



Agenda Item:

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COUNCIL COMMUNICATION City Manager's Office

GENERAL INFORMATION

Agenda Date: 03/08/2004

Communication

No.: 04-132

Agenda Item Type: Ordinance

Roll Call

No.:

Submitted by: Diane Rauh, City Clerk
William McCarthy, Police Chief

SUBJECT—

Ordinance amendments regarding Street Use Events and Parades

SYNOPSIS—

This ordinance amendment incorporates changes previously requested by the Council at the January 26, 2004 meeting:

1. Exempts Farmers Markets from the petition requirement
2. Establishes appeal process to allow citizens to have input regarding events. (events list and status will be available on the City Clerk's web site for citizen review)

It also incorporates changes as a result of recent court decisions issued regarding 1st amendment issues.

FISCAL IMPACT—

Based on 2002 event totals, this ordinance would have had an increased reimbursement to the Police Department in the amount of \$20,060 (see Council Communication No. 03- 423). The fiscal impact will vary from year to year based on the number and types of events.

RECOMMENDATION—

Approve first consideration.

BACKGROUND—

The Parade section of this ordinance has been redrafted to reflect recent 1st Amendment court decisions.

Courts have upheld that cities must provide adequate alternative avenues for free expression. The City of Des Moines provides this access on sidewalks, in parks, and other traditional public forums.

The major change to the Parade ordinance is an exception for spontaneous parade events, that will not meet the 60-day application requirement. The following exception applies for these types of events:

Section 102-1172(c):

Exception will be given by the Chief of Police for spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such parade, provided that the organizer therefore gives written notice to the City Clerk at least twenty-four (24) hours prior to such parade.

The Chief of Police can waive the application process and approve the parade if he/she feels the event will not be a hazard to public safety. This conforms to court opinions allowing parades with a few days notice to allow free speech.

The Street Use Team will continue to work with most event sponsors to coordinate events. The Chief of Police will ultimately approve all parade events, whether it does or does not fall under the "spontaneous" category.

All parade events held on public streets will continue to reimburse the City for costs associated with the event, as set in the Schedule of Fees.