

Every procession shall proceed at speeds within the existing speed limits governing and presently in force, consistent with traffic conditions, and the escort officer may, if in the officer's best judgment, reduce this speed or bring the procession to a complete stop.

(Code 1950, § 517.5-4)

### **Sec. 54-324. Duty of drivers.**

Each driver in a funeral or other authorized procession shall maintain lighted headlamps and shall follow the vehicle ahead as close as is practicable for safe operation.

(Code 1950, § 517.7)

Secs. 54-325--54-356. Reserved.

## **DIVISION 10. PARADES\***

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**\*Editor's note:** Ord. No. 324 of 1987, § 1, adopted June 22, 1987, amended Div. 10 in its entirety, to read as herein set out. Former Div. 10, §§ 54-357--54-359, 54-376--54-382, pertaining to parades and processions, derived from Code 1950, §§ 332.5-1--332.5-6.

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### **Sec. 54-357. Definitions.**

The following words and phrases, when used in this division, shall have the meanings respectively ascribed to them:

(1) *Central business district* shall be bounded by and shall include the following streets: Commencing at the intersection of Wynkoop Street Bridge and 20th Street; then proceeding southwesterly on Wynkoop Street to Speer Boulevard; then southerly on Speer Boulevard to 13th Street; then southeasterly on 13th Street to Colfax Avenue; then easterly on Colfax Avenue to Lincoln Street; then northerly on Lincoln Street to 20th Street; then northwesterly on 20th Street to the intersection of 20th Street and Wynkoop Street Bridge.

(2) *Parade* shall mean any march, motorcade, cortege, caravan, train, column, promenade, line, cavalcade, or other similar activities consisting of persons, animals, vehicles or things, or combination thereof, upon any public street, alley, or other public place, which is exempt from normal and usual traffic regulations or controls. Parade shall not include an event involving the conduct of exercises, races, sports, or games that is reasonably anticipated to obstruct the normal flow of traffic upon the public way.

(3) *Special event* shall mean any competitive activity consisting of running or walking or biking races or other athletic type of activities, on any public street or right-of-way.

(4) *Extraordinary event* shall mean a time period during which a large-scale special event of national or international significance is occurring within the City and County of Denver and for which a large number of permit applicants are anticipated.

(Ord. No. 324-87, § 1, 6-22-87; Ord. No. 488-02, § 1, 6-24-02; Ord. No. 935-03, § 1, 12-8-03; Ord. No. 56-08, § 1, 2-4-08)

**Sec. 54-358. Waiver of article provisions for security measures for visiting dignitaries.**

The provisions of this division may be waived by the manager of safety when, in the judgment of the manager, security measures are necessary to protect visiting dignitaries; provided, that the visit requiring such measures does not assume the proportions and expressive purposes of a parade or demonstration.

(Ord. No. 324-87, § 1, 6-22-87; Ord. No. 488-02, § 1, 6-24-02; Ord. No. 935-03, § 1, 12-8-03; Ord. No. 56-08, § 1, 2-4-08)

**Sec. 54-359. Exclusion for funeral processions.**

The provisions of this division shall not apply to funeral processions, which are governed by division 9 of this article.

(Ord. No. 324-87, § 1, 6-22-87; Ord. No. 488-02, § 1, 6-24-02; Ord. No. 935-03, § 1, 12-8-03)

**Sec. 54-360. Permit required.**

No parade or special event shall be allowed upon any street or public way until a permit is obtained from the manager of safety in accordance with the provisions of this subdivision.

(Ord. No. 324-87, § 1, 6-22-87; Ord. No. 488-02, § 1, 6-24-02; Ord. No. 935-03, § 1, 12-8-03)

**Sec. 54-361. Application.**

(a) Application to conduct a parade or a special event shall be made in writing to the manager of safety or his designee, or if the mayor declares a specific event an extraordinary event the application shall be submitted to the mayor or his designee, by the person in charge or control of, or responsible therefore.

(b) Such application shall set forth the following information:

- (1) The name, address and telephone number of the applicant and of any other persons, organizations, firms, or corporations on whose behalf the application is made, and the purpose of the parade or special event;
- (2) The name, address and telephone number of the person who will be the parade or special event sponsor and will be responsible for the parade or special event;
- (3) The name, address and telephone number of the person or organization to whom the permit is to be issued;
- (4) The date or dates when a parade or special event is to be conducted and the time the parade or special event is to commence and finish;
- (5) The route to be traveled, the starting point, termination point, and assembly and disassembly area, and/or other areas to be used;
- (6) The estimated number of persons who will participate;
- (7) The number and description of vehicles that will participate;

(c) The application shall be made in writing no sooner than two hundred (200) days prior to the parade or special event and no later than thirty (30) days before the parade or special event,

unless a different time period is specified because the mayor has declared an extraordinary event. Regardless of whether an extraordinary event has been declared, an application may be accepted up to twenty-four (24) hours before a parade if the proposed parade is for the purpose of spontaneous communication of topical ideas that could not have been foreseen in advance of required application period or when circumstances beyond the control of the applicant prevented timely filing of the application. For any application submitted less than thirty (30) days before the parade, the manager or the manager's designee shall promptly issue a permit unless the manager or the manager's designee finds, in writing, within twenty-four (24) hours after the application is received, that the proposed parade creates an immediate, clear and present danger to public health, safety or welfare or violates ordinances or published rules and regulations or there are other grounds for denial pursuant to section 54-364.

(d) Unless there are conflicting applications as governed by section 54-361.5, not more than ten (10) days after receipt of a fully completed application for a permit for a parade or special event the manager shall either issue or deny the permit and shall notify, in writing, the applicant of such issuance or denial. If, within that time period, the manager fails to notify the applicant of the denial of the permit, the permit shall be deemed to have been issued.

(Ord. No. 324-87, § 1, 6-22-87; Ord. No. 488-02, § 1, 6-24-02; Ord. No. 935-03, § 1, 12-8-03; Ord. No. 475-04, § 1, 7-19-04; Ord. No. 56-08, § 1, 2-4-08)

### **Sec. 54-361.5. Conflicting applications.**

(a) *Conflicting applications:* When more than one (1) application for a parade or special event is received on the same business day for the same date and time, the manager or the manager's designee shall issue a permit, subject to the other provisions of this division, based on the following order of priorities:

(1) Historic usage scheduled events where the same applicant has been granted use of a parade or special event route at a particular date and time for more than five (5) consecutive years.

(2) If paragraph (1) of this subsection (a) is not applicable, priority shall be given to a first in time application unless more than one application is submitted on the same business day requesting the same date and time for a parade, in which event, all such applications shall be determined by a lottery.

(b) The lottery shall be conducted as follows: no later than ten (10) days after the conflicting applications are received, the manager of safety or the manager's designee shall draw at random from the applications received for parade permits for the date at issue. The first application so chosen shall be issued a parade permit and have first choice of the time slot, as specified in the application. The second application chosen at random by the manager or the manager's designee shall be granted the parade permit for the second choice time slot, if one is available, for that same day. This process shall continue until all parade applicants are granted a time slot unless the manager determines that a ground for denial as set forth in section 54-364 exists. If any of the chosen applicants for a parade permit on a given day has indicated an unwillingness to conduct a parade in the remaining time slots available, or if the application is disqualified, the manager or the manager's designee shall select another application for the remaining time slots at random, and continue in this fashion until the remaining available time slots are filled. Whenever the mayor has declared an extraordinary event, additional or alternative lottery procedures may be provided in the declaration.

(c) Applications for special events shall not be subject to the lottery process set forth in subsection (b) of this section.

(Ord. No. 56-08, § 1, 2-4-08)

### **Sec. 54-362. Fee.**

(a) All parade or special event applications must be submitted with a nonrefundable application fee for administrative costs of fifty dollars (\$50.00) if the proposed parade or special event will not exceed fifteen (15) blocks and one hundred and fifty dollars (\$150.00) if the parade exceeds fifteen (15) blocks. Whenever the mayor has declared an extraordinary event, the mayor may provide in the declaration for the refund of application fees to applicants who are denied permits for parades for any of the reasons set forth in section 54-364.

(b) The first fifteen (15) blocks of the parade route commencing from the starting point as designated in the application will be policed by peace officers who shall manage traffic and crowd activity at no cost to the applicant. If the designated route exceeds fifteen blocks as measured from the starting point, the cost of staffing the additional parade blocks with peace officers shall be paid by the applicant within forty-five (45) days after the parade has occurred. The cost of the additional parade blocks will be determined at the standard Denver Police Department on-duty over-time rate and be based on the additional length and the size of the parade.

(c) The entire cost of staffing all special events with peace officers shall be paid by the applicant prior to issuance of the permit. The cost of the staffing will be determined at the standard Denver Police Department on-duty over-time rate and be based on the length and the size of the special event.

(Ord. No. 324-87, § 1, 6-22-87; Ord. No. 488-02, § 1, 6-24-02; Ord. No. 935-03, § 1, 12-8-03; Ord. No. 475-04, § 2, 7-19-04; Ord. No. 56-08, § 1, 2-4-08)

### **Sec. 54-363. Reserved.**

**Editor's note:** Ord. No. 56-08, adopted Feb. 4, 2008, deleted § 54-363 in its entirety. Former § 54-363 pertained to indemnification agreement and derived from Ord. No. 324-87, adopted June 22, 1987; Ord. No. 488-02, adopted June 24, 2003; and Ord. No. 935-03, adopted Dec. 8, 2003.

### **Sec. 54-364. Issuance of permit.**

(a) The following restrictions shall apply to permits for all parades:

(1) No parade shall be held between 6:00 a.m. and 9:00 a.m. or 4:00 p.m. and 7:00 p.m. on any day other than Saturdays, Sundays or holidays, within the central business district or on any arterial street.

(2) No parade shall continue to be held beyond the hour of 10:00 p.m. or before the hour of 7:00 a.m.

(3) Reserved.

(4) The manager may investigate the facts set out in the application and may deny a permit if he or she finds that:

a. The proposed parade will substantially interfere with traffic in the area contiguous to the parade route, and that at the time of the proposed parade there are not sufficient city resources to mitigate the disruption;

b. There are specific, articulated concerns that there are not available at the time of the parade a sufficient number of peace officers to police and protect lawful participants in the activity and non-participants from traffic related hazards

only, in light of the other demands for police protection at the time of the proposed parade;

c. The concentration of persons, animals, vehicles, or things at the parade and disbanding areas along the parade route will prevent proper fire and police protection or ambulance service;

d. The applicant or its officers or responsible persons has within the past three (3) years made material misrepresentations regarding the nature or scope of any parade previously permitted;

e. The applicant or its officers or responsible persons has within the past three (3) years violated the material terms of a prior permit;

f. The application does not contain sufficient information about the proposed parade and crowd estimate to enable the manager to evaluate the proposed event under the section.

g. The requested route is inaccessible due to construction or repairs, however, an alternative route will be authorized pursuant to subsection 54-365(1).

(Ord. No. 324-87, § 1, 6-22-87; Ord. No. 488-02, § 1, 6-24-02; Ord. No. 488-02, § 1, 6-24-02; Ord. No. 935-03, § 1, 12-8-03; Ord. No. 475-04, § 3, 7-19-04; Ord. No. 56-08, § 1, 2-4-08)

#### **Sec. 54-365. Review of denial or revocation.**

(a) If an application for a parade permit is denied for the sole reason that there is a conflict of time with another applicant the manager shall authorize the conduct of a parade on an alternate date, time, location, or route. The alternative permit shall, to the extent practicable, authorize a parade that will have comparable public visibility and a similar route, location, and date to that of the proposed parade.

(b) (1) *Decisions subject to appeal:* Applicants or sponsors of parades or special events may appeal the following permit decisions of the manager of safety:

- a. The denial of a permit application;
- b. Any conditions imposed upon the permit;
- c. Revocation of a permit.

(2) *Procedure:* Appeals shall be made subject to the following procedure:

a. Appeals shall be filed with the manager within five (5) business days after the manager notified the applicant or sponsor of the decision from which an appeal is taken:

b. Notices shall be deemed to be effective on the earliest of:

1. On the date the applicant or sponsor of the decision is personally delivered a copy of the decision, or
2. If the decision is mailed, three (3) days after the date of mailing, or
3. If notification is sent by electronic facsimile or mail to the applicant, on the date of transmission, provided that a confirmation of the completed transmission is sent on the same day to the applicant via first class United States mail, postage prepaid;

c. The appeal shall be in writing and specify the grounds for the appeal;

d. The manager shall prepare and send a written decision within five (5)

business days from the receipt of the appeal.

(c) *Expedition of regular appeals:* If the applicant notifies the manager and demonstrates that the time specified above for the appeals process would unreasonably burden the applicant, the manager shall shorten the times so the applicant may receive the final decision sufficiently in advance of the proposed scheduled event.

(d) *Review of manager's decision.* The decision of the manager shall be reviewable under Rule 106(a)(4) of the Colorado Rules of Civil Procedure providing for the review of administrative quasi-judicial determinations.

(Ord. No. 324-87, § 1, 6-22-87; Ord. No. 488-02, § 1, 6-24-02; Ord. No. 935-03, § 1, 12-8-03; Ord. No. 475-04, § 4, 7-19-04; Ord. No. 56-08, § 1, 2-4-08)

### **Sec. 54-366. Revocation of permit.**

(a) Any permit issued for a parade or special event may be summarily revoked by the manager of safety or chief of police, or their designee, at any time when by reason of the occurrence of a disaster, public calamity, security issues or other emergency which by its nature has either put such demands on the police department or other agencies of the city that the holding of the parade would be an imminent hazard to the safety of persons, and that there are not sufficient resources to mitigate the hazard and allow the parade.

(b) Any permit issued for a parade or special event may be summarily revoked on the basis that the requested route is inaccessible due to construction or repairs. However, an alternative route will be authorized pursuant to subsection 54-365(a).

(Ord. No. 324-87, § 1, 6-22-87; Ord. No. 56-08, § 1, 2-4-08)

Secs. 54-367--54-414. Reserved.