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Chapter 151

Parades

[HISTORY: Adopted by the City Council of the City of Saratoga Springs 12-20-2005. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. **61**.

Demonstrations — See Ch. **98**.

Entertainment — See Ch. **109**.

Noise — See Ch. **148**.

Peace and good order — See Ch. **162**.

Special events — See Ch. **199A**.

Streets and sidewalks — See Ch. **203**.

Vehicles and traffic — See Ch. **225**.

Article I

General Provisions

It shall be lawful, as defined in this chapter, for any person, firm, corporation or other legal entity to hold or cause to be held a parade by first obtaining a parade permit from the Commissioner of Accounts.

§ 151-1 Definitions; compliance with other provisions.

- A. A "parade" is any procession of any kind in a public place in the City of Saratoga Springs that is intended to attract public attention and that does not comply with normal traffic regulations and control.
- B. Any person, corporation, partnership or other entity applying for a permit under this chapter must comply with Chapter **61** of the City Code entitled "Alcoholic Beverages."
- C. Any person, corporation, partnership or other entity applying for a permit under this chapter must comply with Chapter **148** of the City Code entitled "Noise."
- D. The following definitions shall apply to this chapter:

BANNER

Any sign, as defined herein, hung above a street, from a building, bridge structure or a vehicle or towed by a vehicle, including but not limited to an aircraft, watercraft or trailer.

CITY

The City of Saratoga Springs, New York.

CITY CLERK

The City Clerk of the City of Saratoga Springs, New York.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC PLACE

Any place to which the public has unrestricted access, but "public place" shall not mean the interior floor space of any building or any space covered by part of a building's permanent roof.

SIGNS

Any display of words, symbols or other visual images made of cloth, paper, plastic, card board or other material or any combination of such display.

SPECIAL EVENT

An event, occasion or celebration open to the public and held in or upon any public right-of-way, public street, public park or other public place or conducted in such a manner as to significantly impede public access to any public right-of-way, public street, public park or other public place.

§ 151-2 Applicability.

This chapter shall not apply to:

- A. Funeral processions.
- B. Wedding processions.
- C. Students going to and from school or classes or participating in educational activities, provided that such conduct is under the immediate supervision and direction of the proper school authorities. This exception does not apply to parades organized by a school or anybody thereof more than 24 hours prior to its occurrence.
- D. A governmental agency acting within the scope of its functions.

§ 151-3 Prohibited items or activities.

- A. The following items or activities are prohibited:
 - (1) Alcoholic beverages. Alcoholic beverages in any open container cannot be carried or possessed by participants of the parade.
 - (2) Explosives, fireworks or pyrotechnics. No person shall carry or possess any kind or mixture of explosives, fireworks or pyrotechnics.
 - (3) Facial coverings. Facial coverings, regardless of the material of which they are made, are not permitted to cover the face from the chin area to the forehead.
 - (4) Fencing material. Materials commonly used for fencing on property, or a safety zone including barricades and which could be used to obstruct governmental administration shall not be carried or possessed during a parade unless placed at a parade site by governmental agencies to control parade participants and continue to allow free access to sidewalks and other public places as allowed by statute, law, code or ordinance.

- (5) Flammable or combustible liquids or gases. Flammable or combustible liquids, compressed gases or gases cannot be carried or possessed.
- (6) Gas masks. Gas masks or similar devices designed to filter air breathed and protect the respiratory tract and face against the irritating, noxious or poisonous gases cannot be carried, possessed or worn.
- (7) Injury, physical. The conduct of the special event is not reasonably likely to be cause physical injury to persons or property.
- (8) Interference with emergency services. The special event will not unduly interfere with property, fire and police protection or emergency services to contiguous areas of such assembly areas.
- (9) Obscene material. No person shall display, carry or possess any obscene material as defined by § 235.20 of the NYS Penal Law.
- (10) Noxious materials. No person shall use, carry or possess any noxious material of any kind or strength while participating in a parade.
- (11) Plastic or metal pipe. It is unlawful to carry or possess any length of plastic pipe more than 1/4 inch thick. Any metal pipe, metal angle iron, box steel, flat steel or similar plastic material is not permitted.
- (12) Projectile launchers. Projectile launchers or other devices commonly used for the purpose of launching, hurling, or throwing any object, liquid, material or substance cannot be carried or possessed.
- (13) Sidewalks (blocking). No person or group of persons shall block any lawful use of a public sidewalk or any ingress to or egress from any building by standing within 15 feet of said doorway or entrance or any driveway to any building.
- (14) Signs. No sign or combination of signs shall render impassable any public way or any ingress to or egress from any public way, or render passage to, from or across a public way unreasonably difficult or hazardous. Posters, plaques or notices mounted on a support or hand held, constructed solely of cloth, paper, plastic or cardboard material no greater than 1/4 inch thick are permitted. Signs must be of such size and construction as to be safely carried and displayed.
- (15) Splinter groups. No person or small group is permitted to break off the main group to stage smaller parade or picketing unless a new and separate permit is first obtained.
- (16) Strong acid or base chemicals in solid, liquid or gas. No persons shall use, carry or possess any acidic or basic chemical regardless of its physical state.
- (17) Traffic (blocking). No person shall block or otherwise interfere with highway, road or rail traffic to include ingress to or egress from a building or onto property.
- (18) Wood or wood products. No person shall carry or possess any length of lumber, wood or wood lath unless the wood object is blunted at both ends, is 1/4 inch or less in thickness and two inches or less in width or, if not generally rectangular in shape, does not exceed 3/4 inch at its thickest.

§ 151-4 Restricted use items or activities.

A. The following items or activities have restricted use:

- (1) Flyovers. Flyovers and aircraft trailing banners are not permitted unless requested for in the permit application in advance. A copy of the FAA authorization permit is required to be filed with the permit application.
- (2) Firearms. Firearm use or carry, real or replica, whether for ceremonial use as in a color guard or not,

must be approved by the Police Department.

- (3) Sound-producing or amplifying devices. The use of any sound-producing or amplifying devices is permitted if the sound is so as not to be heard at 250 feet and beyond the parade. The use of said equipment must also comply with restrictions and limitations contained in Chapter 148 of the City Code entitled "Noise."
- (4) Electricity. Electrical connections are not publicly available from the City. The use of an electric generator is prohibited. Electrical connections from private property are permitted, provided such connections shall have been inspected by a certified Electrical Inspector as to safety and compliance with the National Electrical Code. A copy of the inspection shall be filed with the Commissioner of Accounts prior to said use.

Article II Permits

§ 151-5 Application.

- A. Applications for such permit shall be made to the Commissioner of Accounts on the forms provided by the Commissioner.
- B. Filing period. An application for a parade permit shall be filed with the Commissioner of Accounts not less than 30 days before the date on which it is proposed to conduct the parade.
- C. For any event that will attract 5,000 or more persons the applicant must obtain a permit from the NYS Department of Health and include it with the application. A safety plan, as required by the Department of State, must also be included with the application.

§ 151-6 Fees.

- A. ~~A.~~ There shall be no fee for any fraternal, civic, veterans and school organizations, or other organizations or entities that the Commissioner of Accounts determines to be in the public interest.
- B. [All other persons: \$50.] Fees shall be established from time to time by the City Council for the licensure of auctions. A schedule of all such fees will be available for review in the Office of the City Clerk and on the City's webpage.
- C. Payment of the applicable fee under this section shall be due upon filing or renewal of the application.

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§ 151-7 Responsibility for cleanup.

The Commissioner of Public Works shall have the authority, in situations where he determines that the proposed parade is of such magnitude or character that it will generate an excessive or extraordinary amount of debris upon the public ways, to require an agreement from the applicant stating that the applicant shall be responsible for the costs of cleanup of the public ways after the parade. The Commissioner of Public Works may enter into any agreement with the applicant as may be necessary.

§ 151-8 Insurance.

The applicant shall provide proof of insurance to the Commissioner of Accounts as follows:

- A. Proof of commercial general liability insurance, including completed products and operations and personal injury liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. The City shall be included as an additional insured on said insurance.
- B. In the event a motorized vehicle shall be utilized in the permitted event, commercial automobile liability in the combined single limit of \$1,000,000 shall be required for all non-owned, hired and/or owned vehicles. The City shall be included as an additional insured on said insurance.

- C. Proof of statutory workers' compensation and employer's liability insurance for all employees participating in the event.
- D. A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees) arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or negligent act or omission of the applicant, or the applicant's employees, agents, or subcontractors.

§ 151-9 Issuance.

If the Commissioner of Accounts finds that all applicable provisions of this chapter have been complied with or will be complied with by the applicant, a permit shall be issued to hold a parade conditional upon such reasonable limitations and requirements as may be deemed necessary for the protection of the public health, safety and welfare.

§ 151-10 Standards for issuance.

The Commissioner of Accounts shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, it is found that:

- A. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- B. The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly manage the line of movement and the areas contiguous thereto as to prevent normal police protection to the rest of the City.
- C. The conduct of such parade will not require the diversion of so great a number of emergency services to portions of the City other than that occupied by the proposed line of march and areas contiguous thereto.
- D. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance.
- E. The issuance of a parade permit under this chapter shall not be construed as granting authorization to conduct activities defined as "demonstration" in Chapter 69 or "special events" in Chapter 98 of the Code of the City of Saratoga Springs.

§ 151-11 Interference with parade; parking on route.

- A. Driving through parades. Except in emergencies, no driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade, unless directed to do so by a police officer.
- B. Parking on the parade route. The Commissioner of Public Safety shall have the power and authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of a route of a parade. The Commissioner of Public Safety shall have posted signs to the effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

§ 151-12 Change of permit.

The City shall be empowered to change the date, time or parade route should such a change be in the best interest of the public health, safety or welfare. If the applicant refuses to accept such changes and chooses to cancel the parade, all fees paid by the applicant shall be refunded.

§ 151-13 Notice to officials.

Immediately upon the application for a parade permit, the Commissioner of Accounts shall send a copy of the parade permit application to the following:

- A. Mayor.
- B. Commissioner of Accounts.
- C. Commissioner of Public Safety.
- D. Fire Chief.
- E. Commissioner of Finance.
- F. Commissioner of Public Works.
- G. Police Chief.
- H. Risk and Safety [Manager].

§ 151-14 Contents of permit.

The parade permit shall state the following information:

- A. The starting and ending times.
- B. The portions of the streets to be traversed that may be occupied by the parade.
- C. The maximum length of the parade in miles or fractions thereof.
- D. The name of the responsible party and telephone number.
- E. Such other information as the Commissioner of Accounts may find necessary to the enforcement of this chapter.

§ 151-15 Duties of permit holder.

- A. The permit holder hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. Possession of permit. The parade chairperson or the person heading or leading such activity shall carry the parade permit upon his/her person during the conduct of such parade.

§ 151-16 Revocation of permit.

The Commissioner of Accounts shall have the authority to revoke a parade permit for violation of any of the provisions of this chapter. Notice of such revocation and the reason or reasons therefor shall be served upon the person named in the permit application or by mailing the same to the address given on the permit application.

Article III
Enforcement; When Effective

§ 151-17 Penalties for offenses; when effective.

- A. Any person or other legal entity who violates any of the provisions of this chapter shall be subject to the penalties set forth in Chapter I, General Provisions, Article III, General Penalty of this Code. Both the Police Department and Code Administration shall have the authority to enforce the provisions of this chapter and to issue appearance tickets for violations thereof.

B. This chapter shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.