

Ordinance No. 122999

Council Bill No 116536

AN ORDINANCE relating to parades;  
establishing procedures and standards for the  
issuance and modification of parade permits,  
amending Sections 11.14.410, 11.25.020,  
11.25.040 of the Seattle Municipal Code, and  
adding new sections thereto.

Related Legislation File:

Date Introduced and Referred: <u>5-26-09</u>	To: (committee): Culture, Civil Rights, Health and Personnel (CCRHP)
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The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: 

Committee Action:

Date	Recommendation	Vote
<u>pass</u>	<u>2-0 NL, BH</u>	<u>5/27/09</u> <u>(LIT)</u>

This file is complete and ready for presentation to Full Council. \_\_\_\_\_

Full Council Action:

Date	Decision	Vote
<u>6-1-09</u>	<u>Passed</u>	<u>8-0 (Excused: McIver)</u>

ORDINANCE 122999

AN ORDINANCE relating to parades; establishing procedures and standards for the issuance and modification of parade permits, amending Sections 11.14.410, 11.25.020, 11.25.040 of the Seattle Municipal Code, and adding new sections thereto.

WHEREAS, on December 12, 2008, the United States Court of Appeals for the Ninth Circuit issued its decision in Seattle Affiliate of the October 22nd Coalition, et anno. v. City of Seattle, et al., Ninth Circuit Court of Appeals, Case No. 06-35597; and

WHEREAS, the Court held that Seattle's parade permit ordinance, Seattle Municipal Code ("SMC") 11.25.020, did not contain adequate standards for police decisions regarding modifications of parade permits, did not require a written explanation of decisions and did not require a mandatory review process, and is therefore unconstitutionally defective; and

WHEREAS, the City wishes to maintain its proud tradition of encouraging the full exercise of the free speech rights of its citizens; and

WHEREAS, the City wishes to cure the constitutional defects in SMC 11.25.020; and

WHEREAS, it is necessary to maintain and establish procedures to allow for the permitting of parades in the City, in accordance with the ruling of the Court, in order to allow for the full exercise of free speech rights while allowing the Chief of Police to maintain the public peace, health and safety and the reasonable regulation of vehicular and pedestrian traffic on city streets and sidewalks; and

WHEREAS, on March 2, 2009, the Chief of Police adopted rules regarding procedures and standards for the issuance and modification of parade permits which the City Council now wishes to codify and adopt as City ordinance; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 11.14.410 of the Seattle Municipal Code is amended as follows:

**11.14.410 Parade.**

A parade is (1) an organized movement or procession of 50 or more persons, or (2) an organized procession of motorized vehicles, bicycles, floats, animals, or large objects that require



1 more than one person to move and control, with or without persons accompanying on foot, that  
2 requires the closure of streets or the regulation of vehicular traffic by police to prevent a conflict  
3 with the regular flow of vehicular traffic, but does not include use of the streets in a single  
4 location pursuant to a street use permit issued pursuant to the Street Use Ordinance.((any  
5 organized movement or march of persons and/or things which requires the closure of streets to  
6 prevent a conflict with the regular flow of vehicular traffic, but does not include use of the streets  
7 in a single location pursuant to a street use permit issued pursuant to the Street Use Ordinance  
8 (90047).))

9  
10 Section 2. Chapter 11.25 of the Seattle Municipal Code is amended as follows:

11 **11.25.010 Purpose and findings.**

12 This Chapter is intended to establish procedures to provide fair and equal access to free  
13 speech rights and opportunities to parade in the city, while at the same time preserving the safety  
14 of all persons, minimizing disruptions in the orderly and safe circulation of traffic, and avoiding  
15 unreasonable risk of injury or damage to parade participants, other persons, and property.

16 The City Council finds that hazards to participants, vehicles and pedestrians increase  
17 when the free flow of traffic is impeded. Such hazards are caused by decreased access for  
18 emergency and aid vehicles, an increase in the probability that collisions will occur due to  
19 increased traffic density, an increase in obstructions to visibility for pedestrians and vehicles, an  
20 increase in hazardous and/or unlawful driving behavior due to driver impatience and an increase  
21 in the need for manual traffic control by police officers, among other things. Management of  
22 significant traffic congestion requires the use of police resources, which decreases the  
23 availability of such police resources for other traffic and police duties. Safety of pedestrians and  
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1 vehicles, therefore, requires that traffic be safely managed and that the free flow of traffic be  
2 facilitated to the fullest extent possible.

3 The City Council finds that the number of marchers in a roadway affects vehicular and  
4 pedestrian traffic safety. An insufficient number of marchers on a roadway that is not readily  
5 visible to motorists, or that contains gaps that motorists may try to drive through despite the  
6 presence of police officers, creates an unreasonable traffic hazard. In such cases, marchers shall  
7 be required to remain on sidewalks while police provide traffic control at intersections.

8 Conversely, a large number of marchers on a sidewalk creates an unreasonable traffic hazard  
9 where the number is so large that pedestrians or marchers are forced into lanes of vehicular  
10 traffic. In such cases, marchers shall be required to remain in a street or portions thereof while  
11 police restrict traffic to such portions, provided that the number of marchers in the street is  
12 sufficiently large to avoid an unreasonable traffic hazard.

13 The City Council finds that pedestrian and vehicular traffic safety relating to the use of  
14 streets and sidewalks during a parade depends on factors such as the width of streets, traffic lanes  
15 and sidewalks; vehicular speed limits and the known customary vehicle speeds; known traffic  
16 hazards or dangerous conditions; normal anticipated vehicular and pedestrian traffic volume at  
17 the date, time and place of a proposed parade; the number and location of traffic control devices  
18 along the route; whether access to or for emergency vehicles will be obstructed; the number of  
19 qualified police personnel necessary and available to control traffic in the surrounding area in  
20 order to prevent accidents or injury because of congestion caused by the closure of the street;  
21 seasonal weather conditions that may create hazardous conditions; actual weather conditions at  
22 the time of the parade; the availability of alternate parade routes, dates or times; and the



1 availability of an adequate number of police personnel without unduly hindering the ability of  
2 the Seattle Police Department to provide other necessary police services.

3 **11.25.020 Definitions.**

4 The following terms, when used in this chapter, shall have the following meanings:

5 “Application” means a written request to conduct a parade.

6 “Chief of Police” or “Chief” means the Chief of the Seattle Police Department or the  
7 Chief's designated appointee.

8 “Closure of Streets” means the restriction of vehicular traffic to a roadway or portion  
9 thereof, and includes the manual control of traffic at intersections by police or other persons  
10 authorized to do so.

11 “Fixed Point Parade” means a parade in which streets along the entire route are cleared of  
12 parked vehicles and traffic in both directions and are controlled by police officers stationed at  
13 fixed points along the parade route prior to the starting time of the parade. Parades that include  
14 persons on foot along with motorized vehicles, bicycles, floats, animals, or large objects that  
15 require more than one person to move and control shall in all cases proceed only as fixed point  
16 parades.

17 “March” means a parade of 50 or more persons on foot, in wheelchairs, or strollers, and  
18 does not include the use of motorized vehicles, bicycles, floats, non-domesticated animals  
19 including horses, or other large objects that require more than one person to move and control,  
20 and is facilitated by mobile police officers on motorcycles, bicycles, on foot or in vehicles who  
21 create and maintain a zone of protection around marchers and provide traffic control as they  
22



1 move along the route. "March" includes permitted marches of 50 or more persons on sidewalks  
2 with the provision by police officers of traffic control at intersections.

3 "Marcher" or "marchers" means a person or persons on foot, in wheelchairs or in strollers  
4 that participate with the permission of the parade applicant in a march as defined in this section.

5 "Parade" has the same meaning as defined in SMC 11.14.410.

6 "Parade Permit" means a permit issued pursuant to this Chapter.

7 "Regularly Recurring Parade" means a parade that has been conducted on or about a  
8 certain annual date, on a substantially similar route, or in connection with a specific holiday or  
9 consistent theme, for at least the prior five years.

10 "Special Event" has the same meaning as defined in SMC 15.52.005.

11 "Special Events Committee" means the committee established under SMC 15.52.010.

12 "Submit" or "Submitted," when applied to a parade permit application, means the  
13 physical receipt by the Special Events Committee or the Chief of Police of a fully completed and  
14 executed parade permit application.

15 "Unreasonable Traffic Hazard" means a situation or condition that creates an  
16 unreasonable risk of personal injury or property damage to pedestrians, motorists, vehicles or  
17 passengers, including parade participants and police personnel, which risk exists despite the  
18 employment of standard police procedures by available police personnel. Available police  
19 personnel means personnel available without unduly hindering the Seattle Police Department  
20 from providing other necessary police services.

21 **11.25.030 Constitutional provisions.**  
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1           A. No parade permit shall be denied, revoked or modified, and no parade permit  
2 restrictions shall be imposed, due in whole or in part, to the contents of statements or viewpoints  
3 expressed by the parade participants. The Chief of Police may impose those reasonable and  
4 content neutral time, place, and manner restrictions authorized by this ordinance to the extent  
5 such restrictions are consistent with the Washington state and United States constitutions.

6           B. When a parade will include activities that are an exercise of rights protected by the  
7 First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5,  
8 or 11 of the Washington Constitution, the application shall be processed promptly, without  
9 charging a fee or requiring insurance for the constitutionally protected activities, or imposing  
10 terms or conditions that impermissibly infringe constitutional freedoms. The application form  
11 shall contain clear and conspicuous language stating that no fee or insurance requirement shall be  
12 imposed on any parade that is an exercise of rights protected by the First and Fourteenth  
13 Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the  
14 Washington Constitution.

15 **SMC 11.25.0((2))40 ((Permission for parade.))When permit is required.**

16           A parade permit is required for marches of 50 or more persons, or for parades involving  
17 motorized vehicles, bicycles, floats, animals or large objects that require more than one person to  
18 move and control or for any march conducted in the street or that would require closure of any  
19 portion of a public street. No person shall conduct or participate in a parade upon any street or  
20 alley in the City without first submitting ((a written notification))an application to the Chief of  
21 Police and obtaining a permit from the Chief of Police to do so. Upon submitting a written  
22 application((notification)) to the Chief of Police, the Chief of Police shall grant a permit in





accordance with this Chapter. ~~((So that preparations for traffic regulation can be made, the written notification for permit shall state the place and hour of formation, the proposed line of movement or march, the scheduled starting time, and the names of the persons having charge or control of the parade, and the name of the sponsoring agency, if any. Such written notification shall be delivered to the Chief of Police at least forty-eight (48) hours before the parade is scheduled to begin: Provided, that the forty-eight (48) hour time limit for written notification may be waived by the Chief of Police if, at the time the written notice is submitted, the Chief of Police anticipates being able to make reasonable preparations for the parade within less time than forty-eight (48) hours. The Chief of Police may modify the place and hour of formation, the proposed line of movement or march, and the scheduled starting time in the interest of vehicular or pedestrian traffic safety.))~~

A parade permit is also required for marches that are conducted on sidewalks that also require traffic control at intersections (See SMC 11.25.110). No parade permit is required where marchers remain on sidewalks and obey all traffic signals and laws at intersections. No parade permit is required, nor will one be issued, for any procession of less than 50 persons on foot, in wheelchairs or in strollers. Closure of streets, or a portion thereof, is required whenever the parade includes the use of vehicles, floats, non-domesticated animals or other objects or things whose size or dimensions are incompatible with use on a sidewalk.

**11.25.050 Parade permit applications – time to submit.**

A. Where to apply. A person seeking a parade permit shall submit a written application to the Special Events Committee or to the Chief of Police. Upon receipt of an application for a parade permit, each shall immediately forward the other a copy of the application.





B. General rules.

1. Marches. Upon the submission of a written application for a parade of 50 persons or more the Chief of Police shall issue a permit on the fifth business day after the submission of a completed application. If an applicant submits a parade permit application less than five business days prior to the requested parade date, the Chief of Police shall issue a permit no later than 24 hours prior to the requested starting time of the parade. In any event, a completed written application for a parade permit for a march shall be delivered to the Chief of Police more than 48 hours before the proposed starting time of the march: Provided, that the 48 hour time limit for the written application shall be waived by the Chief of Police if, at the time the written notice is submitted, the Chief of Police anticipates being able to make reasonable preparations for the march within less time than 48 hours.

2. Fixed point parades; parades with vehicles, etc. A written application for a parade permit for a fixed point parade or for any parade involving the use of motorized vehicles, bicycles, floats, non-domesticated animals including horses, or other large objects that require more than one person to move and control shall be delivered to the Chief of Police more than 30 days before the proposed date of the parade: Provided, that the 30 day time limit for the written application shall be waived by the Chief of Police if, at the time the written notice is submitted, the Chief of Police anticipates being able to make reasonable preparations for the march within less time than 30 days. The Chief of Police shall issue a parade permit for such parade on or before fourteen calendar days after the submission of a completed application.

C. Rescheduling. The Chief of Police shall issue a parade permit for the date requested unless the proposed parade is proximate in time and place to another previously permitted special



1 event or parade, so that the combined impacts and required public services exceed what the City,  
2 after all reasonable efforts have been made to accommodate both events in accordance with the  
3 requirements of both the Washington state and United States constitutions, can reasonably  
4 provide.

5 D. When conditions or modifications may be imposed. Terms of parade permits granted  
6 under this Section shall be imposed or modified in accordance with this Chapter in order to  
7 prevent any unreasonable traffic hazard or when reasonably necessary to protect the safety of  
8 persons, property and to ensure the safe conduct of vehicular and pedestrian traffic. The Chief of  
9 Police shall state in writing the reasons for all modifications and shall provide the statement to  
10 the applicant prior to or at the time of issuance of the permit. Where modifications are necessary  
11 at the time of or during the parade, the Chief of Police shall state in writing the reasons for all  
12 modifications within 24 hours of the end of the parade and shall provide a copy to the applicant  
13 upon request.

14 E. Last-minute parade permits. Because the Seattle Police Department normally requires  
15 at least 48 hours to summon qualified personnel to serve on an overtime basis, parade permit  
16 applications submitted less than 48 hours before the proposed parade shall be granted only for  
17 marches and only if, after making reasonable efforts to identify available Department resources  
18 including overtime personnel, such resources are sufficient to prevent an unreasonable traffic  
19 hazard without unduly hindering the Department from providing other necessary police services.  
20 In such cases, a last-minute parade permit issued under this section shall be issued only under the  
21 following circumstances:



1                   1. The parade is an exercise of rights protected by the First and Fourteenth  
2 Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the  
3 Washington Constitution.

4                   2. The parade is a march that does not include motorized vehicles, bicycles,  
5 floats, non-domesticated animals including horses or other large objects that require more than  
6 one person to move and control. Strollers, hand-pulled wagons and wheelchairs are allowed.  
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8                   3. The parade can be conducted in a manner consistent with the policies, terms  
9 and conditions set forth in this Chapter so as to prevent any unreasonable traffic hazard.

10                  F. Other permits. If an applicant is required to obtain other permits in accordance with  
11 SMC Chapter 15.52 (Crowd Control Events), such written applications must be submitted to the  
12 Special Events Committee before the proposed date of the parade in order to ensure  
13 consideration by the Special Events Committee of related permits other than a parade permit.  
14 The granting of a parade permit pertains only to parades and does not authorize any activity for  
15 which a separate permit is required.

16  
17 **11.25.060 Form of application.**

18                  The Special Events Committee shall prescribe a form of application consistent with the  
19 requirements of this Chapter. A parade permit application shall be deemed submitted only when  
20 a fully completed and executed application form has been received at the office of the Special  
21 Events Committee or the Chief of Police. If an application is received that is not fully completed  
22 and executed, the application shall not be deemed submitted, and the Special Events Committee  
23 or the Chief of Police will send within three business days an oral or written notification to the  
24 designated contact person indicated on the application by either telephone contact, voice mail,  
25



1 fax, email or mail. The Special Events Committee and the Chief of Police shall have no duty to  
2 send such notice if no designated contact person is indicated on the application.

3 The written application for a Parade Permit shall state:

4 1. The proposed date, place and hour of formation;

5 2. The proposed line of movement or march;

6 3. The proposed starting and ending times;

7 4. The approximate number of anticipated marchers;

8 5. The approximate number and types of any vehicles, animals or objects;

9 6. The names of the persons organizing or coordinating the parade;

10 7. Whether the parade will be an exercise of rights protected by the First and Fourteenth

11 Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the  
12 Washington Constitution; and

13 8. The name, telephone number, mailing address and, if available, the fax number and/or  
14 email address of at least one person who shall be designated as a local contact person for the  
15 purpose of receiving notices as provided in this Chapter and who shall have the authority on  
16 behalf of the parade organizers to make binding decisions with respect to all matters regarding  
17 the parade.

18 The written application shall be signed by at least one person who has the authority to  
19 make binding decisions on behalf of the parade organizers with regard to all matters concerning  
20 the parade.

21 Applications shall be processed on a first-come, first-served basis, subject to the  
22 provisions of SMC 11.25.130 ("Regularly Recurring Parades").



**11.25.070 Terms of parade permit.**

Prior to issuance of a parade permit, the Chief of Police shall make reasonable efforts to anticipate the specific circumstances that will exist at the date, time and place of the parade, including, but not limited to, weather conditions, length of daylight, traffic hazards, availability of police officers, pedestrian and vehicular traffic volumes, and other scheduled events or public gatherings.

Based on the information reasonably available at the time of issuance, and the information and representations contained in the completed permit application, every parade permit shall contain the following information:

1. Date, time and place of assembly before and after parade.
2. Time of start and disbanding of parade.
3. Route of parade.
4. Portions of streets, highways, sidewalks, etc., to be traversed by the parade.
5. For marches, the approximate number of marchers in the parade.
6. For marches, where the minimum number of marchers required in order for the Seattle Police Department to close streets along the parade route is more than 50, the permit shall state the minimum number and the reasons for and factors considered in determining the minimum number. See SMC 11.25.110.
7. Approximate number of persons to be provided by the applicant for monitoring parade for compliance with the terms of the parade permit.
8. For parades other than marches, the approximate number and types of vehicles to be allowed in parade.



1           9. For parades other than marches, the approximate number and types of animals,  
2 including horses, allowed along with requirements to ensure the safety of the public and  
3 participants.

4           10. Material and size limits of any signs, placards or carrying devices or of any such  
5 signs, placards, or carrying devices that require more than one person to carry.

6           11. Any other requirements relating to time, place and manner of the parade as found by  
7 the Chief of Police to be reasonably necessary for protection of persons or property.

8           12. A statement that the parade permit may be modified pursuant to SMC 11.25.160, as  
9 well as the terms thereof.

10           13. Information describing the administrative review process available under SMC  
11 11.25.180.

12           **11.25.080 Unreasonable traffic hazard.**

13           No parade permit shall allow any route, terms, or conditions that pose an unreasonable  
14 traffic hazard to pedestrians, parade participants, vehicles or property. Where an applicant has  
15 requested a particular route, terms or conditions that pose such an unreasonable traffic hazard,  
16 the Seattle Police Department shall permit alternative dates, times, locations, routes or other  
17 terms or conditions that will not present such an unreasonable traffic hazard. The Department  
18 shall state in writing the reasons for its determination that the applicant's request would pose an  
19 unreasonable traffic hazard.

20           **11.25.0((4))20 Parades prohibited on limited access highways.**



No person shall march or participate in any parade((;)) or assembly on any limited access highway facility which is open for public travel and no permit will be issued for a parade or assembly thereon.

**11.25.100 Police Department not liable.**

Nothing in this Chapter is intended to create any liability or responsibility on the part of the Police Department where any person places himself or herself in a dangerous situation in contravention to the directions of police or in violation of the terms of any parade permit.

**11.25.110 Marches – use of streets and sidewalks.**

A. Use of streets - minimum number of marchers. The Seattle Police Department shall close portions of the street to vehicular traffic for the purpose of allowing marchers to march in the street only when there is a sufficient number of marchers so that:

1. The marchers are easily and immediately visible to motorists traveling in the street;

2. Police are able to close gaps in any group of marchers within the marchers' lanes of travel so as to prevent motorists from attempting to drive through such gaps or around such marchers within the marchers' lane of travel; and

3. Police are able to keep pedestrians, marchers, vehicles, and police officers in positions that are safe from any undue risk of collision.

B. Factors. In determining the minimum safe number of marchers, the following conditions shall be considered:

1. The width of streets, traffic lanes, and sidewalks along the proposed route;





1                   2. The vehicular speed limits and the known customary vehicle speeds along the  
2 route;

3                   3. Known traffic hazards or dangerous conditions along the route;

4                   4. Normal anticipated vehicular and pedestrian traffic volume at the date, time  
5 and place of the proposed march;

6                   5. The number and direction of traffic lanes;

7                   6. The number and location of traffic control devices along the route;

8                   7. Whether access to or for emergency vehicles will be obstructed;

9                   8. The number of qualified police personnel necessary to control traffic in the  
10 surrounding area in order to prevent accidents or injury because of congestion caused by the  
11 closure of the street, and whether such qualified police personnel are available without unduly  
12 hindering the ability of the Department to provide necessary other police services;

13                   9. Seasonal weather conditions that may create hazardous conditions;

14                   10. Actual weather conditions at the time of the parade; and

15                   11. The availability of alternate parade routes, dates or times.

16                   C. Minimum number of available police officers. The Seattle Police Department shall  
17 close portions of the street to vehicular traffic for the purpose of allowing marchers to march in  
18 the street only when there is a sufficient number of qualified police officers available to ensure  
19 the safety of marchers, pedestrians, motorists and police officers, without unduly hindering the  
20 ability of the Seattle Police Department to provide other necessary police services.

21                   D. Marches - use of sidewalks. Where the number of marchers is insufficient to conduct  
22 a safe march in a street after consideration of the factors in subsection B, above, such march shall  
23



1 be conducted on a sidewalk. Police shall provide a police escort for the march including traffic  
2 control at intersections in order to allow marchers to stay together as a single group, provided,  
3 however, that police shall not be required to delay cross-traffic on intersecting streets in  
4 contravention to traffic signals and stop signs for participants that unreasonably do not remain  
5 with the main group of marchers. Police shall state in writing the reasons why the number of  
6 marchers is insufficient to conduct a safe march at the time of issuance of the permit. Where  
7 placement of marchers on the sidewalk is necessary during a march, police shall document in  
8 writing the reasons therefor as soon as practicable and no later than 24 hours after the  
9 termination of the march.

11 **11.25.120 Dangerous or unlawful conduct prohibited.**

12 A. Prohibited conduct. Unless previously approved and provided for in the parade  
13 permit, no parade participant shall:

- 14
- 15 1. engage in any conduct that creates a danger to persons or property; or
  - 16 2. carry, employ, conceal, push, pull or transport any article, object, vehicle,
  - 17 device or other thing that creates a danger to persons or property. Any such article, object,
  - 18 vehicle or thing may be confiscated. Violation of these provisions may result in ejection from
  - 19 the parade and/or arrest under applicable law.

20

21 For purposes of this subsection, conduct that creates a danger to persons or property does  
22 not include merely engaging in expressive conduct that is constitutionally protected.

23 B. Compliance with parade permit. Any person who intentionally fails to comply with  
24 the terms of a parade permit may be subject to arrest for any act that would otherwise constitute a  
25 violation of law notwithstanding the parade permit. In addition to the violation of specific terms  
26



1 contained in a parade permit, failure to comply with the terms of a parade permit includes, but is  
2 not limited to, deviation from the prescribed route without being directed to do so by the police;  
3 sitting, standing, lying in any roadway or otherwise remaining in a roadway beyond the time  
4 limits set forth in the parade permit; and failure to follow the line of movement at the pace or  
5 speed set forth in the parade permit.

6 **11.25.130 Regularly recurring parades.**  
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8 A. In cases of conflicting applications for parade permits, regularly recurring parades  
9 shall be given a preference for a permit to conduct the parade on or about the regular annual date  
10 and customary route in order to protect the expectations and enjoyment of the public. The  
11 organizers of any regularly recurring parade shall contact the Special Events Committee no later  
12 than six months prior to the anniversary of the last date on which such a regularly recurring  
13 parade occurred to indicate the intent to submit an application in the coming year. Any regularly  
14 recurring parades for which no intention has been indicated within three months of the proposed  
15 parade date shall lose its status as a regularly recurring parade and shall lose any preference. The  
16 Special Events Committee shall maintain and make available for public inspection by  
17 appointment a list of regularly recurring parades for which an intention has been timely  
18 indicated.  
19

20  
21 B. Where two or more applications are filed purporting to represent the prior organizer  
22 of a regularly recurring parade, the Special Events Committee may request those involved to  
23 submit documentation to resolve such a conflict. Where the Special Events Committee finds no  
24 clear resolution of the conflict, it shall conduct a lottery to select the permittee.  
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**11.25.140 Denial and modification of specific requests within an application.**

The Chief of Police shall not deny a timely submitted parade permit, but may deny or modify specific requests contained in a parade permit application relating to the time, place and manner, including the date, of a parade if:

1. The proposed parade is proximate in time and place to another previously permitted event or parade, so that the combined impacts and required public services exceed what the City, after all reasonable efforts have been made to accommodate both events in accordance with the requirements of both the Washington state and United States constitutions, can reasonably provide;

2. The proposed parade would interfere with already-scheduled or ongoing construction or maintenance work in the immediate vicinity;

3. The proposed parade would create an unreasonable traffic hazard or would unduly compromise the safety of persons, property and vehicular and pedestrian traffic;

4. The proposed parade would unreasonably disrupt the orderly or safe circulation of traffic, would unreasonably disrupt the normal provision of other public services or would present an unreasonable risk of injury or damage to the public;

5. The proposed parade would unreasonably hinder or disrupt the operations of emergency services to the public such as ambulance, fire or police;

6. An emergency, disaster, public calamity or supervening occurrence or other emergency or condition that threatens the public health or safety requires that the parade permit be modified; or



1        7. The Chief finds that the applicant or the person on whose behalf the application for the  
2 permit was made has on prior occasions knowingly made material misrepresentations regarding  
3 the nature or scope of an event or activity previously permitted or has violated the terms of prior  
4 permits issued to or on behalf of the applicant. Where such a finding is made, the person upon  
5 whom such a finding has been made may be substituted by another person as a representative for  
6 the applicant. The person upon whom the finding is made may also seek an administrative  
7 review of the finding in accordance with SMC 11.25.180.

8  
9 **11.25.150 Alternative terms; agreement.**

10        If the Chief of Police denies a specific request in a timely submitted parade permit  
11 application, he or she shall issue a permit with alternative terms or conditions that are consistent  
12 with this Chapter. The Chief shall state in writing the reasons for denying or modifying the  
13 requested terms. The Chief or the Special Events Committee may attempt to reach agreement  
14 with the applicant on the terms of the permit. Should agreement not be reached, the Chief of  
15 Police shall issue a permit as provided in this Chapter, and shall notify the applicant of the  
16 applicant's rights to administrative or judicial review as provided in SMC 11.25.180. Nothing in  
17 this section requires an applicant to meet, confer with or speak with the Chief of Police.  
18  
19 Applicants are also not required to reach agreement with the Chief. An applicant may timely  
20 request an administrative review whether or not any attempts at agreement have been made by  
21 any party.

22  
23 **11.25.160 Modification of permit already issued.**

24        The Chief of Police may modify a parade permit already issued if:  
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26  
27  
28



1           1. Conditions that could not have been anticipated at the time the permit was issued  
2 require the modification of the parade in order to avoid an unreasonable traffic hazard or would  
3 unduly compromise the safety of persons, property and vehicular and pedestrian traffic;

4           2. When combined with the parade, conditions that could not have been anticipated at  
5 the time the permit was issued would unreasonably disrupt the safe circulation of general traffic  
6 so as to create an unreasonable traffic hazard;

7           3. The conditions and circumstances at the time and location of the parade are  
8 substantially different than those described in the application and as a result a term or terms of  
9 the permit are either unnecessary or inadequate to prevent an unreasonable traffic hazard or to  
10 protect the safety of persons, property and vehicular and pedestrian traffic;

11           4. The parade permit allows vehicles, non-domesticated animals or other such objects  
12 but at the time and place designated for the start of the parade, an unreasonable traffic hazard  
13 exists or the safety of persons, property and vehicular and pedestrian traffic is unduly  
14 compromised because the number of such vehicles, non-domesticated animals or other such  
15 objects is either significantly below or significantly above the number allowed by the parade  
16 permit; or

17           5. An unreasonable traffic hazard exists or the safety of persons, property and vehicular  
18 and pedestrian traffic is unduly compromised because the applicant unreasonably fails to comply  
19 with the terms or conditions contained in the parade permit by the time of the designated start as  
20 set forth in the parade permit.



1        The Chief of Police shall state in writing the reasons for the modifications as soon as  
2 practicable, and, if made at the time of or during the parade, no later than 24 hours after the  
3 termination of the parade.

4        **11.25.170 Types of modifications.**

5        A. Modifications, whether to requests in a permit application or to the terms of a permit  
6 already issued may include the following:

- 7                1. Changes to the route;  
8  
9                2. Changes to the starting and ending locations and times;  
10  
11               3. Changes to the date;  
12  
13               4. Changes in the number of lanes to be closed; or  
14               5. Changes in the use of sidewalks, streets, or traffic control in accordance with

15        SMC 11.25.110.

16        B. The above modifications may be made, provided that where a parade or march is an  
17 exercise of rights under the First Amendment the U.S. Constitution and Article I, Sections 3, 4,  
18 5, or 11 of the Washington Constitution, the City shall provide the participants with reasonable  
19 access to their intended targets of communication to the extent such access is possible without  
20 creating an unreasonable traffic hazard or unduly compromising the safety of persons, property  
21 and vehicular and pedestrian traffic.

22        C. If the Special Events Committee or the Chief of Police modifies a parade permit, the  
23 Chief of Police or the Special Events Committee shall send prompt written notice explaining the  
24 reasons and advising the applicant of the applicant's rights to administrative or judicial review as  
25 provided in SMC 11.25.180. If the modification occurs less than four days before the scheduled  
26





1 parade, the Chief of Police shall also make reasonable efforts to notify the parade organizer in  
2 the most timely manner (such as telephone, e-mail, or other electronic communication). A  
3 record shall be kept of each attempt to contact the applicant.

4 D. The Chief of Police or the Special Events Committee may modify a parade permit  
5 less than 24 hours before the scheduled start of the parade only to avoid an unreasonable traffic  
6 hazard, or where the safety of persons, property and vehicular and pedestrian traffic is unduly  
7 compromised, or where any of the circumstances described in Subsection A of this Section arise  
8 at the time of or during the parade. No prior written notification is required if any such  
9 modification of a parade permit is made at the time and place of the parade, provided that the  
10 Chief of Police shall orally inform the applicant of the reasons for the modification. The Chief  
11 of Police shall promptly make a written report of the modifications and the reasons for the  
12 modifications and shall make a copy of such report available to the applicant as soon as  
13 practicable and no later than 24 hours after the termination of the parade.

14 **11.25.180 Administrative Review.**

15 Where a parade permit has been issued more than seven days prior to the starting time of  
16 the parade, an applicant may seek an administrative review of any terms of a permit by  
17 submitting a written request for an appeal to the Special Events Administrative Review  
18 Committee established under SMC 15.52.060 D. Requests for an administrative appeal must be  
19 submitted to the Special Events Administrative Review Committee at least seven business days  
20 prior to the requested date of the parade. Upon receipt of a timely submitted request, the  
21 Administrative Review Committee shall convene at an open public meeting to consider the  
22 request and render a decision within seven days but in any event no later than two business days



1 prior to the requested starting time. The Administrative Review Committee may modify the  
2 permit consistent with this Chapter. Thereafter, an applicant may appeal the decision of the  
3 Administrative Review Committee to a court of competent jurisdiction. If an applicant has not  
4 or is unable to timely submit a written request to the Administrative Review Committee, the  
5 applicant may appeal directly to a court of competent jurisdiction at any time after the seventh  
6 business day prior to the requested parade.

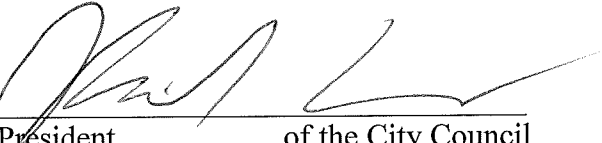
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8 **11.25.190 Application and administrative review forms.**

9 Applications for parade permits and requests for administrative review shall be made on  
10 forms approved of and provided by the Chief of Police. All application and administrative  
11 review request forms shall be provided in a single packet to any parade permit applicant free of  
12 charge upon request to the Seattle Police Department or the Coordinator of the Special Events  
13 Committee.

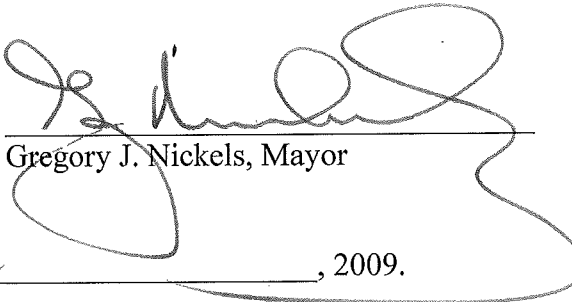
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15 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after  
16 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
17 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.  
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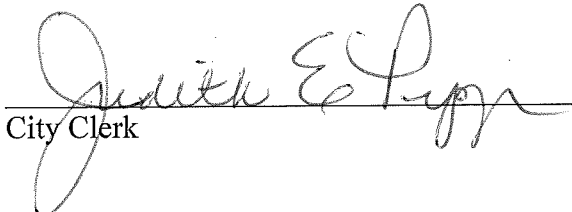
1 Passed by the City Council the 12<sup>th</sup> day of June, 2009, and  
2  
3 signed by me in open session in authentication of its passage this  
4 12<sup>th</sup> day of June, 2009.

5  
6   
7 President \_\_\_\_\_ of the City Council

8  
9 Approved by me this 4<sup>th</sup> day of June, 2009.

10  
11   
12 Gregory J. Nickels, Mayor

13  
14 Filed by me this 8<sup>th</sup> day of June, 2009.

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17 City Clerk

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26  
27  
28 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Sara Belz, 4-5382	NA

**Legislation Title:**

AN ORDINANCE relating to parades; establishing procedures and standards for the issuance and modification of parade permits, amending Sections 11.14.410, 11.25.020, 11.25.040 of the Seattle Municipal Code, and adding new sections thereto.

• **Summary of the Legislation:**

This legislation amends the Chapter 11 of the Seattle Municipal Code (SMC) to include the content of an administrative rule that was adopted by the Chief of Police on March 2, 2009, regarding the City's procedures and standards for the issuance and modification of parade permits.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

WHEREAS, on December 12, 2008, the United States Court of Appeals for the Ninth Circuit issued its decision in Seattle Affiliate of the October 22nd Coalition, et anno. v. City of Seattle, et al., Ninth Circuit Court of Appeals, Case No. 06-35597; and

WHEREAS, the Court held that Seattle's parade permit ordinance, SMC 11.25.020, did not contain adequate standards for police decisions regarding modifications of parade permits, did not require a written explanation of decisions and did not require a mandatory review process, and is therefore unconstitutionally defective; and

WHEREAS, the City wishes to maintain its proud tradition of encouraging the full exercise of the free speech rights of its citizens; and

WHEREAS, the City wishes to cure the constitutional defects in SMC 11.25.020; and

WHEREAS, it is necessary to maintain and establish procedures to allow for the permitting of parades in the City, in accordance with the ruling of the Court, in order to allow for the full exercise of free speech rights while allowing the Chief of Police to maintain the public peace, health and safety and the reasonable regulation of vehicular and pedestrian traffic on city streets and sidewalks; and

WHEREAS, on March 2, 2009, the Chief of Police adopted rules regarding procedures and standards for the issuance and modification of parade permits which the City Council now wishes to codify and adopt as City ordinance.



- *Please check one of the following:*

**X** **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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240125  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

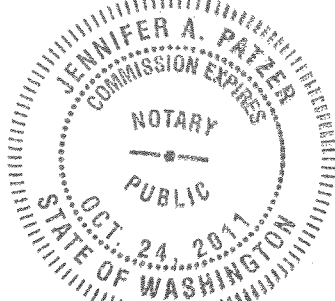
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122999 ORDINANCE


was published on

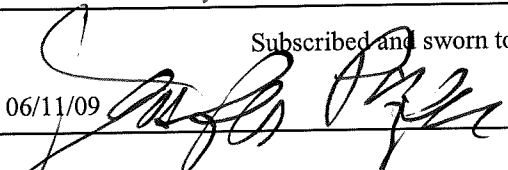
06/11/09

The amount of the fee charged for the foregoing publication is the sum of \$1,301.80, which amount has been paid in full.



Affidavit of Publication

  
Subscribed and sworn to before me on

06/11/09 

Notary public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 122999

AN ORDINANCE relating to parades; establishing procedures and standards for the issuance and modification of parade permits, amending Sections 11.14.410, 11.25.020, 11.25.040 of the Seattle Municipal Code, and adding new sections thereto.

WHEREAS, on December 12, 2008, the United States Court of Appeals for the Ninth Circuit issued its decision in *Seattle Affiliate of the October 22nd Coalition*, et al., v. City of Seattle, et al., Ninth Circuit Court of Appeals, Case No. 06-35597; and

WHEREAS, the Court held that Seattle's parade permit ordinance, Seattle Municipal Code ("SMC") 11.25.020, did not contain adequate standards for police decisions regarding modifications of parade permits, did not require a written explanation of decisions and did not require a mandatory review process, and is therefore unconstitutionally defective; and

WHEREAS, the City wishes to maintain its proud tradition of encouraging the full exercise of the free speech rights of its citizens; and

WHEREAS, the City wishes to cure the constitutional defects in SMC 11.25.020; and

WHEREAS, it is necessary to maintain and establish procedures to allow for the permitting of parades in the City, in accordance with the ruling of the Court, in order to allow for the full exercise of free speech rights while allowing the Chief of Police to maintain the public peace, health and safety and the reasonable regulation of vehicular and pedestrian traffic on city streets and sidewalks; and

WHEREAS, on March 2, 2009, the Chief of Police adopted rules regarding procedures and standards for the issuance and modification of parade permits which the City Council now wishes to codify and adopt as City ordinance; NOW, THEREFORE,

### BE IT ORDERED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.14.410 of the Seattle Municipal Code is amended as follows:

#### 11.14.410 Parade.

A parade is (1) an organized movement or procession of 50 or more persons, or (2) an organized procession of motorized vehicles, bicycles, floats, animals, or large objects that require more than one person to move and control, with or without persons accompanying on foot, that requires the closure of streets or the regulation of vehicular traffic by police to prevent a conflict with the regular flow of vehicular traffic, but does not include use of the streets in a single location pursuant to a street-use permit issued pursuant to the Street-Use Ordinance (990477).

Section 2. Chapter 11.25 of the Seattle Municipal Code is amended as follows:

#### 11.25.010 Purpose and findings.

This Chapter is intended to establish procedures to provide fair and equal access to free speech rights and opportunities to parade in the city, while at the same time preserving the safety of all persons, minimizing disruptions in the orderly and safe circulation of traffic, and avoiding unreasonable risk of injury or damage to parade participants, other persons, and property.

The City Council finds that hazards to participants, vehicles and pedestrians increase when the free flow of traffic is impeded. Such hazards are caused by decreased access for emergency and aid vehicles, an increase in the probability that collisions will occur due to increased traffic density, an increase in obstructions to visibility for pedestrians and vehicles, an increase in hazardous and/or unlawful driving behavior due to driver impatience and an increase in the need for manual traffic control by police officers, among other things. Management of significant traffic congestion requires the use of police resources, which decreases the availability of such police resources for other traffic and police duties. Safety of pedestrians and vehicles, therefore, requires that traffic be safely managed and that the free flow of traffic be facilitated to the fullest extent possible.

## State of Washington, King County

The City Council finds that the number of marchers in a roadway affects vehicular and pedestrian traffic safety. An insufficient number of marchers on a roadway that is not readily visible to motorists, or that contains gaps that motorists may try to drive through despite the presence of police officers, creates an unreasonable traffic hazard. In such cases, marchers shall be required to remain on sidewalks while police provide traffic control at intersections. Conversely, a large number of marchers on a sidewalk creates an unreasonable traffic hazard where the number is so large that pedestrians or marchers are forced into lanes of vehicular traffic. In such cases, marchers shall be required to remain in a street or portions thereof while police restrict traffic to such portions, provided that the number of marchers in the street is sufficiently large to avoid an unreasonable traffic hazard.

The City Council finds that pedestrian and vehicular traffic safety relating to the use of streets and sidewalks during a parade depends on factors such as the width of streets, traffic lanes and sidewalks, vehicular speed limits and the known customary vehicle speeds, known traffic hazards or dangerous conditions, normal anticipated vehicular and pedestrian traffic volume at the date, time and place of a proposed parade; the number and location of traffic control devices along the route; whether access to or for emergency vehicles will be obstructed; the number of qualified police personnel necessary and available to control traffic in the surrounding area in order to prevent accidents or injury because of congestion caused by the closure of the street; seasonal weather conditions that may create hazardous conditions; actual weather conditions at the time of the parade; the availability of alternate parade routes, dates or times; and the availability of an adequate number of police personnel without unduly hindering the ability of the Seattle Police Department to provide other necessary police services.

#### 11.25.020 Definitions.

The following terms, when used in this chapter, shall have the following meanings:

"Application" means a written request to conduct a parade.

"Chief of Police" or "Chief" means the Chief of the Seattle Police Department or the Chief's designated appointee.

"Closure of Streets" means the restriction of vehicular traffic to a roadway or portion thereof, and includes the manual control of traffic at intersections by police or other persons authorized to do so.

"Fixed Point Parade" means a parade in which streets along the entire route are cleared of parked vehicles and traffic in both directions and are controlled by police officers stationed at fixed points along the parade route prior to the starting time of the parade. Parades that include persons on foot along with motorized vehicles, bicycles, floats, animals, or large objects that require more than one person to move and control shall in all cases proceed only as fixed point parades.

"March" means a parade of 50 or more persons on foot, in wheelchairs, or strollers, and does not include the use of motorized vehicles, bicycles, floats, non-domesticated animals including horses, or other large objects that require more than one person to move and control, and is facilitated by mobile police officers on motorcycles, bicycles, on foot or in vehicles who create and maintain a zone of protection around marchers and provide traffic control as they move along the route. "March" includes permitted marches of 50 or more persons on sidewalks with the provision by police officers of traffic control at intersections.

"Marcher" or "marchers" means a person or persons on foot, in wheelchairs or in strollers that participate with the permission of the parade applicant in a march as defined in this section.

"Parade" has the same meaning as defined in SMC 11.14.410.

"Parade Permit" means a permit issued pursuant to this Chapter.

"Regularly Recurring Parade" means a parade that has been conducted on or about a certain annual date, on a substantially similar route, or in connection with a specific holiday or consistent theme, for at least the prior five years.

"Special Event" has the same meaning as defined in SMC 15.52.005.

"Special Events Committee" means the committee established under SMC 15.52.010.

"Submit" or "Submitted," when applied to a parade permit application, means the physical receipt by the Special Events Committee or the Chief of Police of a fully completed and executed parade permit application.

"Unreasonable Traffic Hazard" means a situation or condition that creates an unreasonable risk of personal injury or property damage to pedestrians, motorists, vehicles or passengers, including parade participants and police personnel, which risk exists despite the employment of standard police procedures by available police personnel. Available police personnel means personnel available without unduly hindering the Seattle Police Department from providing other necessary police services.

#### 11.25.030 Constitutional provisions.

A. No parade permit shall be denied, revoked or modified, and no parade permit restrictions shall be imposed, due in whole or in part, to the contents of statements or viewpoints expressed by the parade participants. The Chief of Police may impose those reasonable and content neutral time, place, and manner restrictions authorized by this ordinance to the extent such restrictions are consistent with the Washington state and United States constitutions.

B. When a parade includes activities that are an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, of 11 of the Washington Constitution, the application shall be processed promptly, without charging a fee or requiring insurance for the constitutionally protected activities, or imposing terms or conditions that impermissibly infringe constitutional freedoms. The application form shall contain clear and conspicuous language stating that no fee or insurance requirement shall be imposed on any parade that is an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the Washington Constitution.

#### SMC 11.25.0((2))40 ((Permission for parade.))When permit is required.

A parade permit is required for marches of 50 or more persons, or for parades involving motorized vehicles, bicycles, floats, animals or large objects that require more than one person to move and control or for any march conducted in the street or that would require closure of any portion of a public street. No person shall conduct or participate in a parade upon any street or alley in the City without first submitting ((a written notification)) an application to the Chief of Police and obtaining a permit from the Chief of Police to do so. Upon submitting a written application ((notification)) to the Chief of Police, the Chief of Police shall grant a permit in accordance with this Chapter. ((So that preparations for traffic regulation can be made, the written notification for permit shall state the place and hour of formation; the proposed line of movement or march; the scheduled starting time, and the name of the persons having charge or control of the parade, and the name of the sponsoring agency, if any. Such written notification shall be delivered to the Chief of Police at least forty-eight (48) hours before the parade is scheduled to begin. Provided, that the forty-eight (48) hour time limit for written notification may be waived by the Chief of Police if, at the time the written notice is submitted, the Chief of Police anticipates being able to make reasonable preparations for the parade within less time than forty-eight (48) hours. The Chief of Police may modify the place and hour of formation; the proposed line of movement or march; and the scheduled starting time in the interest of vehicular or pedestrian traffic safety.))

A parade permit is also required for marches that are conducted on sidewalks that also require traffic control at intersections (See SMC 11.25.110). No parade permit is required where marchers remain on sidewalks and obey all traffic signals and laws at intersections. No parade permit is required, nor will one be issued, for any procession of less than 50 persons on foot, in wheelchairs or in strollers. Closure of streets, or a portion thereof, is required whenever the parade includes the use of vehicles, floats, non-domesticated animals or other objects or things whose size or dimensions are incompatible with use on a sidewalk.

#### 11.25.050 Parade permit applications - time to submit.

A. Where to apply. A person seeking a parade permit shall submit a written application to the Special Events Committee or to the Chief of Police. Upon receipt of an application for a parade permit, each shall immediately forward the other a copy of the application.

#### B. General rules.

1. Marches. Upon the submission of a written application for a parade of 50 persons or more the Chief of Police shall issue a permit on the fifth business day after the submission of a completed application. If an applicant submits a parade permit application less than five business days prior to the requested parade date, the Chief of Police shall issue a permit no later than 24 hours prior to the requested starting time of the parade. In any event, a completed written application for a parade permit for a march shall be delivered to the Chief of Police more than 48 hours before the proposed starting time of the march. Provided, that the 48 hour time limit for the written application shall be waived by the Chief of Police if, at the time the written notice is submitted, the Chief of Police anticipates being able to make reasonable preparations for the march within less time than 48 hours.

2. Fixed point parades: parades with vehicles, etc. A written application for a parade permit for a fixed point parade or for any parade involving the use of motorized vehicles, bicycles, floats, non-domesticated animals including horses, or other large objects that require more than one person to move and control shall be delivered to the Chief of Police more than 30 days before the proposed date of the parade. Provided, that the 30 day time limit for the written application shall be waived by the Chief of Police if, at the time the written notice is submitted, the Chief of Police anticipates being able to make reasonable preparations for the march within less time than 30 days. The Chief of Police shall issue a parade permit for such parade on or before fourteen calendar days after the submission of a completed application.



C. Rescheduling. The Chief of Police shall issue a parade permit for the date requested unless the proposed parade is proximate in time and place to another previously permitted special event or parade, so that the combined impacts and required public services exceed what the City, after all reasonable efforts have been made to accommodate both events in accordance with the requirements of both the Washington state and United States constitutions, can reasonably provide.

D. When conditions or modifications may be imposed. Terms of parade permits granted under this Section shall be imposed or modified in accordance with this Chapter in order to prevent any unreasonable traffic hazard or when reasonably necessary to protect the safety of persons, property and to ensure the safe conduct of vehicular and pedestrian traffic. The Chief of Police shall state in writing the reasons for all modifications and shall provide the statement to the applicant prior to or at the time of issuance of the permit. Where modifications are necessary at the time of or during the parade, the Chief of Police shall state in writing the reasons for all modifications within 24 hours of the end of the parade and shall provide a copy to the applicant upon request.

E. Last-minute parade permits. Because the Seattle Police Department normally requires at least 48 hours to summon qualified personnel to serve on an overtime basis, parade permit applications submitted less than 48 hours before the proposed parade shall be granted only for marches and only if, after making reasonable efforts to identify available Department resources including overtime personnel, such resources are sufficient to prevent an unreasonable traffic hazard without unduly hindering the Department from providing other necessary police services. In such cases, a last-minute parade permit issued under this section shall be issued only under the following circumstances:

1. The parade is an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the Washington Constitution.

2. The parade is a march that does not include motorized vehicles, bicycles, floats, non-domesticated animals including horses or other large objects that require more than one person to move and control. Strollers, hand-pulled wagons and wheelchairs are allowed.

3. The parade can be conducted in a manner consistent with the policies, terms and conditions set forth in this Chapter so as to prevent any unreasonable traffic hazard.

F. Other permits. If an applicant is required to obtain other permits in accordance with SMC Chapter 15.52 (Crowd Control Events), such written applications must be submitted to the Special Events Committee before the proposed date of the parade in order to ensure consideration by the Special Events Committee of related permits other than a parade permit. The granting of a parade permit pertains only to parades and does not authorize any activity for which a separate permit is required.

#### 11.25.060 Form of application.

The Special Events Committee shall prescribe a form of application consistent with the requirements of this Chapter. A parade permit application shall be deemed submitted only when a fully completed and executed application form has been received at the office of the Special Events Committee or the Chief of Police. If an application is received that is not fully completed and executed, the application shall not be deemed submitted, and the Special Events Committee or the Chief of Police will send within three business days an oral or written notification to the designated contact person indicated on the application by either telephone contact, voice mail, fax, email or mail. The Special Events Committee and the Chief of Police shall have no duty to send such notice if no designated contact person is indicated on the application.

The written application for a Parade Permit shall state:

1. The proposed date, place and hour of formation;
2. The proposed line of movement or march;
3. The proposed starting and ending times;
4. The approximate number of anticipated marchers;
5. The approximate number and types of any vehicles, animals or objects;
6. The names of the persons organizing or coordinating the parade;
7. Whether the parade will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the Washington Constitution; and

8. The name, telephone number, mailing address and, if available, the fax number and/or email address of at least one person who shall be designated as a local contact person for the purpose of receiving notices as provided in this Chapter and who shall have the authority on behalf of the parade organizers to make binding decisions with respect to all matters regarding the parade.

The written application shall be signed by at least one person who has the authority to make binding decisions on behalf of the parade organizers with regard to all matters concerning the parade.

Applications shall be processed on a first-come, first-served basis, subject to the provisions of SMC 11.25.130 ("Regularly Recurring Parades").

#### 11.25.070 Terms of parade permit.

Prior to issuance of a parade permit, the Chief of Police shall make reasonable efforts to anticipate the specific circumstances that will exist at the date, time and place of the parade, including, but not limited to, weather conditions, length of daylight, traffic hazards, availability of police officers, pedestrian and vehicular traffic volumes, and other scheduled events or public gatherings.

Based on the information reasonably available at the time of issuance, and the information and representations contained in the completed permit application, every parade permit shall contain the following information:

1. Date, time and place of assembly before and after parade.
2. Time of start and disbanding of parade.
3. Route of parade.
4. Portions of streets, highways, sidewalks, etc., to be traversed by the parade.
5. For marches, the approximate number of marchers in the parade.
6. For marches, where the minimum number of marchers required in order for the Seattle Police Department to close streets along the parade route is more than 50, the permit shall state the minimum number and the reasons for and factors considered in determining the minimum number. See SMC 11.25.110.
7. Approximate number of persons to be provided by the applicant for monitoring parade for compliance with the terms of the parade permit.
8. For parades other than marches, the approximate number and types of vehicles to be allowed in parade.
9. For parades other than marches, the approximate number and types of animals, including horses, allowed along with requirements to ensure the safety of the public and participants.
10. Material and size limits of any signs, placards or carrying devices or of any such signs, placards, or carrying devices that require more than one person to carry.
11. Any other requirements relating to time, place and manner of the parade as found by the Chief of Police to be reasonably necessary for protection of persons or property.
12. A statement that the parade permit may be modified pursuant to SMC 11.25.160, as well as the terms thereof.
13. Information describing the administrative review process available under SMC 11.25.180.

#### 11.25.080 Unreasonable traffic hazard.

No parade permit shall allow any route, terms, or conditions that pose an unreasonable traffic hazard to pedestrians, parade participants, vehicles or property. Where an applicant has requested a particular route, terms or conditions that pose such an unreasonable traffic hazard, the Seattle Police Department shall permit alternative dates, times, locations, routes or other terms or conditions that will not present such an unreasonable traffic hazard. The Department shall state in writing the reasons for its determination that the applicant's request would pose an unreasonable traffic hazard.

#### 11.25.090 Parades prohibited on limited access highways.

No person shall march or participate in any parade(;;) or assembly on any limited access highway facility which is open for public travel and no permit will be issued for a parade or assembly thereon.

#### 11.25.100 Police Department not liable.

Nothing in this Chapter is intended to create any liability or responsibility on the part of the Police Department where any person places himself or herself in a dangerous situation in contravention to the directions of police or in violation of the terms of any parade permit.

#### 11.25.110 Marches - use of streets and sidewalks.

A. Use of streets - minimum number of marchers. The Seattle Police Department shall close portions of the street to vehicular traffic for the purpose of allowing marchers to march in the street only when there is a sufficient number of marchers so that:

1. The marchers are easily and immediately visible to motorists traveling in the street;
2. Police are able to close gaps in any group of marchers within the marchers' lanes of travel so as to prevent motorists from attempting to drive through such gaps or around such marchers within the marchers' lane of travel; and
3. Police are able to keep pedestrians, marchers, vehicles, and police officers in positions that are safe from any undue risk of collision.

B. Factors. In determining the minimum safe number of marchers, the following conditions shall be considered:

1. The width of streets, traffic lanes, and sidewalks along the proposed route;
2. The vehicular speed limits and the known customary vehicle speeds along the route;
3. Known traffic hazards or dangerous conditions along the route;
4. Normal anticipated vehicular and pedestrian traffic volume at the date, time and place of the proposed march;
5. The number and direction of traffic lanes;
6. The number and location of traffic control devices along the route;
7. Whether access to or for emergency vehicles will be obstructed;
8. The number of qualified police personnel necessary to control traffic in the surrounding area in order to prevent accidents or injury because of congestion caused by the closure of the street, and whether such qualified police personnel are available without unduly hindering the ability of the Department to provide necessary other police services;
9. Seasonal weather conditions that may create hazardous conditions;
10. Actual weather conditions at the time of the parade; and
11. The availability of alternate parade routes, dates or times.

C. Minimum number of available police officers. The Seattle Police Department shall close portions of the street to vehicular traffic for the purpose of allowing marchers to march in the street only when there is a sufficient number of qualified police officers available to ensure the safety of marchers, pedestrians, motorists and police officers, without unduly hindering the ability of the Seattle Police Department to provide other necessary police services.

D. Marches - use of sidewalks. Where the number of marchers is insufficient to conduct a safe march in a street after consideration of the factors in subsection B, above, such march shall be conducted on a sidewalk. Police shall provide a police escort for the march including traffic control at intersections in order to allow marchers to stay together as a single group, provided, however, that police shall not be required to delay cross-traffic on intersecting streets in contravention to traffic signals and stop signs for participants that unreasonably do not remain with the main group of marchers. Police shall state in writing the reasons why the number of marchers is insufficient to conduct a safe march at the time of issuance of the permit. Where placement of marchers on the sidewalk is necessary during a march, police shall document in writing the reasons therefor as soon as practicable and no later than 24 hours after the termination of the march.

#### 11.25.120 Dangerous or unlawful conduct prohibited.

A. Prohibited conduct. Unless previously approved and provided for in the parade permit, no parade participant shall:

1. engage in any conduct that creates a danger to persons or property; or
2. carry, employ, conceal, push, pull or transport any article, object, vehicle, device or other thing that creates a danger to persons or property. Any such article, object, vehicle or thing may be confiscated. Violation of these provisions may result in ejection from the parade and/or arrest under applicable law.

For purposes of this subsection, conduct that creates a danger to persons or property does not include merely engaging in expressive conduct that is constitutionally protected.

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B. Compliance with parade permit. Any person who intentionally fails to comply with the terms of a parade permit may be subject to arrest for any act that would otherwise constitute a violation of law notwithstanding the parade permit. In addition to the violation of specific terms contained in a parade permit, failure to comply with the terms of a parade permit includes, but is not limited to, deviation from the prescribed route without being directed to do so by the police; sitting, standing, lying in any roadway or otherwise remaining in a roadway beyond the time limits set forth in the parade permit; and failure to follow the line of movement at the pace or speed set forth in the parade permit.

#### 11.25.130 Regularly recurring parades.

A. In cases of conflicting applications for parade permits, regularly recurring parades shall be given a preference for a permit to conduct the parade on or about the regular annual date and customary route in order to protect the expectations and enjoyment of the public. The organizers of any regularly recurring parade shall contact the Special Events Committee no later than six months prior to the anniversary of the last date on which such a regularly recurring parade occurred to indicate the intent to submit an application in the coming year. Any regularly recurring parades for which no intention has been indicated within three months of the proposed parade date shall lose its status as a regularly recurring parade and shall lose any preference. The Special Events Committee shall maintain and make available for public inspection by appointment a list of regularly recurring parades for which an intention has been timely indicated.

B. Where two or more applications are filed purporting to represent the prior organizer of a regularly recurring parade, the Special Events Committee may request those involved to submit documentation to resolve such a conflict. Where the Special Events Committee finds no clear resolution of the conflict, it shall conduct a lottery to select the permittee.

#### 11.25.140 Denial and modification of specific requests within an application.

The Chief of Police shall not deny a timely submitted parade permit, but may deny or modify specific requests contained in a parade permit application relating to the time, place and manner, including the date, of a parade if:

1. The proposed parade is proximate in time and place to another previously permitted event or parade, so that the combined impacts and required public services exceed what the City, after all reasonable efforts have been made to accommodate both events in accordance with the requirements of both the Washington state and United States constitutions, can reasonably provide;
2. The proposed parade would interfere with already-scheduled or ongoing construction or maintenance work in the immediate vicinity;
3. The proposed parade would create an unreasonable traffic hazard or would unduly compromise the safety of persons, property and vehicular and pedestrian traffic;
4. The proposed parade would unreasonably disrupt the orderly or safe circulation of traffic, would unreasonably disrupt the normal provision of other public services or would present an unreasonable risk of injury or damage to the public;
5. The proposed parade would unreasonably hinder or disrupt the operations of emergency services to the public such as ambulance, fire or police;
6. An emergency, disaster, public calamity or supervening occurrence or other emergency or condition that threatens the public health or safety requires that the parade permit be modified; or
7. The Chief finds that the applicant or the person on whose behalf the application for the permit was made has on prior occasions knowingly made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. Where such a finding is made, the person upon whom such a finding has been made may be substituted by another person as a representative for the applicant. The person upon whom the finding is made may also seek an administrative review of the finding in accordance with SMC 11.25.180.

**11.25.150 Alternative terms; agreement.**

If the Chief of Police denies a specific request in a timely submitted parade permit application, he or she shall issue a permit with alternative terms or conditions that are consistent with this Chapter. The Chief shall state in writing the reasons for denying or modifying the requested terms. The Chief or the Special Events Committee may attempt to reach agreement with the applicant on the terms of the permit. Should agreement not be reached, the Chief of Police shall issue a permit as provided in this Chapter, and shall notify the applicant of the applicant's rights to administrative or judicial review as provided in SMC 11.25.180. Nothing in this section requires an applicant to meet, confer with or speak with the Chief of Police. Applicants are also not required to reach agreement with the Chief. An applicant may timely request an administrative review whether or not any attempts at agreement have been made by any party.

**11.25.160 Modification of permit already issued.**

The Chief of Police may modify a parade permit already issued if:

1. Conditions that could not have been anticipated at the time the permit was issued require the modification of the parade in order to avoid an unreasonable traffic hazard or would unduly compromise the safety of persons, property and vehicular and pedestrian traffic;

2. When combined with the parade, conditions that could not have been anticipated at the time the permit was issued would unreasonably disrupt the safe circulation of general traffic so as to create an unreasonable traffic hazard;

3. The conditions and circumstances at the time and location of the parade are substantially different than those described in the application and as a result a term or terms of the permit are either unnecessary or inadequate to prevent an unreasonable traffic hazard or to protect the safety of persons, property and vehicular and pedestrian traffic;

4. The parade permit allows vehicles, non-domesticated animals or other such objects but at the time and place designated for the start of the parade, an unreasonable traffic hazard exists or the safety of persons, property and vehicular and pedestrian traffic is unduly compromised because the number of such vehicles, non-domesticated animals or other such objects is either significantly below or significantly above the number allowed by the parade permit; or

5. An unreasonable traffic hazard exists or the safety of persons, property and vehicular and pedestrian traffic is unduly compromised because the applicant unreasonably fails to comply with the terms or conditions contained in the parade permit by the time of the designated start as set forth in the parade permit.

The Chief of Police shall state in writing the reasons for the modifications as soon as practicable, and, if made at the time of or during the parade, no later than 24 hours after the termination of the parade.

**11.25.170 Types of modifications.**

A. Modifications, whether to requests in a permit application or to the terms of a permit already issued may include the following:

1. Changes to the route;

2. Changes to the starting and ending locations and times;

3. Changes to the date;

4. Changes in the number of lanes to be closed; or

5. Changes in the use of sidewalks, streets, or traffic control in accordance with SMC 11.25.110.

B. The above modifications may be made, provided that where a parade or march is an exercise of rights under the First Amendment the U.S. Constitution and Article I, Sections 3, 4, 5, or 11 of the Washington Constitution, the City shall provide the participants with reasonable access to their intended targets of communication to the extent such access is possible without creating an unreasonable traffic hazard or unduly compromising the safety of persons, property and vehicular and pedestrian traffic.

C. If the Special Events Committee or the Chief of Police modifies a parade permit, the Chief of Police or the Special Events Committee shall send prompt written notice explaining the reasons and advising the applicant of the applicant's rights to administrative or judicial review as provided in SMC 11.25.180. If the modification occurs less than four days before the scheduled parade, the Chief of Police shall also make reasonable efforts to notify the parade organizer in the most timely manner (such as telephone, e-mail, or other electronic communication). A record shall be kept of each attempt to contact the applicant.

D. The Chief of Police or the Special Events Committee may modify a parade permit less than 24 hours before the scheduled start of the parade only to avoid an unreasonable traffic hazard, or where the safety of persons, property and vehicular and pedestrian traffic is unduly compromised, or where any of the circumstances described in Subsection A of this Section arise at the time of or during the parade. No prior written notification is required if any such modification of a parade permit is made at the time and place of the parade, provided that the Chief of Police shall orally inform the applicant of the reasons for the modification. The Chief of Police shall promptly make a written report of the modifications and the reasons for the modifications and shall make a copy of such report available to the applicant as soon as practicable and no later than 24 hours after the termination of the parade.

**11.25.180 Administrative Review.**

Where a parade permit has been issued more than seven days prior to the starting time of the parade, an applicant may seek an administrative review of any terms of a permit by submitting a written request for an appeal to the Special Events Administrative Review Committee established under SMC 15.52.060. D. Requests for an administrative appeal must be submitted to the Special Events Administrative Review Committee at least seven business days prior to the requested date of the parade. Upon receipt of a timely submitted request, the Administrative Review Committee shall convene at an open public meeting to consider the request and render a decision within seven days but in any event no later than two business days prior to the requested starting time. The Administrative Review Committee may modify the permit consistent with this Chapter. Thereafter, an applicant may appeal the decision of the Administrative Review Committee to a court of competent jurisdiction. If an applicant has not or is unable to timely submit a written request to the Administrative Review Committee, the applicant may appeal directly to a court of competent jurisdiction at any time after the seventh business day prior to the requested parade.

**11.25.190 Application and administrative review forms.**

Applications for parade permits and requests for administrative review shall be made on forms approved of and provided by the Chief of Police. All application and administrative review request forms shall be provided in a single packet to any parade permit applicant free of charge upon request to the Seattle Police Department or the Coordinator of the Special Events Committee.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within

ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 1st day of June, 2009, and signed by me in open session in authentication of its passage this 1st day of June, 2009.

Richard Conlin

President of the City Council

Approved by me this 4th day of June, 2009.

Gregory J. Nickels, Mayor

Filed by me this 8th day of June, 2009.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

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