

## ORDINANCE NUMBER 2239

**An ordinance to amend Article II of Chapter 4 of the Code of Ordinances for the City of Breaux Bridge, Louisiana, by the repeal of Sections 4-16 through 4-18 and Sections 4-31 through 4-41, and by the enactment and/or re-enactment of Sections 4-16 through 4-29, relative to the regulation of Parades and Footraces.**

**BE IT ORDAINED** by the Board of Aldermen for the City of Breaux Bridge, Louisiana, duly convened in regular session on the 12<sup>th</sup> day of December, 2017, that:

Article II of Chapter 4 of the Code of Ordinances for the City of Breaux Bridge, Louisiana, be amended by the repeal of Sections 4-16 through 4-18, the repeal of Sections 4-31 through 4-41, and by the enactment and/or re-enactment of Sections 4-16 through 4-29, as follows:

### **Sec. 4-16. Declaration of Findings and Policy.**

The City of Breaux Bridge concludes that unregulated Parades and Footraces, as defined herein, could present a serious hazard to public health, welfare, and the safety of the residents and participants. Consequently, availing itself of the authority expressed and/or implied by virtue of La. R.S. 32:41, *et seq.*, the City of Breaux Bridge, Louisiana, does hereby impose the following regulations upon Parades and Footraces conducted on the public streets within the City.

### **Sec. 4-17. Definitions.**

The following terms, words, and phrases, when used in this Article, shall have the meaning ascribed to them set forth below, except when the context clearly indicates a different interpretation or application:

- (a) *Chief of Police* means the elected or acting Chief of Police of the City of Breaux Bridge, Louisiana.
- (b) *Footrace* means any event wherein an organized gathering of individuals engage, pursuant to any type of sponsorship, in a Footrace on a public street and/or sidewalk within the City of Breaux Bridge, Louisiana.
- (c) *Parade* means any march, ceremony, show, exhibition, demonstration, rally, gathering, or procession of persons or vehicles in or upon any street, park, or other public place within the City of Breaux Bridge, Louisiana. *Event* embraces both Parades and Footraces as defined in this Section.
- (d) *Permitted Route* means a route along contiguous portions of the public streets and/or sidewalks within the City of Breaux Bridge designated by the Chief of Police as a route permitted by the City to be used for a Parade or Footrace.
- (e) *Permitted Time* means the hours of the day on such days as are designated by the Chief of Policy as periods of time permitted by the City for a Parade or Footrace to occur.

### **Sec. 4-18. Requirement of Permit.**

Any person, firm, or organization which desires to operate, conduct, and/or sponsor a Parade or Footrace must apply for and receive a permit from the City of Breaux Bridge, Louisiana. The application for the permit must be submitted to the Mayor of the City of Breaux Bridge at least sixty (60) days prior to said event. The application shall set forth the following facts and information:

- (a) The name, address, telephone number, and electronic mail address of the person seeking to conduct and/or sponsor such Parade or Footrace;
- (b) If the proposed Parade or Footrace is to be conducted for, on behalf of, or by an organization, the name, address, telephone number, and electronic mail address of the principal place of business of the organization and the authorized, responsible executive(s) of such organization;

- (c) The name, address, telephone number, and electronic mail address of the person who will be the Parade chairperson or Footrace director, and who will be responsible for its conduct;
- (d) The date and time when the Parade or Footrace is to occur, which date and time must be during a Permitted Time;
- (e) The route of the event with the starting point and termination point being specified, which route must be located within a Permitted Route;
- (f) The estimated or approximate number of persons who, and animals and vehicles which, will participate in the event, including the type of animals and description(s) of vehicle(s);
- (g) The hours the Parade or Footrace will start and terminate, which hours must be within a Permitted Time;
- (h) A statement as to whether the Parade or Footrace will occupy all or only a portion of the width of the streets proposed to be traversed;
- (i) The location of the assembly area(s) for the Parade;
- (j) The time at which units of the Parade will begin to assemble at any designated assembly area or areas;
- (k) The interval or space to be maintained between units in any Parade;
- (l) Proof of insurance required by Section 4-19 below;
- (m) When required, the Louisiana Department of Transportation and Development has consented to or approved of the use of state roads for the Parade or Footrace; and
- (n) Any additional information which the Mayor shall deem reasonable and necessary to effect a fair determination as to whether a permit should be issued for the Parade or Footrace.

Moreover, prior to the application being submitted to the Mayor, the Chief of Police must sign it reflecting that: (1) the event is to occur during a Permitted Time; (2) the event is to occur upon a Permitted Route; and (3) arrangements have been confected regarding the presence of the number of police officers which may be determined by the said Chief of Police to be necessary in order to insure that public safety is not compromised.

At all times, the permit issued for the event shall be maintained by the Parade chairperson or the Footrace director.

**Sec. 4-19. Liability; Requirement of Insurance.**

- (a) The person, group association or organization to whom the permit is issued shall be liable for all damage to property or persons which may arise out of or in connection with any such Footrace or Parade for which the permit is issued.
- (b) Any person, group, association, or organization applying for a permit to conduct a Footrace or Parade shall provide a certificate of general liability insurance and, if applicable, automobile liability insurance, insuring against any damage to property or persons which may arise out of or in connection with the Footrace or Parade. Such general liability and automobile liability insurance policies shall contain limits not less than One Hundred Thousand and No/100 (\$100,000.00) Dollars per person and Three Hundred Thousand and No/100 (\$300,000.00) Dollars for each occurrence with respect to bodily injury or death; and certificates for said insurances shall include the following language: “The City of Breaux Bridge, its officials, employees, and volunteers are named as insureds under this liability policy of insurance.”

**Sec. 4-20. Application Fee; Event Fee.**

- (a) The Mayor of the City of Breaux Bridge shall collect from the applicant of any Footrace or Parade an application fee of Two Hundred Fifty and No/100 (\$250.00) Dollars, which fee shall be non-refundable.
- (b) In addition, in order to pay for the police personnel necessary for a Parade or Footrace, the Mayor for the City of Breaux Bridge shall collect from the applicant of any Footrace or Parade an Event Fee of One Thousand Two Hundred and Fifty and No/100 (\$1,250.00) Dollars. If the applicant provides the Mayor with written notice of the cancellation of the Footrace or Parade at least ten (10) days prior to such event, the Event Fee shall be refunded to applicant.

**Sec. 4-21. Late Applications.**

The Mayor, when good cause is presented to him, shall have the authority to consider any application for a Footrace or Parade required by this Article which may be presented to him not less than seven (7) days before the date of the proposed event.

**Sec. 4-22. Standards for Issuance of a Permit.**

A Parade or Footrace permit required by this Article shall be issued when, from a consideration of the application and from such other information as may otherwise be obtained, it is determined that:

- (a) The conduct of the event will not substantially interrupt the safety and orderly movement of other traffic contiguous to its route;
- (b) The conduct of the event will not require the diversion of so great a number of police officers of the City to properly police the event so as to compromise police protection to the City;
- (c) The conduct of the event will not require the diversion of so great a number of ambulances and other emergency vehicles as to prevent normal services thereof to portions of the City other than that to be occupied by the proposed line of the event and areas contiguous thereto;
- (d) The concentration of persons, animals, and vehicles at assembly points of the Parade will not unduly interfere with proper fire and police protection of, or ambulance services to, areas contiguous to such assembly areas;
- (e) The event will not interfere with the movement of firefighting equipment in route to a fire or other emergency;
- (f) The event is not reasonably likely to result in injury to persons or property, to provoke disorderly conduct, or create a disturbance;
- (g) The event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delay;
- (h) The event is not held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit;
- (i) The event is to occur during a Permitted Time and within the confines of a Permitted Route; and
- (j) Any other factor deemed reasonable and pertinent by the Mayor in his capacity as the Chief Executive Office of the City of Breaux Bridge, Louisiana.

**Sec. 4-23. Notice of Rejection of Application and Appeal Rights.**

- (a) The Mayor shall act upon the application for a Parade or Footrace permit required by this Article within seven (7) working days after its presentation to his office. If the Mayor disapproves the application, he shall notify the applicant within three (3) working days after the date upon which the application was rejected, and a notice shall set forth the reasons for his denial of the permit.
- (b) Any person aggrieved shall have the right to appeal the denial of a Parade or Footrace permit to the Board of Aldermen. The appeal must be urged within three (3) working days after the date of notice of the denial. Moreover, the appeal shall become effected by sending written notice to the Mayor or the City Clerk via registered mail, return receipt requested, or by hand delivery to either of the aforesaid persons; or by electronic transmission to either of the aforesaid. Upon receipt of the notice of appeal, the matter shall then be placed upon an agenda to be considered by the Board of Aldermen at a regular or special meeting.

**Sec. 4-24. Notification.**

Immediately upon the issuance of a permit for a Parade or Footrace, the Mayor shall inform the following thereof:

- (a) The Chief of Police for the City of Breaux Bridge, Louisiana;
- (b) The Fire Chief of the Fire Department which services the City of Breaux Bridge;
- (c) The Sheriff of St. Martin Parish, Louisiana;
- (d) Troop I of the Louisiana State Police, should a state highway be affected by the event; and
- (e) Acadian Ambulance or other applicable emergency medical services provider.

**Sec. 4-25. Presence of Chairperson or Director.**

The Parade chairperson or director of the Footrace, as identified in the application for the event, shall be present at all times during the event.

**Sec. 4-26. Rules and Regulations.**

Any Parade of any kind, for whatever purpose, shall comply with the following rules and regulations:

- (a) Floats may not exceed forty (40') feet in length or ten (10') feet in width, may not be less than three (3') feet nor more than fourteen (14') feet in height and must have four (4) solid sides constructed of wood or other hard substance(s);
- (b) The following items are not to be thrown, distributed, or in any way delivered by any participant in the Parade, or from any vehicle, float, or animal: any item which is sexually oriented or displays any lewd or lascivious act; any item depicting, advertising, and/or advocating drugs or drug use; any item weighing in excess of five (5) ounces; and any glass container(s). Moreover, no music of a vulgar or sexual nature may be played from any vehicle, float, or animal;
- (c) Each vehicle or float, if applicable, shall display the name of the organization, business, or individual it is representing;
- (d) No float or vehicle in the Parade may contain open flames such as barbeque pits;
- (e) No person may ride on the roof, trunk, or hood of any vehicle participating in the Parade;

- (f) No float or vehicle with more than eighteen (18) tires shall be allowed;
- (g) Every vehicle and float shall contain one (1) adult supervisor (age 21 years or older) for every six (6) children under the age of twelve (12) who are on the float;
- (h) It shall be unlawful for any person to sell or possess any silly string within three hundred (300') feet of any Parade route within the City on any date a Parade is scheduled. The term "silly string" is defined as any chemical product which, upon activation, emits a string-like substance by means of a propellant; and
- (i) Paint guns, water guns, fireworks, and firearms are strictly prohibited. Also prohibited are any fog machines that would hamper a driver's visibility.

**Sec. 4-27. Participants Under the Influence of Intoxicant(s).**

No person participating in any Footrace or Parade shall be under the influence of alcoholic beverage(s) or any controlled dangerous substance(s) listed in Schedules I, II, III, IV, and/or V as set forth in La. R.S. 40:964. Furthermore, no person participating in any Footrace or Parade shall be under the influence of, consume, possess, or distribute any alcoholic beverage(s) or any other controlled dangerous substance(s) identified in Schedules I, II, III, IV, and/or V as set forth in La. R.S. 40:964. For purposes of this Section, the term "under the influence" shall be ascribed the identical meaning as envisioned by La. R.S. 14:98.

**Sec. 4-28. Penalties.**

Whoever violates any term or provision of this ordinance shall be fined not less than Two Hundred Fifty and No/100 (\$250.00) Dollars, nor more than Five Hundred and No/100 (\$500.00) Dollars, imprisoned for not more than thirty (30) days, or both.

**Sec. 4-29. Exceptions.**

The requirement for a permit shall not apply to any funeral procession; any City sponsored Parade, such as the annual Christmas Parade; any Parade associated with the Crawfish Festival; or any Parade associated with Homecoming for Breaux Bridge High School, provided that such event is under the immediate direction and supervision of the appropriate authorities for such school.

**BE IT FURTHER ORDAINED** by the Board of Aldermen for the City of Breaux Bridge, Louisiana, that all other ordinances and provisions of the Code of Ordinances for the City of Breaux Bridge, Louisiana, that are in conflict with the provisions hereof are hereby declared to be repealed to the extent any such conflict exists.

**BE IT FURTHER ORDAINED** by the Board of Aldermen for the City of Breaux Bridge, Louisiana, duly convened in regular session on the 12<sup>th</sup> day of December, 2017, that the provisions of this ordinance are hereby declared to be severable, and if any provision, word, phrase, or clause of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the validity of the remaining portions thereof.

**BE IT FURTHER ORDAINED** by the Board of Aldermen for the City of Breaux Bridge, Louisiana, duly convened in regular session on the 12<sup>th</sup> day of December, 2017, that this ordinance shall become effective immediately upon the signature of the Mayor.

**UPON MOTION** of Howard Alexander seconded by Glenn Michael Angelle, and upon verification and assurance that the foregoing ordinance was:

1. Introduced on October 10, 2017, at the regular meeting of the Mayor and Board of Aldermen for the City of Breaux Bridge, Louisiana;
2. Disseminated to the Mayor and all aldermen;

3. Published, by title, in the official journal of the City of Breaux Bridge, Louisiana, together with notice of the time and place of its consideration for formal adoption; and

4. Presented at a public hearing held on the 14<sup>th</sup> day of November, 2017, the Board of Aldermen, on the 12<sup>th</sup> day of December, 2017, adopted Ordinance Number 2239 by virtue of the following votes:

YEAS: Brenda Castille Hobbs, Howard Alexander, Ernest Ledet and Glenn Michael Angelle

NAYS: None

ABSENT: Gary Champagne

ABSENTENTIONS: None

ATTEST:

APPROVED:

PATTIE B. DUPUIS, CITY CLERK

RICKY CALAIS, MAYOR

Date: December 13, 2017

Date: December 13, 2017