
Sec. 18-1. Purpose and Intent.

The City recognizes and supports the public's right of assembly and free speech and to utilize public rights-of-way for such purposes. At the same time, the City has an important and compelling governmental interest in protecting property, public safety, health, and welfare, and controlling use of streets and other public venues. The City is also concerned about the adverse effects to the public health, safety, and welfare that may result from the gathering of large crowds of people at large events on private property. This chapter seeks to accommodate public rights of speech and assembly, as well as private property rights, while protecting the public health, safety, and welfare by establishing procedures, terms, and conditions for the operation of large events on both public and private property.

(Ord. No. G-13-12, § I, 5-2-13)

Sec. 18-2. Definitions.

For the purposes of this chapter, the following terms have the meanings given:

- (a) *"Additional police services"* means policing services above and beyond the level of service that would normally be provided by regular on-duty officers of the Frederick Police Department in the location and at the time of the proposed event.
- (b) *"Block party"* means a temporary gathering held on a public street within a residential neighborhood, requiring the closure of a street or portion of a street.
- (c) *"Dangerous weapon"* means a device designed or capable of being used to inflict serious injury upon a person or property, including, but not limited to, firearms, knives with a blade exceeding three (3) inches in length, razor blades, metallic knuckles, clubs, blackjacks, night sticks, dynamite cartridges, bombs, grenades, mines, and any other explosive or incendiary device.
- (d) *"Large private event"* means any festival, performance, party, or like occurrence that:
 - (1) is held outside in a parking lot, field, lawn, driveway, or like area which is not contained within a permanent improvement having a roof supported by enclosing walls, lattices, or other upright structural configuration; and
 - (2) has or reasonably should be anticipated to have two thousand (2,000) or more individuals in attendance at any one time during the occurrence.

"Large private event" does not include:

- (1) any event held inside a theater, church, school, assembly hall, arena, governmental council chamber or board meeting room, or like area within a structure and specifically designed to be used as a place for the assemblage of individuals, provided the anticipated attendance does not exceed the established occupant load;
 - (2) a parade, race, walkathon, or other event occurring on public property;
 - (3) events held on the grounds of a school, place of worship, business, or nonprofit corporation and attended primarily by attendees of the school, place of worship, business, or nonprofit corporation;
 - (4) the annual Great Frederick Fair; or
 - (5) family reunions.
- (e) *"Mayor"* means the Mayor of The City of Frederick or the Mayor's designee.

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- (f) *"Parade"* means any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles, or a combination thereof, upon the streets, parks or other public grounds within the City with an intent of attracting public attention that affects or may reasonably be expected to affect the normal flow or regulation of vehicular or pedestrian traffic upon the streets, parks or other public grounds.
 - (g) *"Permit"* means written permission for an event pursuant to this chapter.
 - (h) *"Race"* means a competitive, athletic event conducted on foot, using bicycles or other mechanical devices, using a street, park, or other public ground of the City as its primary route of travel.
 - (i) *"Walkathon"* means a procession or march using a sidewalk or shoulder or other portion of a public way, other than the portion of the public way used for vehicular traffic, as its primary route of travel.

(Ord. No. G-13-12, § I, 5-2-13)

Sec. 18-3. General Provisions.

- (a) *Administration.* Except as otherwise provided, this chapter shall be administered by the Mayor. The Mayor is hereby authorized to adopt administrative regulations as needed to administer the provisions of this chapter.
- (b) *Content-neutral decision-making.* To achieve the purposes of this chapter without undue interference with protected rights of speech and assembly, decisions to issue, deny, or conditionally approve permits shall not be based on the content of a message associated with the event absent a compelling governmental interest. Notwithstanding that general standard, protections otherwise applicable to speech and assembly are limited and may not extend to speech or assembly that is intended to or has the result of causing public alarm, disruption, falsehood, or other form of expression that is not protected under the laws or constitution of Maryland or the United States. This chapter seeks to impose reasonable time, place and manner controls in an appropriate and limited manner upon events for which permits are required. This chapter will be administered in a manner that seeks to allow for expression in accordance with applicable constitutional and statutory limits and controls.

(Ord. No. G-13-12, § I, 5-2-13)

ARTICLE II. PARADES, RACES AND WALKATHONS

Sec. 18-8. Permits and exemptions.

- (a) *Applicability and permit requirement.* This article applies to parades, races, and walkathons. Except as otherwise provided in subsection (b) of this section, a person shall not engage in or conduct a parade, race, or walkathon unless that person has a current and valid permit issued in accordance with this chapter. An agent or representative of a permittee shall not knowingly fail to comply with any term or condition of the permit.
- (b) *Exemptions.* A permit is not required for:
 - (1) a funeral procession;
 - (2) students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;
 - (3) a governmental agency acting within the scope of its functions; or

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- (4) a spontaneous event involving a parade occasioned by news or affairs coming into public knowledge within five (5) days prior to the event, provided that:
 - (A) the event occurs in a public area in a manner that does not unduly disrupt or inconvenience the public in the use of the area; and
 - (B) the organizer or sponsor of the event provides written notice to the Mayor at least twenty-four (24) hours prior to the start of the parade or public assembly, or other prior notice as may be reasonable under the circumstances.
 - (c) *Application period.* Applications for permits must be filed at least ninety (90) days, but no more than one year, before the event for which the permit is sought.

Sec. 18-9. Issuance of permits.

- (a) *Criteria.* In deciding whether to issue a permit, the Mayor shall consider previously filed applications, or permits previously issued, for other events for reasonably contemporaneous times and proximate locations which might unduly inconvenience the public in the use of public facilities, or unreasonably strain public facilities or services, or otherwise have an immediate and adverse effect upon the welfare and safety of persons and property. The Mayor shall issue a permit when, from a consideration of the application and from such other information as may otherwise be obtained, the Mayor finds that:
 - (1) the application is complete and sets forth accurately and in sufficient detail the information required for consideration;
 - (2) conduct of the event will not unduly inconvenience either the public in using public areas normally open for general public use or the City in the conduct of governmental operations;
 - (3) adequate sanitation and other required health facilities are or will be made available in or adjacent to the area in which the event will be held;
 - (4) there are sufficient parking places to accommodate the number of vehicles reasonably expected;
 - (5) the event is not likely to have an adverse impact on the ability of the Frederick Police Department to provide normal police protection to the City, and the applicant has arranged, if necessary, for private event security or for additional police services in accordance with § 18-10 of this chapter;
 - (6) no event is scheduled elsewhere in the City where municipal resources (including but not limited to law enforcement, fire, or public works personnel) required for the events are so great that their deployment would have an immediate and adverse effect upon the welfare and safety of persons and property;
 - (7) the event is not likely to substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
 - (8) the potential for concentration of persons, animals, and vehicles at public assembly points of the event is not likely to unduly interfere with proper fire protection of, or ambulance service to, areas contiguous to public assembly areas; and
 - (9) the event is not likely to cause injury to persons or property.
- (b) *Action on applications.*
 - (1) *Decision.* Upon consideration of the criteria set forth in subsection (a) of this section, the Mayor shall approve the permit application, approve it with conditions, approve it with modifications; or deny the application.

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- (2) *Timeframes.* Unless otherwise agreed to by the applicant, the Mayor shall act on an application within forty-five (45) days after determining that the application is complete.
 - (3) *Notice.* The Mayor shall notify the applicant of action on the application by personal delivery or first class mail. If the application is approved with conditions, approved with modifications, or denied, the notice shall include a statement of the grounds for such action.

(Ord. No. G-13-12, § I, 5-2-13)

Sec. 18-10. Special expenses.

(a) *Police services.*

- (1) *Determination.* During the Mayor's review of a permit application in accordance with § 18-9 of this chapter, the Mayor shall determine whether the proposed parade, race, or walkathon is likely to require additional police services. In making the determination, the Mayor shall consider the number of people anticipated to attend the event, whether alcohol will be provided as part of the event, and the location, duration, time, and date of the event. The Mayor shall not consider the speech content of the event in determining the amount of police services necessary. If the Mayor determines that additional police services are required, the Mayor will notify the applicant.
- (2) *Responsibilities of applicant.* An applicant is solely responsible for securing additional police services at such a level as to reasonably allow the event to proceed without compromising public safety or unduly burdening the operations of the Frederick Police Department, as determined by the Mayor. To meet this obligation, the applicant shall either hire private security or contract with the City for the provision of the additional police services by the Frederick Police Department. The applicant is solely responsible for all costs associated with the provision of private security services or, unless otherwise agreed by the City, additional police services by the Frederick Police Department.

(b) *Public works.*

- (1) *Determination.* In the same manner as is set forth in subsection (a)(1) of this section regarding the use of additional police services, the Mayor shall determine whether an applicant is required to pay for or provide additional public works-related materials or services such as lighting, refuse receptacles and pick-up, sanitary facilities, traffic control signs, devices or personnel. If the Mayor determines that additional public works-related materials or services are required, the Mayor will notify the applicant.
- (2) *Responsibilities of applicant.* An applicant is responsible for paying for or providing such additional public works-related materials or services, as determined by the Mayor, as are reasonably necessary to allow the event to proceed without unduly burdening City resources or creating a threat to public health, safety or welfare. In addition, a permit holder shall provide, at the permit holder's expense, a reasonably sufficient number of containers for the disposal of recyclable refuse and shall, within twenty-four (24) hours after the conclusion of the event, remove and properly dispose of the contents of the containers.

(Ord. No. G-13-12, § I, 5-2-13)

Sec. 18-11. Traffic.

A permit applicant proposing to conduct a parade, race, or walkathon that will require the closure of a City street or lane shall make application to the City Engineer for a Temporary Street/Lane/Sidewalk Closure Permit. The Mayor may not issue a permit for an event that requires a street or lane closure until any necessary street closure permit has been issued by the City Engineer.

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(Ord. No. G-13-12, § I, 5-2-13)

Sec. 18-12. Public conduct.

- (a) *General standard.* In addition to any other prohibition set forth in this chapter, a person shall not unreasonably hamper, obstruct or impede, or interfere with any parade, race, or walkathon or with any person, vehicle or animal participating or used in such an event.
- (b) *Vehicles.* Unless otherwise directed by a member of the Frederick Police Department, the driver of a vehicle may not drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade or public assembly.
- (c) *Parking.* The City, when reasonably necessary, may prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade, race, or walkathon, and shall post signs to that effect. Any person who parks or leaves a vehicle unattended in violation of such requirement in a posted area shall be guilty of a parking violation and may be issued a citation or towed in accordance with Chapter 13 of this Code.
- (d) *Signs.* A person may not carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is one-half ($\frac{1}{2}$) inch or less in thickness and two (2) inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths ($\frac{3}{4}$) inch in its thickest dimension. A person may not carry any sign, poster, plaque, or notice, whether or not mounted on a length of material as specified in this subsection, unless such sign, poster, plaque, or notice is constructed or made of cloth, paper, cardboard, vinyl, corrugated plastic, or other material without the apparent potential to cause personal injury or property damage.

(Ord. No. G-13-12, § I, 5-2-13)