

**BOARD OF COMMISSIONERS
FOR THE
THE TOWN OF UPPER MARLBORO**

ORDINANCE: 2018-10 DRAFT
SESSION: Regular Town Meeting
INTRODUCED: December 11, 2018

**AN ORDINANCE OF THE TOWN OF UPPER MARLBORO REGULATING
PARADES, SPECIAL EVENTS, AND OTHER USES OF PUBLIC PLACES**

WHEREAS, the Board of Town Commissioners enacted Ordinance 97-2 regulating parades, special events, and other uses of public places and providing the violation thereof, as amended; and

WHEREAS, the purpose of this Ordinance is to authorize the Town of Upper Marlboro to regulate parades, special events, and other uses of public places; authorizing the Clerk, or appointee, to receive applications; authorizing the Board of Town Commissioners to issue permits, providing standards for issuance thereof; establishing procedures for appeal upon rejection of applications; requiring compliance with permit conditions; establishing a standard application fee; and, prescribing penalties for the violation of its provisions.

Section 1.

BE IT ENACTED AND ORDAINED by the Board of Commissioners for the Town of Upper Marlboro, that Ordinance 97-2 is hereby repealed, and Ordinance 2018-09 be and hereby is, enacted and shall read as follows:

Section 2.

I. DEFINITIONS

(1) A “parade” is any parade, march, ceremony, show exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the Town of Upper Marlboro.

(2) A “special event” is any scheduled function not in the ordinary course of business taking place in the Town of Upper Marlboro that has a direct impact upon the streets, sidewalks, alleys, and footpaths or traffic, whether pedestrian or vehicular, within the Town of Upper Marlboro limits.

II. PERMIT REQUIRED. No person shall engage in, participate in, aid, form or start any parade or special event, unless a parade or special event permit shall have been obtained from the Board of Town Commissioners.

(1) Exceptions.

This ordinance shall not apply to:

- (a) Funeral processions;
- (b) Students going to and from school classes or participating in educational activities,

providing such conduct is under the immediate direction and supervision of the proper school authorities and does not have a direct impact on the streets, sidewalks, alleys, and foot paths or traffic within the Town limits.

III. APPLICATION

A person seeking issuance of a parade or special event permit shall file an application with the Clerk on forms provided by the Town.

- (1) Filing Period. An application for a parade or special event permit shall be filed with the Clerk not less than thirty (30) days nor more than ninety (90) days before the date on which it is proposed to conduct the parade or special event.
- (2) Contents. The application for a parade or special event permit shall set forth the following information in the event application form or include:
 - (a) The name, address and telephone number of the person or organization seeking to conduct such parade or special event;
 - (b) If the parade or 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;
 - (c) The name, address and telephone number of the person who will be the parade or special event chairman and who will be responsible for its conduct;
 - (d) The date when the parade or special event is to be conducted;
 - (e) The route to be traveled, the starting point and the termination point;
 - (f) The approximate number of persons who, and animals and vehicles which, will constitute such parade or special event; the type of animals, and description of the vehicles;
 - (g) The hours when such parade or special event will start and terminate;
 - (h) A statement as to whether the parade or special event will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (i) The location by streets of any assembly areas for such parade or special event;
 - (j) The time at which units of the parade or special event will begin to assemble at any such assembly area or areas;
 - (k) The interval of space to be maintained between units of such parade or special event;
 - (l) If the parade or 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 Clerk of the Town, a communication in writing from the person proposing to hold the parade or special event, authorizing the applicant to apply for the permit on his behalf.
 - (m) The application shall include a signed hold harmless and indemnification agreement holding the Town harmless for any damage, harm or law suit arising from or out of the parade or special event and indemnifying the Town from costs of legal fees and/or damages signed by the person in charge of the sponsoring organization.
 - (n) A certificate of liability insurance naming the Town of Upper Marlboro as an additional insured.
 - (o) Any additional information which the Board of Town Commissioners shall find reasonably necessary for a fair determination as to whether a permit should be issued.

- (3) Late Applications. The Board of Town Commissioners, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than thirty (30) days before the date such parade or special event is proposed to be conducted.
- (4) Application Fee. There shall be paid at the time of filing the application for a parade or special event permit a fee of \$50.00 dollars.

IV. STANDARDS FOR ISSUANCE

The Board of Town Commissioners shall issue a permit as provided for hereunder, when, from a consideration of the application and from such other information of the application and from such other information as may otherwise be obtained it finds that:

- (1) The conduct of the parade or special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade or special event will not require the diversion of so great a number of police officers of the Town to properly police the line of movement and the areas contiguous thereto normal police protection to the Town;
- (3) The conduct of such parade or special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Town other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade or 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 or special event will not interfere with the movement of fire-fighting equipment en route to a fire;
- (6) The conduct of the parade or special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- (7) The parade or special event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (8) The parade or special event 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.
- (9) It is the intent of the Board of Town Commissioners that generally one (1) lane of traffic on street will be available for travel during the parade or special event and that these parades or special events do not constitute an emergency for purposes of closing the streets, sidewalks, footpaths, and thoroughfares to all pedestrian and vehicular traffic.
- (10) It is the intent of the Board of Town Commissioners not to authorize more than three (3) parades or special events per month.

(11) Organizations sponsoring any parade or special event shall agree to provide such traffic control and security as deemed necessary by the Board of Town Commissioners.

(12) No event shall be held, or arrangements made, until a Special Event Permit is received.

(13) Applicants may need to apply with the Health Department for food vending and prepared meals onsite except for pre-packaged foods.

(14) The use of alcohol is strictly prohibited.

(15) Applicants granted a permit must coordinate all planning and logistics with the Events Coordinator for the Town of Upper Marlboro.

V. NOTICE OF REJECTION

The Board of Town Commissioners shall act upon the application for a parade or special event permit within fifteen (15) days after the filing thereof. If the Board disapproves the application, it shall notify the applicant within five (5) days after the date upon which the application was filed, a notice of its action.

VI. APPEAL PROCEDURE

Any person aggrieved shall have the right to request a reconsideration of the denial of a parade or special event permit by the Board of Town Commissioners. The reconsideration shall be taken within thirty (30) days after notice. The Board of Town Commissioners shall act upon the reconsideration within fifteen (15) days after its receipt.

VII. ALTERNATIVE PERMIT

The Board of Town Commissioners, in denying an application for a parade or special event permit, shall be empowered to authorize the conduct of the parade or special event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternative permit shall, within ten (10) days after notice of the action of the Board, file a written notice of acceptance with the Board. An alternate parade or special event permit shall conform to the requirements of, and shall have the effect of a parade or special event permit under, this Ordinance.

VIII. NOTICE TO TOWN AND OTHER OFFICIALS

Immediately upon the issuance of a parade or special event permit, the Clerk shall send a copy thereof to the following:

- (1) President of the Board of Town Commissioners;
- (2) The Town of Upper Marlboro Chief of Police;
- (3) The Fire Chief;

IX. CONTENTS OF PERMIT

Each parade or special event permit shall state the following information:

- (1) Date;
- (2) Starting time;

- (3) Minimum speed;
- (4) Maximum speed;
- (5) Maximum interval of space to be maintained between the units of the parade or special event;
- (6) The maximum length of the parade or special event in miles or fractions thereof;
- (7) Such other information as the Board of Town Commissioners shall find necessary to the enforcement of this Ordinance.

X. DUTIES OF PERMITTEE

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(1) Possession of Permit.

The parade or special event chairman or other person heading or leading such activity shall carry the parade or special event permit upon his person during the conduct of the parade or special event.

XI. PUBLIC CONDUCT DURING PARADE OR SPECIAL EVENT

(1) Interference.

No person shall unreasonably hamper, obstruct or impede, or interfere with any parade, or special event, or parade or special event assembly or with any person, vehicle or animal participating or used in the parade or special event.

(2) Driving through Parade or Special Events.

No driver of a vehicle, shall drive between the vehicles or persons comprising a parade or special event when such vehicles or persons are in motion and are conspicuously designated as a parade or special event.

(3) Parking on Parade or Special Event Route.

The Town of Upper Marlboro Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade or special event. The Chief of Police shall post signs to such effect, and 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 Ordinance.

XII. REVOCAION OF PERMIT

The Board of Town Commissioners shall have the authority to revoke a parade or special event permit issued hereunder upon the application of the standards for issuance as herein set forth.

XIII. PENALTIES

Any person, business entity or corporation found in violation of this Ordinance shall be liable for a municipal infraction and upon conviction thereof, shall be assessed a fine in the amount of \$1,000.00.

This Ordinance shall be effective twenty days after passage, on the _____ day of _____, 2018,

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall repeal and supersede Ordinance 97-2, as amended on August 12, 1997.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2018.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Wanda Leonard, Commissioner

Linda Pennoyer, Commissioner

Attest:

M. David Williams, Clerk

Tonga Turner, President

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____