

**CITY OF HACKENSACK
ORDINANCE NO. 01-2024**

AN ORDINANCE AMENDING CHAPTER 148-8 OF THE CODE OF THE CITY OF HACKENSACK, “PARADES,” REGARDING PROCEDURES FOR APPROVAL OF PARADE APPLICATIONS AND RELATED REQUIREMENTS

WHEREAS, the City of Hackensack has established requirements for the approval of parades and processions, which are contained in Chapter 148 of the Code of the City of Hackensack; and,

WHEREAS, as opposed to other types of expressive activity, parades and processions as defined in the Hackensack City Code by their nature particularly impact public safety because they occur on public streets and do not comply with normal and usual traffic regulations or controls; and,

WHEREAS, the City has been observing an increased number of requests for parades and processions, and a review of the existing regulations reflects that they need to be updated to deal with present circumstances, and particularly to meet the City’s fiscal responsibilities, prioritize safety and quality of life, and better align with best practices in other municipalities.

WHEREAS, the Mayor and Council believe that this action is in the best interest of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HACKENSACK, as follows:

Section 1:

Section 148-8 of the Code of the City of Hackensack, “Parades,” is hereby renamed “Parades and processions,” and is further amended to now read as follows (additions by underline, deletions by ~~striketrough~~):

ARTICLE II General Regulations and Restrictions

148-8 Parades and processions.

- A. For purposes of this Section, the definition of a “parade” shall mean a march or a procession as more fully set forth in Section 119-26 of the Code of the City of Hackensack.
- B. No person shall organize or conduct or assist in the organization or conduct of any parade upon any public street or public place in the City without first obtaining written permission to do so from the City Manager, utilizing such application documents as may be developed by the City Manager for said purpose. Parade applications shall be received by the City Manager at least

ten (10) business days prior to the date requested, or if more than 500 people are expected to participate in the parade, at least thirty (30) business days prior to the date requested. The City Manager of the City of Hackensack shall, within ~~three~~ five (5) business days after the date of receipt of any request for written permission to hold a parade as provided for above of the application, inform the applicant in writing of the grant or denial of said application, the grounds for any such denial and any conditions imposed upon said parade, including but not limited to the time, place and manner of said parade. The City Manager shall not approve or deny a permit based upon the speech being communicated in the parade, rather the determination must be based upon legitimate considerations related to the public's health, safety and welfare.

- C. In addition to any conditions imposed by the City Manager pursuant to 148-8(B), parades must comply with the generally applicable rules and regulations set forth in Section 119-27 of the Code of the City of Hackensack regarding expressive activity.
- D. The City Manager shall have the authority to determine adequate public safety requirements for a parade, and the applicant shall be responsible for any law enforcement overtime or extra-duty charges incurred to provide the necessary law enforcement coverage, to be invoiced by the City and paid in advance by the applicant. A minimum of two (2) law enforcement officers will be required for any parade. The City shall further have the right to obtain payment from the applicant for additional unanticipated law enforcement personnel costs incurred during the course of the parade, which shall be invoiced by the City and paid within thirty (30) days after the invoice is issued.
- E. There shall be a fee of \$200.00 required for a parade permit, which shall be refunded if the permit is denied, or the applicant advises the City Manager that it does not wish to comply with the conditions imposed upon the parade within two (2) business days after receiving the City Manager's determination. Otherwise, the fee is non-refundable.
- F. The City Manager may postpone or cancel a parade after a permit is issued due to inclement weather, emergency or other public safety reasons, in which case the permit fee shall be refunded if the parade cannot be rescheduled to a mutually acceptable date.
- G. Expressive activity that does not specifically meet the definition of a "parade" shall not be covered by this Section, but shall remain subject to the provisions of Section 119-27 of the Code of the City of Hackensack and other applicable City ordinances.

Section 2:

The remainder of Chapter 148 of the Code of the City of Hackensack shall remain unchanged.

Section 3:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 4:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5:

Codification. This Ordinance shall be a part of the Code of the City of Hackensack as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the City Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hackensack in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Section 6:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Introduced: January 23, 2024

Adopted: February 20, 2024

ATTEST:

CITY OF HACKENSACK

By: _____
Deborah Karlsson, City Clerk

By: _____
John P. Labrosse, Jr. Mayor