



## ORDINANCE NO 810

**ORDINANCE OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO TO BE KNOWN AS "PARADE AND PUBLIC ASSEMBLY ORDINANCE" PROVIDING DEFINITIONS OF THE TERMS USED IN THE ORDINANCE; REQUIRING A PERMIT FOR PARADES AND CERTAIN PUBLIC ASSEMBLIES; PROVIDING EXCEPTIONS TO THE PARADE AND PUBLIC ASSEMBLY PERMIT REQUIREMENT; ESTABLISHING PERMIT APPLICATION PROCEDURES; PROVIDING FOR FEES; PROVIDING STANDARDS FOR PERMIT ISSUANCE; SETTING FORTH PROCEDURES FOR THE CITY CLERK TO DENY AN APPLICATION FOR A PERMIT, PROVIDING A PROCESS FOR AN ALTERNATIVE PERMIT; PROVIDING AN APPEAL PROCEDURE IN THE EVENT AN APPLICATION IS DENIED; SETTING FORTH CONTENTS OF THE PERMIT; SETTING FORTH DUTIES OF THE PERMITTEE; ESTABLISHING PROHIBITIONS AND REGULATIONS AS THEY RELATE TO PARADES AND CERTAIN PUBLIC ASSEMBLIES; PROVIDING PENALTIES FOR FAILURE TO COMPLY WITH ANY PROVISIONS OF THIS ORDINANCE AND SETTING FORTH A VIOLATION OF THIS ORDINANCE CONSTITUTES A MISDEMEANOR; PROVIDING AUTHORITY FOR EMERGENCY TERMINATION OR CANCELLATION OF THE PARADE OR PUBLIC ASSEMBLY; PROVIDING A SAVING CLAUSE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO:

**SECTION I: DEFINITIONS:** The following words and phrases when used in this ordinance shall have the meaning set out in this Section:

1. **CHIEF OF POLICE:** The Chief of Police of the City of Rexburg or the Chief's authorized designee.
2. **CITY CLERK:** The Clerk of the City or the Clerk's authorized designee.

**SECTION II: APPLICATION:**

1. A person seeking for a permit shall obtain and file an application with the City Clerk on forms provided by such officer.
2. An application for a permit shall be filed with the City Clerk at least forty-five days (45) and not more than one year before the parade or public assembly is proposed to commence.

**SECTION III: FEES:** The City Council may establish such fees as are necessary and reasonable by resolution.

**SECTION IV: STANDARDS FOR ISSUANCE:**

1. Only one permit will be granted for the same time and/or location. The City Clerk shall issue a permit on a first come first served basis.
2. Any other reasonable regulation or restriction deemed necessary by the Chief of Police for the protection and safety of the parade participants, viewing public, or for the public health, safety and general welfare of the citizens of the City may be

imposed by the Chief of Police. However, such additional regulations or restrictions shall be specified in writing to the applicant with all reasons therefor clearly enumerated.

**SECTION V: NOTICE OF DENIAL OR APPLICATION:** The City Clerk shall act promptly upon a timely filed application for an activity requiring a permit but in no event shall grant or deny a permit less than twenty (20) days prior to the event. If the City Clerk denies the application, the applicant shall be notified by either personal delivery or United States mail at least twenty (20) days prior to the event of his action and state the reasons for the denial to the address or telephone number provided on the permit application.

**SECTION VI: ALTERNATIVE PERMIT:**

1. The City Clerk, in denying an application for an activity requiring a permit, may authorize the conduct of the activity requiring a permit, may authorize the conduct or the activity requiring a permit at a date, time or place different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the City Clerk, file a written notice of acceptance with the City Clerk.
2. An alternate permit shall conform to the requirements of, and shall have the effect of, a permit issued under this Ordinance.

**SECTION VII: APPEAL PROCEDURE:** Any applicant shall have the right to appeal the denial of a permit to the City Council. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the City Clerk and a copy of the notice with the City Clerk. The City Council shall act upon the appeal at the next regularly scheduled meeting following receipt of the notice of appeal.

**SECTION VIII: CONTENTS OF PERMIT:** Each permit shall state at least the following:

1. Starting and approximate ending time; and
2. The portions of the streets that may be occupied by the activity requiring a permit; and

**SECTION IX: DUTIES OR PERMITEE:** A permittee hereunder shall comply with all permit conditions and with all federal, state and local laws.

**SECTION X: PROHIBITIONS AND REGULATIONS:** The following prohibitions and

1. It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly permitted activity requiring a permit to knowingly fail to comply with any condition of the permit; and
2. No permit shall be issued for an activity to commence before 7:00 a.m. and shall terminate prior to 10:00 p.m.
3. All parade participants shall assemble for the parade at the time and location designated in the parade permit and shall disperse from public property immediately after the conclusion of the parade.
4. The maximum time necessary for completion of the complete activity requiring a permit may not exceed five (5) hours. City street setup and dispersement, including barricades shall not be included in the five hour activity time limit.

**SECTION XI: VIOLATION; PENALTIES:** Any person who violates or fails to comply with any of the provisions of this Ordinance or who, having obtained a permit hereunder, willfully fails to continue to comply with the conditions set forth in this ordinance is guilty of a misdemeanor, and upon conviction thereof, may be fined in accordance with State Statutes.

**SECTION XII: EMERGENCY CANCELLATION/TERMINATION:** The Chief of Police may order an activity requiring a permit to terminate and disperse in the event of a natural



**SAVING CLAUSE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this 16<sup>th</sup> day of September, 1998.

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Rose Bagley, City Clerk

(SEAL)