bring the City's parade and park use regulations current, and to delete certain obsolete provisions. The ordinance is proposed to be enacted on an urgency basis, which requires a two-thirds vote.

## **COMMITTEE/COMMISSION ACTION**

None.

## **BACKGROUND**

The City's current parade and park use regulations which govern parades, demonstrations, rallies and assemblies on public streets and in public parks, were enacted decades ago. Since that time, the statutory and judicial law governing such parades, demonstrations, rallies and assemblies, and the manner in which cities, counties and other governmental bodies regulate such events has developed and is significantly different than the law as it existed at the time of enactment. Further, the manner in which such events are undertaken, and the nature and level of the activity of those participating in such events, has changed significantly since the enactment of the current regulations.

The City Attorney's Office advises that the courts have recognized the right of jurisdictions to enact reasonable time, place and manner restrictions on parades, demonstrations, rallies and assemblies, including those occurring in City parks, while at the same time not restricting the First Amendment rights of groups and individuals wishing to express their views. This includes requirements for permit for parades and for use of City parks, and the imposition of reasonable time, place and manner restrictions on such permits.

As the Capitol of California, the City of Sacramento is the host to numerous large-scale events each year. It is therefore appropriate that the City bring current its parade and park use regulations and expedite the processing of permits for parades and park usage, while at the same time reserving the right of the City to impose reasonable time, place and manner restrictions to ensure the safety of residents, property owners, parade participants and members of the public.

This ordinance amends the current regulations concerning the timely processing of applications for parade permits by: i) modifying Section 12.48.030 to provide expedited time periods for processing certain parade permit applications; ii) deleting Section 12.48.060, which should be considered outdated under current law; and iii) by adding

Section 12.72.065 to provide expedited time periods for processing certain park use permit applications.

Given the number of parade, park use and related events scheduled for the next few months, including a number of events scheduled or planned for this month, and considering the interests of those who may be interested in participating in a parade or using a park as a means of expressing their First Amendment rights this month, it is appropriate and necessary that these regulations take effect immediately and apply to all events from this date forward.

**FINANCIAL CONSIDERATIONS**

None.

**ENVIRONMENTAL CONSIDERATIONS**

This activity does not constitute a "project" and is therefore exempt from the California Environmental Quality Act (CEQA), CEQA Guidelines Sections 15061(b) and 15378(b)(3).

**POLICY CONSIDERATIONS**

The revised ordinance is consistent with the City's goal to enhance the quality of life in neighborhoods and preserve public safety.

**ESBD CONSIDERATIONS**


Not applicable.

Respectfully submitted:



Robert Overstreet  
Director

RECOMMENDATION APPROVED:



ROBERT P. THOMAS  
City Manager

RO/dls

## Table of Contents

1. Attachment-Proposed Ordinance

**APPROVED**

JUN 17 2003

OFFICE OF THE  
CITY CLERK

**ORDINANCE NO. 2003-028**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

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

**AN ORDINANCE AMENDING SECTION 12.48.030 OF CHAPTER 12.48 AND REPEALING SECTION 12.48.060 OF CHAPTER 12.48 AND ADDING SECTION 12.72.065 TO CHAPTER 12.72 OF TITLE 12 OF THE SACRAMENTO CITY CODE PERTAINING TO THE PROCESSING OF APPLICATIONS FOR PARADE PERMITS AND PERMITS FOR THE USE OF CITY PARKS AND DECLARING THE ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY PURSUANT TO SECTION 32 OF THE CITY CHARTER**

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

**Section 1**

**Recitals**

1. The City of Sacramento, as California's capital city, has a rich history of parades, demonstrations, rallies and assemblies on a wealth of issues.
2. The City's current parade and park use regulations, which govern parades, demonstrations, rallies and assemblies taking place on City streets and in City parks, were enacted years ago. Since that time, the law, including court decisions, governing parades, demonstrations, rallies and assemblies on City streets and in City parks, and the manner in which cities and other governmental entities regulate such events, has developed and is significantly different that the law as it existed at the time of enactment of the current provisions. Certain provisions of the current City Code provisions establishing parade and park use regulations are outdated, irrelevant or otherwise in need of updating, amendment or deletion.
3. The amendments to the City Code effectuated by Sections 2, 3 and 4 of this

**FOR CITY CLERK USE ONLY**

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

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

ordinance will update the City's parade and park use regulations, and will result in a streamlining of the process for reviewing and deciding applications for parade and park use permits. To make this streamlined process available at the earliest opportunity to those wishing to utilize parades to exercise their First Amendment rights, it is appropriate and necessary for this ordinance to take effect immediately, as provided in Section 5 of this ordinance.

## **Section 2**

Section 12.48.030 of Chapter 12.48 of Title 12 of the Sacramento City Code is amended to read as follows:

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 (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.

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

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.

**Section 3**

Section 12.48.060 of Chapter 12.48 of Title 12 of the City Code is repealed.

**Section 4**

Section 12.72.065 is added to Chapter 12.72 of Title 12 of the City Code 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.

**Section 5**

This Ordinance is declared to be an emergency ordinance to be effective immediately pursuant to Section 32(g)(2) of the City Charter. The facts constituting the emergency are as follows: the City's current parade and park use regulations, which govern parades, demonstrations, rallies and assemblies on City streets and in City parks, were enacted years ago. Since that time, the statutory and judicial law governing parades, demonstrations, rallies and assemblies involving the use of City streets and parks, and the manner in which governmental bodies may regulate such events, has developed and is significantly different than the law as it existed at the time of enactment. Further, the manner in which such events are undertaken, and the nature and level of the activity of those participating in such events, has changed significantly since the enactment of the current regulations. The City has recently learned that significant parades, demonstrations, rallies and assemblies are planned for the upcoming months, including a number of events that are planned for later this month. The amendments to the City Code effectuated by this ordinance will hasten the process for reviewing and deciding applications for parade and park use permits.

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

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

To make this streamlined process available at the earliest opportunity to those wishing to utilize parades to exercise their First Amendment rights, it is appropriate and necessary for this ordinance to take effect immediately.

DATE PASSED FOR PUBLICATION:  
DATE ENACTED:  
DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

**ATTEST:**

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

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

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