

ORDINANCE NO. 2801

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING THE MCALESTER CITY CODE; BY AMENDING CHAPTER 48 FEES, CHARGES AND SERVICE RATES; AND BY AMENDING CHAPTER 94 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 94-1 ENCROACHMENTS AND OBSTRUCTIONS GENERALLY, SECTION 94-2 OBSTRUCTIONS BY CROWDS, AND SECTION 94-3 USE FOR SALE OR ADVERTISING OF MERCHANDISE; AND BY AMENDING CHAPTER 102 TRAFFIC AND VEHICLES, ARTICLE VI, PARADES AND PROCESSIONS, SECTION 102-265 DEFINITIONS, DIVISION 2 PARADE PERMIT, SECTION 102-300 EXEMPTIONS, SECTION 102-301 REQUIRED, SECTION 102-302 APPLICATION, SECTION 102-303 STANDARDS FOR ISSUANCE, SECTION 102-304 NOTICE OF DENIAL, SECTION 102-305 ALTERNATIVE PERMITS, SECTION 102-306 CONTENTS, SECTION 102-307 REVOCATION, SECTION 102-308 COMPLIANCE WITH LAWS, REGULATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, REPEALER, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED BY the City Council of the City of McAlester, Oklahoma:

SECTION 1. ADD. The fee table for Chapter 102 located within Chapter 48 of the McAlester City Code is hereby amended by adding the following fee:

<i>Article VI. Special Event and Processions</i>		
<i>Division 2. Special Event Permit</i>		
<u>102-301</u>	<u>Special event permit</u>	
	<u>Per event per year</u>	<u>\$10.00</u>

SECTION 2. AMENDMENT. Article I of Chapter 94 of the McAlester City Code is hereby amended to read as follows:

Sec. 94-1. Encroachments and obstructions generally.

- a) It shall be unlawful for any person to encroach upon the sidewalks, streets, avenues, alleys or other property of the city by placing thereon any pumps, tanks, vehicles, animals, posts, pillars, awnings, merchandise, structures, implements, or any other thing in such a manner as to obstruct or interfere with the safe and free use of and passage over such sidewalks, streets, avenues, alleys or other public property except when done pursuant to a validly issued special event permit. This section shall not apply to metal railings placed to prevent people from falling into basements, nor shall it apply to any other article or object placed in accord with any provision of this Code specifically authorizing such placement.
- b) Any unlawful obstruction of any street, sidewalk or alley in the city is hereby declared to be a public nuisance subject to abatement under the provisions of chapter 82.

Sec. 94-2. Obstructing by crowds.

It shall be unlawful for any person to use the public streets or sidewalks in any manner which causes crowds to gather in such number or in such way as to obstruct traffic and the free use of the streets and sidewalks except when done pursuant to a validly issued special event permit.

Sec. 94-3. Use for sale or advertising of merchandise.

Except as otherwise specifically authorized in this Code including but not limited to when done pursuant to a validly issued special event permit, it shall be unlawful for any person to use any portion of the sidewalks, streets, alleys or avenues in the city for the sale of merchandise or the advertising of any merchandise of any kind whatsoever.

SECTION 3. AMENDMENT. Article VI, Division 1 & 2 of Chapter 102 of the McAlester City Code is amended to read as follows:

ARTICLE VI. PARADES SPECIAL EVENTS AND PROCESSIONS

DIVISION 1. GENERALLY

Sec. 102-265. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parade means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street or other public place.

Special event means an event whether indoors or outdoors, that is held on public property or streets, non-profit organization property, or non-residential property that can reasonably be expected to cause a public gathering not part of the normal course of business at the location. It may also be defined as any event where a large number of people are brought together to watch or participate. A public event such as a parade, or festival that requires transportation planning, especially including roadway or public space closures requires a permit.

DIVISION 2. PARADE-SPECIAL EVENT PERMIT

Sec. 102-301. Permit Required.

~~No person shall engage in, participate in, aid, form or start any parade, without a parade permit issued by the chief of police.~~

- A. No person shall use any street, alley, public way, or other property owned or controlled by the city, except those places specifically designated and intended for such use, for the purpose of holding, conducting, causing or participating in any parade, street fair, street dance, carnival, motion picture show, theatrical entertainment, assemblage or activity of any nature which may cause the disturbance or interference of the normal and ordinary use of the property by other persons, without first having obtained a permit for such purpose.
- B. The permit may be issued by the Permit and Licensing Administrator following approval by all relevant departments within the city, and upon payment of the fee provided in Chapter 48 of this Code. The city may solicit the opinions of any interested third party when considering any special event permit.

Sec. 102-302. Application.

- A. A person desiring a ~~parade~~ special event permit shall file an application with the ~~chief of police~~ Permits and Licensing Administrator on forms provided by such ~~officer~~ administrator. Such application shall be filed not less than 30 days, nor more than ~~180~~360 days ~~before the date on which it is proposed to conduct the parade prior to the requested closing or use of a street or public property for a special event.~~
- B. The application for a ~~parade~~ special event 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~~ special event 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 of the authorized and responsible heads of such organization.

3. The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct.
4. The date when the parade special event is to be conducted.
5. The exact location of the event including locations of all street closures and/or route to be traveled, the starting point and the termination point, if applicable.
6. The approximate number of persons who, and animals and vehicles which, will constitute such parade special event; the type of animals and description of the vehicles, if applicable.
7. The hours when such parade special event will start and terminate.
8. A statement as to whether the parade special event will occupy all or only a portion of the width of the streets and/or public space proposed to be closed, and/or traversed.
9. The location by streets of any assembly areas for such parade, if applicable.
10. The time at which units of the parade will begin to assemble at any such assembly area, if applicable.
11. The interval of space to be maintained between units of such parade, if applicable.
12. If the parade special event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the chief of police Permits and Licensing Administrator a communication in writing from the person proposing to hold the parade special event, authorizing the applicant to apply for the permit on his/her behalf.
13. Any additional information which the chief of police city shall find reasonably necessary to a fair determination as to whether a permit should be issued.
14. The chief of police City Manager or his/her designee, where good cause is shown therefor, shall have the authority to consider any application under this division which is filed less than 30 or more than ~~180~~ 360 days before the date such parade special event is proposed to be conducted.

Sec. 102-303. Standards for issuance.

The chief of police Permits and Licensing Administrator shall issue a parade special event permit when, from a consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

- 1) The conduct of the parade special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route, if applicable.
- 2) The conduct of the parade special event will not require the diversion of so great a number of police officers of this city to properly police the line of movement, if applicable, and/or the area within the special event, and the areas contiguous thereto as to prevent normal police protection to this city.
- 3) The conduct of such parade special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of this city other than that to be occupied by the proposed line of march, if applicable, and/or the area within the special event, and areas contiguous thereto.
- 4) The concentration of persons, animals and vehicles, if applicable, at assembly points of the parade special event 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 special event will not interfere with the movement of firefighting equipment en route to a fire.
- 6) The conduct of the parade special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

- 7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route, if applicable.
- 8) When evaluating the approval of a special event permit, the historical usage of the location, as well as the specific date and time, will be taken into account.

Sec. 102-304. Notice of denial decision.

~~If the chief of police disapproves the application for a parade permit, he shall mail to the applicant, within three days after the date upon which the application was filed, a notice of his action. The city shall approve or deny all permit applications within ten (10) business days. If approved, the Permits and Licensing Administrator shall issue the permit. The authority to deny a special event permit lies with the City Manager or his/her designee. In the case of a denial, the City Manager or his/her designee shall notify the applicant in writing of the decision to deny the permit and the reason for doing so, based on the criteria found in Section 102-303.~~

Sec. 102-305. Alternative permit.

~~The chief of police~~ City Manager or his/her designee, in denying an application for a ~~parade~~ special event permit, shall be empowered to authorize the conduct of the ~~parade~~ special event on a date, at a time, or over a route or location different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the ~~chief of police~~ City Manager or his/her designee, file a written notice of acceptance with the ~~chief of police~~ City Manager or his/her designee. An alternate ~~parade~~ special event permit shall conform to the requirements of and shall have the effect of a ~~parade~~ special event permit under this division.

Sec. 102-306. ~~Contents~~ Appeal process.

~~Each parade permit shall state the following information:~~

- ~~1) Starting time.~~
- ~~2) Minimum speed.~~
- ~~3) Maximum speed.~~
- ~~4) Maximum interval of space to be maintained between the units of the parade.~~
- ~~5) The portions of the streets to be traversed that may be occupied by the parade.~~
- ~~6) The maximum length of the parade in miles or fractions thereof.~~
- ~~7) Such other information as the chief of police shall find necessary to the enforcement of this division.~~

Any aggrieved applicant shall have the right to appeal the decision of the city to the City Council within ten (10) business days of the decision notification. Any person who wishes to appeal the decision to the City Council shall do so in writing with the City Clerk, who shall place the appeal upon the agenda of the next Regular Meeting of the City Council. The decision of the City Council shall be final.

Sec. 102-307. Revocation.

The ~~chief of police~~ City Manager or his/her designee shall have the authority, after a hearing affording due process, to revoke a ~~parade~~ special event permit issued under this division upon application of the standards for issuance as set forth in this division.

Sec. 102-308. Compliance with laws, regulations.

A person holding a ~~parade~~ special event permit shall comply with all permit directions and conditions and with all applicable laws and ordinances.

SECTION 4. CODIFICATION. The City Clerk is hereby directed to enter the added section into the appropriate place in the City Code of the City of McAlester, Oklahoma, as authorized and approved by this Ordinance.

SECTION 5. SEVERABILITY. If any provision, paragraph, word, section of article of this Ordinance is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 5. REPEALER. All other Ordinances and parts of other Ordinances Inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 6. EMERGENCY. An immediate necessity existing for the preservation of the public peace, health, and safety, an emergency is hereby declared to exist by reason of which this Ordinance shall be in full force and effect from and after passage, approval and publication or posting.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA on THIS 9th DAY OF April, 2024.

**CITY OF MCALESTER, OKLAHOMA
A Municipal Corporation**

John Browne, Mayor

ATTEST:

Cora Middleton, City Clerk

APPROVED AS TO FORM AND LEGALITY this 9th day of April, 2024.

John Tyler Hammons, City Attorney