

Chapter 12.36**PARADES****Sections:**

12.36.010	Title.
12.36.020	Definitions.
12.36.030	Permit required—Exceptions.
12.36.040	Application for permit.
12.36.050	Review by other departments.
12.36.060	Standards for issuance of permit.
12.36.070	Denial of permit—Notice.
12.36.080	Appeal of denial.
12.36.090	Alternative permit.
12.36.100	Contents of permit.
12.36.110	Notice to other officials.
12.36.120	Duties of permittee.
12.36.130	Interference with parades.
12.36.140	Revocation of permit.
12.36.150	Indemnification.
12.36.160	Violations and penalties.

12.36.010 Title.

This chapter shall be known and may be cited as the "Parade Ordinance of the City of Elizabeth, New Jersey." (Prior code § 100-1)

12.36.020 Definitions.

For the purpose of this chapter, the terms used in this chapter are defined as follows:

"City" means the city of Elizabeth, New Jersey.

"License inspector" means the license inspector of the city of Elizabeth, New Jersey.

"Parade" means any assemblage of persons engaged in a march, ceremony, show, exhibition, pageant or procession of any kind or of any duration, or any similar display, either by pedestrians, vehicles or other means of conveyance, in, upon or along any street, highway, sidewalk, alley, park or other public place in the city following a certain route, whether predetermined or not.

"Parade permit" means a permit, as required by this chapter.

"Permittee" means any person to whom a parade permit, or alternative parade permit, for a parade is issued.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind. (Prior code § 100-2)

12.36.030 Permit required—Exceptions.

No person shall engage in, participate in, aid, form or start any parade in the city unless a parade permit shall

have been obtained from the license inspector, except that no permit shall be required:

- A. For funeral processions;
- B. For school activities on school property under the immediate direction and supervision of proper school authorities;
- C. For students going to and from school classes or participating in educational activities, provided such conduct is under the immediate supervision and direction of the proper school authorities;
- D. For activities of any governmental agency acting within the scope of its functions;
- E. For lawful activity, as permitted under the National Labor Relations Act regarding picketing;
- F. For religious processions of any organized and recognized religious organization; or
- G. Bona fide veterans' organizations during the conduct and sponsorship of parades during legal holidays. (Prior code § 100-3)

12.36.040 Application for permit.

A person seeking issuance of a parade permit shall file an application in quadruplicate with the license inspector on forms provided by such officer.

A. Filing Period. An application for a parade permit shall be filed with the license inspector not less than ten (10) days nor more than thirty (30) days before the date on which it is proposed to conduct the parade. The application shall be signed by the applicant and notarized.

B. Contents of Application. The application for a parade permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct such parade.
2. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and the names, addresses and telephone numbers of the authorized and responsible heads of such organization.
3. If the parade is designed to be held by, on behalf of or for any person other than the applicant, the applicant for such permit shall file with the license inspector a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the parade permit on his or her behalf.
4. The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct.
5. The date when the parade is to be conducted.
6. The route to be traveled, the starting point and the termination point.

7. The approximate number of persons who, and animals which, will constitute such parade; the type of animals and description of vehicles, where possible.

8. The hours when such parade will start and terminate.

9. A statement as to whether the parade will occupy all or only a portion of the width of the proposed streets, highways, sidewalks, alleys, parks or other public places to be traversed.

10. The specific location of any assembly area or areas for such parade.

11. The time at which units of the parade will begin to assemble at any such assembly area or areas.

12. The interval of space to be maintained between units of such parade.

13. Any additional information which the license inspector shall find reasonably necessary to a fair determination as to whether a parade permit should be issued in accordance with the standards hereinafter enumerated.

C. Late Applications. The license inspector, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than ten (10) days before the date such parade is proposed to be conducted.

D. There shall be paid to the chief license inspector, at the time of filing the application for a parade permit, a fee of twenty-five dollars (\$25.00) to cover the expenses incident to processing the application, the fee to be turned over to the city treasurer of the city for general revenue purposes. (Prior code § 100-4)

12.36.050 Review by other departments.

Upon receipt of a properly completed application for a parade permit, the license inspector shall immediately forward a copy of the application to the director of the department of public works of the city, to the police chief of the city and to the fire chief of the city for their investigation, review and report. Such reports shall be sent to the license inspector within thirty-six (36) hours of receipt of a copy of the application. (Prior code § 100-5)

12.36.060 Standards for issuance of permit.

A. The license inspector shall issue a parade permit as provided for hereunder when, from a consideration of the application and from such other information as shall be obtained from the reports of the director of the department of public works of the city, the police chief of the city and the fire chief of the city, he finds that:

1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

2. The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city.

3. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto.

4. The concentration of persons, animals and/or vehicles at the assembly point or points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.

5. The conduct of such parade will not interfere with the movement of fire fighting equipment enroute to a fire.

6. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.

7. The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designed to be held purely for private profit; provided, however, that the prohibition against advertising any product, goods or event shall not apply to signs identifying organizations participating in the parade and shall not apply to political candidates running for public office.

8. There is not outstanding an approved parade permit for another parade for the same date; provided however, that more than one parade permit for the same date may issue if it appears from an examination of the applications for parade permits that more than one parade may be conducted simultaneously or separately, giving due regard to the standards set forth hereinabove in this section.

9. The provisions of Section 12.36.150 of this chapter have been fulfilled.

B. Nothing in this chapter will be construed to prohibit any lawful activity under the National Labor Relations Act regarding picketing. (Prior code § 100-6)

12.36.070 Denial of permit—Notice.

The license inspector shall act upon the application for a parade permit within three business days after the filing thereof and shall, within said time, notify the applicant of his or her action, and, in the event of a denial of the permit, the reasons therefor. The notice of approval or rejection and the reasons therefor shall be in writing and shall be mailed by certified mail to the address set forth on the application for the applicant or shall be by personal service. In case more than one application shall be received for parades on the same date, the application first received

shall be reviewed first and shall be granted if it complies with all the requirements of this chapter. (Prior code § 100-7)

12.36.080 Appeal of denial.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the mayor of the city. The appeal shall be taken within two days after receipt by the applicant of a notice of denial by serving upon the city clerk, either personally or by certified mail, a notice of appeal from the denial by the license inspector of an application for a parade permit. The mayor of the city shall hold a hearing and shall act upon the appeal as soon as practicable after receiving notice of the appeal, but in any event no later than five days after receipt of the notice of appeal. The mayor shall determine the appeal using as his or her guide the standards for the issuance of parade permits set forth above in Section 12.36.060. (Prior code § 100-8)

12.36.090 Alternative permit.

The license inspector, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternative parade permit shall, within two days after notice of the action of the license inspector, file a written notice of acceptance by delivering same to the license inspector. An alternative parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this chapter. (Prior code § 100-9)

12.36.100 Contents of permit.

Each parade permit shall state the following information:

- A. Starting time and termination time of the parade;
- B. Minimum speed at which the parade may travel;
- C. Maximum speed at which the parade may travel;
- D. Maximum interval of space to be maintained between the units of the parade;
- E. The route of the parade and the portions of the streets, highways, sidewalks, alleys, parks or other public places to be traversed that may be occupied by the parade;
- F. The maximum length of the parade in miles or fractions thereof and the number of persons, animals or motor vehicles that will be in the parade;
- G. Date of the parade; and
- H. Such other information as the license inspector shall find necessary to the enforcement of this chapter. (Prior code § 100-10)

12.36.110 Notice to other officials.

Immediately upon the issuance of a parade permit, the license inspector shall send a copy thereof to the following:

- A. The mayor;
- B. The city clerk;
- C. The city attorney;
- D. The fire chief;
- E. The police chief;
- F. The director of the department of public works;
- G. The license inspector;
- H. The postmaster; and
- I. The general manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade. (Prior code § 100-11)

12.36.120 Duties of permittee.

A parade permittee hereunder shall comply with all parade permit directions and conditions and with all applicable laws and ordinances. The parade chairman, or other person heading or leading such activity, shall carry the parade permit upon his person during the conduct of the parade. (Prior code § 100-12)

12.36.130 Interference with parades.

No person shall:

- A. Unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade, nor shall any person join or participate in any parade unless is authorized to do so by the organization conducting the parade.
- B. Drive any vehicle, whether propelled by motor, engine or otherwise, between the vehicles, animals or persons comprising a parade when such vehicles or such persons or animals are in motion and are conspicuously designated as a parade.
- C. Park or leave unattended any vehicle on any street, highway, sidewalk or alley, park or other public place within the city on the route of a parade where parking has been prohibited by the chief of police, or his designee, and where signs to such effect have been posted. No person shall be liable for parking on a street unposted in violation of this chapter. (Prior code § 100-13)

12.36.140 Revocation of permit.

The license inspector shall have the authority to revoke a parade permit issued hereunder if the applicant fails to comply with the standards for issuance of a parade permit as hereinabove set forth. (Prior code § 100-14)

12.36.150 Indemnification.

A. The applicant and any other persons, organizations, firms or corporations on whose behalf the application is made, by filing such application, do represent, stipulate, contract and agree that they will jointly and severally indemnify and hold the city harmless against liability for any and all claims for damage to property, or injury to or death of persons, arising out of or resulting from the issuance of the permit or the conduct of the parade or its participants.

B. Before the license inspector may issue a parade permit to any person, that person must execute an indemnification agreement substantially as follows:

“The applicant and any other persons, organizations, firms or corporations on whose behalf the application is made represent, stipulate, contract and agree that they do jointly and severally indemnify and hold harmless the City of Elizabeth against liability for any and all claims for damage to property, or injury to or death of persons, arising out of or resulting from the issuance of the permit or the conduct of the parade or its participants.”

(Prior code § 100-15)

12.36.160 Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction, be fined not more than two hundred dollars (\$200.00) or be imprisoned for a term not exceeding thirty (30) days, or both. (Prior code § 100-16)