

BY J ✓ CODIFIED
Date 10/26/06

ORDINANCE NO. 1906

(An ordinance amending Chapter 10.60—Funeral Processions and Parades of the Hood River Municipal Code)

WHEREAS, Chapter 10.60 of the Hood River Municipal Code requires persons conducting parades and funeral processions to obtain permits from the City;

WHEREAS, parade and funeral procession permits implicate the free speech clauses of the United States and Oregon Constitutions;

WHEREAS, developments in free speech law since 2005, when Chapter 10.60 was last amended, warrant further amendment to this chapter;

WHEREAS, the requirement that a parade permit application be submitted at least 45 days prior the parade (Section 10.60.030(A)) may constitute an unconstitutional impingement on free speech;

WHEREAS, the ability of the city recorder to impose arbitrary conditions of approval on a parade permit (10.60.030(D)(3)) may constitute an unconstitutional impingement on free speech; and

WHEREAS, the following amendments to Chapter 10.60 will greatly reduce the possibility that the City’s parade permit ordinance constitutes an unconstitutional impingement on free speech.

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 10.60 of the Hood River Municipal Code is amended to read as follows (changes are shown in underline and deletions in strike-out):

CHAPTER 10.60 - FUNERAL PROCESSIONS AND PARADES

Sections:

- 10.60.010 Funeral procession regulations
- 10.60.020 Parades--Permit required when
- 10.60.030 Parade permit--Application--Issuance
- 10.60.040 Parade permit--Appeal procedure
- 10.60.050 Parade permit—Revocation
- 10.60.060 Offenses against parade

10.60.010 Funeral procession regulations.

A. A permit shall not be required to conduct a funeral procession.

B. The procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

C. The procession shall be accompanied by adequate escort vehicles for traffic-control purposes.

D. All motor vehicles in the procession shall be operated with their lights turned on.

E. No person shall unreasonably interfere with a funeral procession.

F. No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession. (Ord. 1280 §52, 1970).

10.60.020 Parades--Permit required when. No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people utilizing the public right-of-way and consisting of one hundred or more persons or twenty or more vehicles. (Ord. 1280 §53, 1970).

10.60.030 Parade permit--Application--Issuance.

A. Application for parade permits shall be made to the city recorder at least two weeks ~~forty-five days~~ prior to the intended date of the parade; applications will be accepted less than two weeks prior to the intended date of the parade if the parade was not planned or advertised two weeks or more prior to the date of the parade unless the time is waived by the city recorder.

B. Applications shall include the following information:

1. The name and address of the person 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 which will be participating in the parade;
5. The proposed starting and ending time;
6. The application shall be signed by the person designated as chairman.

C. If the city recorder, upon receipt of the application, determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, the city recorder shall approve the route and issue the permit.

D. If the city recorder determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, the city recorder may:

1. Propose an alternate route;
2. Propose an alternate date;

3. Impose conditions of approval of the permit to protect public safety and convenience;
or

4. Refuse to issue a parade permit.

E. The city recorder shall provide a written decision approving, approving with conditions, or denying the application within five days of receipt of the application. (Ord. 1280 §54, 1970).

10.60.040 Parade permit--Appeal procedure.

A. An applicant may appeal the decision of the city recorder to the city manager by filing a written appeal with the city manager. The city manager's decision may be appealed to the city council. The appeals shall be filed within five (5) days of the date of the decision from which the appeal is being made and shall be filed with the city recorder. The parade may not take place during the pendency of the appeal. The fee for appeals shall be set by council resolution.

B. The council shall schedule a hearing date which shall not be later than the second regular session following the filing of the written appeal with the city recorder, and shall notify the applicant of the date and time that he may appear either in person or by a representative. (Ord. 1280 §55, 1970).

10.60.050 Parade permit--Revocation. The city manager may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety. (Ord. 1280 §57, 1970).

10.60.060 Offenses against parade.

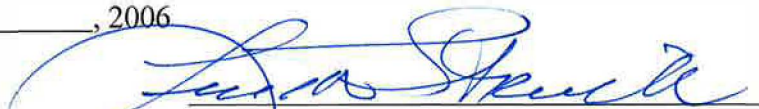
A. No person shall unreasonably interfere with a parade or parade participant.

B. No person shall operate a vehicle that is not of a parade between the vehicles or persons comprising a parade. (Ord. 1280 §56, 1970).

Read for the first time: October 23, 2006.

Read for the second time and passed: October 23, 2006, to become effective in 30 days.

Signed October 25, 2006


Linda Streich, Mayor

ATTEST:


Jill Rommel, City Recorder