

ORDINANCE NO. 3861

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO ENACT ARTICLE V OF CHAPTER 15 OF THE CITY CODE (TO-WIT: SECTIONS 15-80 TO 15-90, INCLUSIVE) PERTAINING TO PARADES AND SPECIAL EVENTS."

WHEREAS, the City has not adopted uniform protocols and procedures relative to parades and special events;

WHEREAS, such protocols and procedures would help to ensure that all applications for parades and special events are processed in a uniform manner; and

WHEREAS, this Ordinance sets forth specific protocols and procedures.

NOW THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Sections 15-80 to 15-90 of the Code of the City of Cumberland (1991 Edition) are hereby enacted and shall read as set forth in the attachment hereto.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 19<sup>th</sup> day of May, 2020.

  
Raymond M. Morriss, Mayor

ATTEST:

  
Marjorie A. Woodring, City Clerk

**First Reading**  
**Tabled 11/19/19**

**Second reading: May 19, 2020**  
**Third reading: May 19, 2020**  
**Passed: 5-0**

**MAY 19 2020**



## CHAPTER 15, ARTICLE V

### **Sec. 15-80. Applicability; Short Title.**

The terms of this article shall apply to parades and special events, as indicated hereinafter. The short title of this article shall be the Parades and Special Events Ordinance.

### **Sec. 15-81. Definitions.**

As used in this Article, the following definitions apply:

*Parade.* "Parade" means any parade, march, race or procession upon any street, excluding:

- (i) Funeral processions;
- (ii) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities; and
- (iii) Governmental agencies acting within the scope of their functions.

*Permit.* "Permit" means a permit for a parade or special event.

*Special event.* "Special event" means any activity held on city property which is expected to draw a crowd in excess of fifty (50) people or which involves the sale of food, alcohol, or merchandize, or which involves the erection or placement of a stand, tent, platform or other structure. Activities organized by the Downtown Development Commission within its special taxing district are excluded from this definition.

### **Sec. 15-82. Permit required.**

No person shall organize, hold or start a parade or special event without a permit. A violation of this provision shall constitute a municipal infraction, punishable by a fine of \$500.00. Each day a violation occurs shall constitute a separate offense.

### **Sec. 15-83. Compliance with laws and regulations.**

A permit applicant shall be responsible for ensuring that the parade or special event is conducted in compliance with all permit requirements and conditions and with all applicable laws, ordinances, rules and regulations. The applicant shall also be responsible for securing any permits

which may be required by other governmental agencies for the conduct of the parade or special event and the activities associated therewith.

**Sec. 15-84. Application.**

- (a) A person desiring a parade/special event permit shall file an application with the city clerk on forms provided by such officer. Such application shall be filed not less than thirty (30) days before the date proposed for the parade or special event.
- (b) The application for a permit shall include the following information:
  - (1) The name, address, telephone number and e-mail address of the person organizing the parade or special event and who will be responsible for its conduct;
  - (2) If the parade or special event is proposed to be conducted for, on behalf of or by an organization, the name, address, telephone number and e-mail address, as applicable, of the headquarters of the organization and the same information for the individual officer who will be responsible for its conduct;
  - (3) The date the parade or special event will be conducted;
  - (4) As to a parade, the route to be traveled, the starting point and the termination point, the location of any assembly area, and whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
  - (5) As to a special event, the boundaries of the location where the special event will be held and a sketch showing the location of the stands, tents, platforms and other structures that will be erected or placed on site;
  - (6) As applicable, the approximate number of persons and vehicles that are expected to be present and, as to vehicles, the number and types thereof;
  - (7) The hours the parade or special event will start and terminate;
  - (8) The time at which the units/facilities of the parade or special event will begin to be assembled and when their disassembly will be completed;

- (9) Any additional information which the city clerk shall find reasonably necessary for the city administrator to make a fair decision regarding whether a permit should be issued; and
  - (10) Whether a waiver of the insurance requirements set forth in section 15-88 is being requested and, if so, a statement describing which of those requirements should be waived and the good cause which serves as the basis for the request.
- (c) For good cause shown and to the extent practicable, the city administrator, may waive the thirty (30) day requirement of subsection (a).

**Sec. 15-85. Fees.**

(a) *Permit fee.* A nonrefundable permit fee of \$150.00 shall be paid upon submission of a permit application.

(b) *Payment of overtime/compensatory time.* Upon consultation with the police, fire and street departments, the city administrator shall estimate the overtime/compensatory time and other costs the city is likely to incur as a result of the conduct of the parade or special event and, unless waived by city council or by the city administrator as provided for in subsection (d), those estimated costs shall be paid before a permit is issued. Unless the aforesaid waiver is granted, the permit applicant shall be liable for the actual costs of the parade or special event which exceed the estimated costs and shall pay those costs within fifteen (15) days of the date of the submission of an invoice therefor. Notwithstanding the foregoing, there shall be no charge for the first eight (8) hours of overtime/compensatory time paid by the city for work performed by personnel from each of the departments previously mentioned herein.

(c) *Exemptions from payment.* The South Cumberland Business and Civic Association's Annual Halloween Parade and Heritage Days are exempt from the requirements of subsection (b).

(d) *Cost payment waivers.* The City Administrator shall have the authority to waive the requirements of subsection (b) upon consideration of the following criteria: (i) the applicant's ability to pay the costs; (ii) whether the event will be held if the applicant is required to pay the costs; (iii) the number of persons expected to be in attendance; (iv) whether alcohol will be provided; (v) the extent to which the event is disruptive to the normal flow of vehicular and pedestrian traffic on city sidewalks, roads and other rights of way; (vi) the extent to which residents' use of or access to city-owned property is impeded; and (vii) the location, duration, time and date of the parade or special event. The City Administrator may not consider the

expected content of the speech associated with the parade or special event in determining whether a waiver should be granted.

**Sec. 15-86. Standards for permit issuance.**

A permit shall be issued when, upon consideration of the application and such information as may otherwise be obtained, and after consultation with the police, fire and street departments, the city administrator finds it is likely that:

- (a) The conduct of the parade or special event will not substantially interrupt the safe and orderly movement of traffic contiguous to the parade route or the location of the special event;
- (b) The set up for and conduct of the parade or special event will not require the diversion of so great a number of police officers or fire department personnel as to impair the city's ability to provide adequate police and fire protection elsewhere in the city;
- (e) The set up for and conduct of the parade or special event will not require the diversion of so great a number of street department staff that they shall be precluded from performing their normally assigned duties;
- (f) The conduct of such parade or special event will not interfere with the movement of firefighting and emergency medical services equipment in route to or from a fire or emergency; and
- (g) As to a parade, it is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays.

**Sec. 15-87. Permit conditions.**

- (a) *Standard conditions.* All permits are subject to the following standard conditions with or without further notification:
  - (1) If vehicles will be loading, unloading or parking on the pedestrian mall, the applicant must obtain permission and a sign from the Downtown Development Commission at least ten (10) days in advance of the parade or special event.

- (2) Compliance with the insurance requirements set forth in this article is mandatory.
  - (3) At events where the consumption of alcohol is permitted, no glass beverage containers shall be permitted unless approved by the city council.
  - (4) The applicant shall indemnify and hold the city harmless from any and all claims, actions, suits, procedures, costs, fines expenses, damages and liabilities, including, but not limited to, attorneys' fees, court costs and litigation expenses arising out of, as an incident to or as a result of the conduct of a parade or special event except for those caused by the grossly negligent or intentionally harmful acts of the city's representatives or employees.
  - (5) The applicant must comply with all city, county, state and federal laws, rules, regulations and ordinances, including, but not limited to, those pertaining to the issuance of permits other than a parade and special events permit. The issuance of a parade and special events permit is not a substitute for or evidence of compliance with the foregoing.
- (b) *Optional conditions.*
- (1) If deemed necessary because of the nature of a parade or special event or because of a failure on the part of organizers to restore or clean up after the conduct of a previously conducted parade or special event, the city administrator may require the applicant to post a bond to cover the projected costs of restoration and cleanup.
  - (2) Upon the advice of department heads and the Downtown Development Commission, if the parade or special event travels through or is within its special taxing district, the city administrator may impose such other conditions as are reasonably necessary for the safety, health and general welfare of the public.

**Sec. 15-88. Insurance requirements.**

The applicant shall be responsible for obtaining and maintaining comprehensive general public liability insurance covering personal injury and property damage in the amount of One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the

aggregate and shall furnish the City with a certificate of insurance evidencing the procurement of the coverage required hereunder and proof that the premium has been paid no later than ten (10) days prior to the date of the parade or special event. Each policy shall provide that it shall not be subject to cancellation, material change, or non-renewal without at least fifteen (15) days' prior written notice to the city. Each policy shall name "Mayor and City Council of Cumberland" as an additional insured. The city administrator may waive or modify these requirements on a case-by-case basis upon consideration of the following criteria: (i) the applicant's ability to pay the premium; (ii) whether the event will be held if the applicant is not granted a waiver or modification; (iii) the extent to which the parade or special event is expected to expose the city to liability beyond that which exists on a day-to-day basis (iv) whether alcohol will be provided; and (v) any other factors which relate solely to whether and how much insurance coverage should be required.

**Sec. 15-89. Notice of denial.**

If an application for a permit is denied, the city administrator shall send written notice of the denial to the applicant by mail or e-mail no later than fourteen (14) days after the date of the filing of the application and the production of all of the information required by section 15-84.

**Sec. 15-90. Revocation.**

The city administrator may revoke a permit issued in accordance with this article for good cause shown, including, but not limited to, the applicant's failure to comply with the requirements of this article.

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WHEREAS, the City's protocols and procedures relative to parades and special events have not been set forth in writing, nor have they been adequately defined; and

WHEREAS, the enactment of this Ordinance establishes such protocols and procedures.

NOW THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Sections 15-80 to 15-90 of the Code of the City of Cumberland (1991 Edition) are hereby enacted and shall read as set forth in the attachment hereto.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Raymond M. Morriss, Mayor

ATTEST:

\_\_\_\_\_  
Marjorie A. Woodring, City Clerk

**TABLED 11/19/19**

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**Tabled 11/19/19**

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  - (10) Whether a waiver of the insurance requirements set forth in section 15-88 is being requested and, if so, a statement describing which of those requirements should be waived and the good cause which serves as the basis for the request.

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  - (2) Compliance with the insurance requirements set forth in this article is mandatory.
  - (3) At events where the consumption of alcohol is permitted, no glass beverage containers shall be permitted unless approved by the city council.
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aggregate and shall furnish the City with a certificate of insurance evidencing the procurement of the coverage required hereunder and proof that the premium has been paid no later than ten (10) days prior to the date of the parade or special event. Each policy shall provide that it shall not be subject to cancellation, material change, or non-renewal without at least fifteen (15) days' prior written notice to the city. Each policy shall name "Mayor and City Council of Cumberland" as an additional insured. The city administrator may waive or modify these requirements on a case-by-case basis for good cause shown.

**Sec. 15-89. Notice of denial.**

If an application for a permit is denied, the city administrator shall send written notice of the denial to the applicant by mail or e-mail no later than fourteen (14) days after the date of the filing of the application and the production of all of the information required by section 15-84.

**Sec. 15-90. Revocation.**

The city administrator may revoke a permit issued in accordance with this article for good cause shown, including, but not limited to, the applicant's failure to comply with the requirements of this article.