
Sec. 17-5. Meetings, demonstrations and parades.

- (a) *Permit requirements.* No person shall conduct a public meeting, assembly, rally, demonstration or parade consisting of 50 or more individuals in or upon a public street, sidewalk, or other public place within the city, or participate in any such function, unless and until a permit to conduct such public meeting, assembly, rally, demonstration or parade has been obtained pursuant to this section 17-5.
- (b) *Application for permit; bond.* Any person wishing to conduct a public meeting, assembly, rally, demonstration or parade, consisting of 50 or more individuals in or upon a public street, sidewalk, or other public place within the city, shall apply to the city manager for a permit no fewer than 14 calendar days in advance of the proposed public meeting, assembly, rally, demonstration or parade; provided, however, that any person wishing to conduct a public meeting, assembly, rally, demonstration or parade in or upon a public street within the city shall apply to the city manager for a permit no fewer than ~~30~~ 90 calendar days in advance of the proposed public meeting, assembly, rally, demonstration or parade if said event requires the closure of any public street within the city. Permit applications shall be made in writing on a special event application form as approved by the city manager requiring the following information and items, all of which shall be required prior to the application being deemed complete:
- (1) The name, address and telephone number of the person applying for the permit. If the permit 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 head of such organization.
 - (2) A statement of the nature or purpose of the proposed use, event or activity.
 - (3) The proposed date and the estimated starting and ending time of the proposed use, event or activity.
 - (4) The proposed location of any assembly areas, disbanding areas, and route(s) proposed, as well as the detour route(s) proposed for pedestrian and vehicular traffic.
 - (5) The type and estimated number of participants, vehicles, and animals, as applicable. The number of participants in each marching unit shall be given and any sound amplifying equipment proposed for use shall be described.
 - (6) The proposed location of any booths, stages, or other temporary structures proposed as part of the proposed use, event, or activity including the submittal of plans and other information providing accurate dimensions of all structures, materials and color information, as well as structural and anchoring details.
 - (7) The proposed location of any electrical equipment to be used, such as amplifiers and lighting equipment, as well as a description of the type and number of such equipment.
 - (8) The proposed location of parking facilities to be used by the event participants.
 - (9) Each permit application and permit shall expressly provide that the permittee agrees to defend, protect, indemnify and hold the city, its officers, employees and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from the alleged acts or omissions of permittee, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the permittee shall, at permittee's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the city, its officers, agents or employees, and that permittee shall pay any settlement entered into and shall satisfy and judgment that may be rendered against the city, its officers, agents or employees as a result of the alleged acts or omissions of permittee or permittee's officers, agents or employees in connection with the uses, events or activities under the permit.

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- (10) The permit application and permit shall provide that the sponsoring entity agrees to be liable to the city for all city departmental service charges incurred in connection with or due to the permittee's activities under the permit. In calculating the departmental service charges, the permittee shall not be responsible for the costs of protecting the permittee and the public from any hostile response to the permitted activity.
 - (11) The applicant or sponsoring entity shall provide to the city, in cash, bond (issued by a surety licensed and admitted to conduct surety business within the state) or letter of credit, in an amount determined from the time to time by city council resolution to cover all city departmental service charges incurred in connection with or due to the permittee's activities under the permit. If city property is destroyed or damaged by reason of permittee's use, event or activity, the permittee shall reimburse the city for the actual replacement or repair cost of the destroyed or damaged property.

(c) *Definitions.* As used in this section:

City manager means the City of Fontana City Manager or his or her designee.

Demonstration or rally means any planned assembly or rally consisting of persons, animals or vehicles, or combination thereof, upon any public street, sidewalk or alley or public place.

Parade means any planned or spontaneous march or procession of persons, animals or vehicles, or combination thereof, upon any public street, sidewalk or alley or public place.

Public meeting means any planned or spontaneous assembly consisting of persons, animals or vehicles, or combination thereof, upon any public street, sidewalk, alley or public place.

(d) *Conditions.*

- (1) No permit shall be issued for the sole purpose of advertising or displaying products, services, or wares by a business establishment or person.
- (2) Events qualifying under the definition of a parade, demonstration or rally shall be limited to a route distance of 1½ miles.
- (3) Official entries for such events, i.e., floats, marching bands, VIP vehicles, equestrians, etc., shall not exceed 150 units.
- (4) No person shall carry or possess any weapon, nor shall any person use any length of lumber, wood, wood lath, metal or like material or bottles or other objects or materials as a weapon, while on public property or while participating in any parade, demonstration or rally.

(e) *Exemptions.*

- (1) Athletic events sponsored by the community services department, i.e., running, walking, bike-a-thons, triathlons, etc. are exempt from the provisions of subsection (d).
- (2) Exempted from this section 17-5 shall be block party permits, which shall be regulated under an appropriate resolution adopted by the city council and establishing guidelines for such activities.
- (3) Any funeral processions.
- (4) Any special event, community/commercial picnic, celebration, parade, service or exercise, or other organized activity held or conducted within a public park or public facility and regulated pursuant to chapter 19, article I of this Code.
- (5) Any co-sponsored events, but only to the extent provided for by city guidelines established for co-sponsorship.

(f) *Processing of permits.*

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- (1) If a complete application is filed after the filing deadline, the city manager shall immediately investigate to determine if he or she has sufficient time to process the application, to investigate the effects of the proposed use, event or activity on traffic and other conditions, and to obtain police services for such permit. The applicant shall have an opportunity to demonstrate that the circumstances giving rise to the proposed use, event or activity did not reasonably allow the participants to file for a permit within the time prescribed and that imposition of the time limitation would unreasonably restrict the right of free speech. If such a demonstration is made, and the city manager makes none of the findings set forth in subsection (f)(3)b., he or she shall issue a permit despite the lack of 14 calendar days' advance application (or, in the case of events requiring ~~30~~ 90 calendar days' advance notice, despite the lack of ~~30~~ 90 calendar days).
 - (2) The permit application shall be considered complete on the date that the information and security required by this section is provided.
 - (3) The city manager shall issue the permit, conditioned upon the applicant's written agreement to comply with ~~any and all~~ the terms of this section and any conditions imposed on the issuance of the permit, unless he or she finds that:
 - a. The information contained in the application is false or intentionally misleading or the applicant ~~fails~~ failed to complete the application after having been notified of additional information that is required.
 - b. The activity will endanger public health, welfare or safety for the reasons set forth herein, and reasonable adjustments to the community traffic control, street and property maintenance, or police, fire, or ambulance protection would not alleviate such danger.
 1. An application received prior in time has been approved for the same time and place so close as to cause undue traffic congestion or exceed the ability of the city to provide police and other services for both uses, events or activities.
 2. The time, route, or size of the proposed use, event or activity will substantially and unreasonably interrupt the safe and orderly movement of pedestrian or vehicular traffic in contiguous areas or will disrupt the use of streets or rights-of way at a time of usual traffic congestion.
 3. The concentration of persons, animals and vehicles, or a combination thereof, for the proposed use, event or activity will prevent proper police, fire or ambulance service to contiguous areas.
 4. The proposed use, event or activity is of a size or nature that requires a diversion of so great a number contiguous area that will prevent reasonable police protection to the remainder of the city.
 5. The location of the proposed use, event or activity will substantially interfere with construction or maintenance work scheduled upon or along the city streets or rights-of-way or will interfere with a previously granted encroachment permit.
 6. The permittee has failed to provide for the services of sufficient monitors to control the orderly conduct of the proposed use, event or activity.
 7. The permittee has failed to provide a reasonable means of informing all of the persons participating therein of the terms and conditions so such permit.
 8. The proposed use, event or activity will result in harm to persons or property.

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9. The preparation for or the conduct of the proposed use, event or activity will unduly impede, obstruct, or interfere with the city's ability to perform municipal functions or furnish city services in the vicinity of the permit area.
- (4) When the grounds for denial of an application can be corrected by altering the date, time, duration, route, location, maximum length, speed, stops permitted, accommodation of other traffic and number and types of vehicles, the city manager shall, instead of denying the application, conditionally approve the application subject to such corrections and conditions. The conditions imposed shall provide only for such modification of the applicant's proposal as are reasonably necessary to comply with subsection (f)(3)b.
- (5) The city manager shall uniformly consider each application upon its merits, and shall not deny any permit based upon political or religious grounds or reasons.
- (6) Within 14 calendar days after the filing of the permit application (~~or, in the case of events requiring 30 90 calendar days, within 30 90 calendar days after the filing of the application~~) the city manager shall issue or deny the permit, and shall notify the applicant, in writing, of the action taken. Such service shall be made either by personal service, fax, email or first class mail (postage prepaid). In those instances when issuance or denial occurs three days or less before the proposed use, event, or activity the city manager is authorized to use other reasonable means of notification provided the applicant is provided actual notification.
- (7) If the city manager denies the permit, he or she shall set forth the reasons for denial. The city manager's decision shall be final unless appealed.
- (8) Any applicant may appeal the final decision of the city manager to the city council. Appeals shall be filed with the city clerk within two calendar days after the applicant is served with written notice of the decision. Except as otherwise provided in 17-5 (f)(3)b.6, failure of any person to receive written notice shall not invalidate same. The city council shall act upon the appeal at the next regularly scheduled city council meeting held more than seven calendar days and less than 14 calendar days after the filing of the appeal. If no such meeting is scheduled, the mayor shall call a special city council meeting to consider and act upon such appeal within 14 calendar days after the filing of such appeal.
- (9) Expedited judicial review of any decision made by the city council made pursuant to section 17-5 may be had pursuant to Code of Civil Procedure Section 1094.8.
- (g) *Street closure.*
- (1) The city manager may authorize the temporary closure of streets or highways for meetings, assemblies, rallies, demonstrations or parades for which a permit has been issued pursuant to this section 17-5.
- (2) Once authorized pursuant to subsection (g)(1), the chief of police or any on-scene peace officer supervisor may cause the closure of such streets and highways as designated by the city manager, as well as additional streets and highways for if such supervisor deems such additional closure necessary in order to ensure safety of persons or property in the area and the orderly flow of traffic.
- (h) *Interference.*
- (1) No person shall, without the consent of the permittee, join or participate in any parade, public meeting, rally, demonstration or assembly, or in any manner interfere with its progress or orderly conduct.
- (2) Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.
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(Code 1968, § 16-5; Ord. No. 1472, § 1, 2-1-05; Ord. No. 1503, § 1, 6-27-06; Ord. No. 1543, § 1, 2-26-07)

Cross reference(s)—Picnics, parades, etc., in parks, § 19-2; streets and sidewalks, ch. 25.