

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
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- 16-104. Projecting signs and awnings, etc., restricted.
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- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Operation of trains at crossings regulated.
- 16-111. Animals and vehicles on sidewalks.
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16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1988 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1988 Code, § 12-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1988 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted.

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1988 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted.

It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley. Exceptions to this section may be approved by the city council for the City of Dayton on a case-by-case basis only for civic, non-profit organizations who request to place signs or banners across or above a public street or alley and provided that the signs are of a civic, non-profit nature and purpose. For purposes of this section, "non-profit organizations" are defined as follows: those organizations that have a current exemption certificate from the Internal Revenue Service issued under section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended. (1988 Code, § 12-105, as replaced by Ord. #497, Feb. 2008)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1988 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1988 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1988 Code, § 12-108)

¹Municipal code reference
Building code: title 12, chapter 1.

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1988 Code, § 12-109)

16-110. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of forty-five (45) miles per hour. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1988 Code, § 12-110)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1988 Code, § 12-111)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1988 Code, § 12-112)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
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- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (1988 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the city recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the city recorder within twenty-four (24) hours of its filing. (1988 Code, § 12-202)

16-203. Fee. The fee for such permits shall be twenty dollars (\$20.00). (1988 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city recorder a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the city recorder a surety bond in such form and amount as the city recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1988 Code, § 12-204)

16-205. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1988 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the

city recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1988 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1988 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city recorder. (1988 Code, § 12-208)

16-209. Supervision. The person designated by the board of mayor and aldermen shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1988 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the

building inspector. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1988 Code, § 12-210)

CHAPTER 3

SPECIAL EVENTS AND PARADES

SECTION

- 16-301. Definitions.
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16-301. Definitions. (1) "Parade." 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 city.

(2) "Permit." A permit as required by this chapter.

(3) "Sound amplifying system." Any system of electrical hook-up or connection, loud speaker system or equipment, sound amplifying system, and any apparatus, equipment, device, instrument, or machine designed for or intended to be used for the purpose of amplifying the sound or increasing the volume of the human voice, musical tone, vibration, or sound wave.

(4) "Special event." The temporary use, with a valid permit, of public property including streets, sidewalks, beaches, parks, harbor, and community centers for the purpose of conducting certain short-term events such as art shows, music concerts, fund-raising events, sidewalk sales, amusement attractions, circuses, carnivals, rodeos, sporting events, including but not limited to, walkathons, marathon runs, exhibitions, or related activities. (1988 Code, § 12-301)

16-302. Permit required. No person shall organize, produce, direct, conduct, manage, institute, or carry on any special event or parade without a permit from the city. A permit is required if applicant desires to reserve and preempt public use of a portion of public property for a temporary period. No person shall promote, advertise, encourage, or solicit attendance or otherwise participate in any way in a special event or parade for which no permit has been issued, or for which the permit has been suspended or revoked. (1988 Code, § 12-302)

16-303. Interference with special event or parade. No person shall knowingly join or participate in any special event or parade in violation of any of the terms, conditions, or regulations of the permit issued therefor, or knowingly join or participate in any special event or parade without the consent and over the objection of the permittee or in any manner interfere with the orderly conduct of such event. (1988 Code, § 12-303)

16-304. Special events committee established. There is hereby established a special events committee composed of the chief of police, the fire chief, the recreation director, and the city manager, or their designated representative. The city manager or his authorized representative shall be the chairperson of the committee. (1988 Code, § 12-304)

16-305. Permit application for special events other than parade.

(1) An application for a permit for a special event shall be filed with the city manager not less than fifteen (15) days nor more than sixty (60) days before the date proposed for holding of a special event. The application shall be signed by the applicant or his/her authorized agent and shall be accompanied by a nonrefundable processing fee of one dollar (\$1.00) to cover administrative costs. The fee shall be payable to the City of Dayton.

(2) An application for a parade permit shall be made pursuant to the provisions set forth in § 16-323.

(3) Music concert permits shall be issued according to procedures set forth in this chapter.

(4) Applicant may be required to obtain a separate "public dance" permit. (1988 Code, § 12-305)

16-306. Contents of application. Application for a permit to hold a special event shall be made on forms provided by the city and approved by the special events committee. The application shall contain the following:

(1) The name and address of the applicant, and if the applicant is a corporation, the names of its principal officers or if it is a partnership, association, or organization, the names of the partners or person comprising the association, organization, or company with the address and telephone number of each.

(2) If the applicant is a charitable or religious association, the application shall be signed by two (2) officers of the association, and shall include the following:

(a) A list of the names of all persons authorized to solicit contributions on behalf of the association.

(b) Total amount of funds sought to be raised.

(c) The percentage of funds to be used for expenses and percentage of funds to be used for charitable or religious purposes.

(d) If a promoter or noncharitable association or entertainment group or person is to be used to raise funds for the charitable association, the name and home and business addresses of the promoter, noncharitable association, entertainment group, or person.

(3) A detailed description of the special event proposed to be held, the number of persons participating in the event, number of spectators and vehicles expected, the purpose of the event, the date, hours and location where the event is proposed to be held, and participate entry fee, if any, to be charged.

(4) A detailed description of the equipment to be used, if any, including the number and types of vehicles; the number of sound amplifying systems, whether mounted, portable or stationary; the time and area of operation of the sound amplifying systems; the number and type of special units such as musical groups, animal zoos, or shows and the like.

(5) An agreement that the city shall be compensated for any damage to public property, and that the site shall be cleaned and restored to the condition in which it was found prior to the holding of the special event.

(6) A detailed list of items to be sold and/or given away.

(7) Such other information as the special events committee may require to adequately evaluate the application. The application shall be signed by the applicant under penalty of perjury. (1988 Code, § 12-306)

16-307. Procedure for processing applications. All applications for permits to hold special events shall be filed with the city manager to be forwarded to the members of the special events committee for investigation of the persons involved with the activity proposed to be conducted, and other facts, circumstances, and information relating to the application. The committee shall, within thirty (30) days after the filing of an application, grant or refuse to issue a permit. If any member of the committee objects to the issuance of the permit, the chairperson shall promptly convene a meeting of the committee. If the committee does not unanimously approve the permit, the permit shall be denied. Applicant may appeal the denial as set forth in § 16-318 of this chapter. Grounds for denial of a permit are set forth in § 16-311. (1988 Code, § 12-307)

16-308. Notice of granting or refusal of permit. The granting or refusal of any permit by the special events committee shall be final unless appealed to the city council within ten (10) days from the date of service of written notice of the decision of the committee on the application. Failure to file an appeal within this ten (10) day period shall constitute a waiver of the right to appeal. The notice shall be deemed received five (5) days after deposit, postage prepaid, in the United States mail. (1988 Code, § 12-308)

16-309. Surety and insurance. Prior to the issuance of a permit, the special events committee shall require:

(1) In lieu of an agreement to compensate the city for loss or damage to public property, the deposit of a surety bond or cash in an amount sufficient to guarantee the cleaning up of the site and the removal of any debris left as a result of the holding of a special event. If it is determined that the special event will warrant the presence of police officers, paramedics, or special officers for patrol or parking duty, the special events committee shall also require the deposit of a surety bond or cash in an amount sufficient to pay the additional costs of providing these officers; and

(2) That the applicant provide public liability insurance and property damage insurance, including products liability coverage written by an insurance company acceptable to the city in limits of not less than one hundred thousand dollars (\$100,000.00) to five hundred thousand dollars (\$500,000.00) per occurrence, naming the City of Dayton as insurers; or

(3) Execute a hold harmless agreement indemnifying the City of Dayton for any personal injury or property damage arising from the special event.

The special events committee shall consider the recommendation of the city manager, the likelihood of harm to participants and spectators, as well as the financial hardship to the applicant when deciding if insurance is required. (1988 Code, § 12-309)

16-310. Conditions for granting permit. (1) A condition to granting the permit the special events committee may impose reasonable terms and regulations concerning the time and place of the event; the area and manner of conducting the event; the maximum number of persons participating therein; the regulation of traffic, if required, including the number and type of vehicles, the number and type of signs and barricades to be provided by the applicant, if any, together with a plan of their disposition attached to the application; permissible decibel levels; and such other requirements as it may find reasonable and necessary for the protection of persons and property.

(2) The special events committee may require applicant to compensate the city for incidental costs such as utility charges and increased fire and police protection. Permittee, as a condition to granting the permit, agrees to bear these costs.

(3) As an additional condition to granting the permit, applicant shall be required to ensure that participants and spectators of the special event abide by the rules and regulations of this code and all other applicable local, state, and federal laws.

(4) The city police department has the authority to stop a special event at any time it determines the public safety is in jeopardy.

(5) Applicant is prohibited from charging any spectator a fee for observing a special event at the beach unless approved in writing by the city manager.

(6) Applicant may request a waiver of any condition set forth herein or otherwise found in this code in accordance with procedures allowing the waiver to be granted. (1988 Code, § 12-310)

16-311. Grounds for denial of permit. The special events committee shall not issued any permit if it finds any of the following:

(1) The application is not on form provided or does not contain the required information.

(2) The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application for a permit.

(3) The building, structure, equipment, or location of the special event does not comply with or fails to meet any of the health, zoning, fire, and safety requirements or standards of the City of Dayton, County of Rhea, or the State of Tennessee applicable thereto.

(4) The activity or location of the activity is such as to interfere with or unreasonably obstruct the free flow of vehicular traffic or other means of travel on any public street, or pedestrian traffic on the sidewalks.

(5) Proof of insurance, as may be required by this chapter as a prerequisite to the holding of a special event, has not been filed with the city.

(6) The conduct of the special event will be contrary to law.

(7) The conduct of the special event will unreasonably interfere with the preservation of the public peace, health, safety, or welfare of the public.

(8) Applicant has had a similar special event permit denied for good cause within one (1) year prior to the application, and can show no material change in circumstances since that denial.

(9) Applicant refuses to agree to abide by or comply with all conditions and regulations attendant to the permit.

(10) The event will interfere or conflict with another event for which a permit has already been issued, or will interfere or conflict with another event for which no permit is required by this code.

The special events committee shall notify applicant in writing specifically stating all reasons for denial of the permit. (1988 Code, § 12-311)

16-312. Reconsideration of applications. The special events committee may reconsider all or part of an application for a permit, or any permit previously granted, either upon request of the applicant or a member of the committee after five (5) days written notice thereof to applicant. The motion for reconsideration shall not be a condition precedent to judicial review. (1988 Code, § 12-312)

16-313. Contents of special event permit. A special event permit shall contain the following:

(1) The name of the person or organization to whom issued.

(2) The address and telephone number of the person or organization named on the permit.

(3) The type of activity for which the permit has been issued.

(4) The date, hour, and location for the event.

(5) Expiration date.

(6) Any conditions imposed on the holding of the special event. (1988 Code, § 12-313)

16-314. Submission of alternative upon denial of permit. If a permit has been denied because of a conflict of date or hour for the proposed event, the applicant may request reconsideration of the application and submit therewith an alternative date and hour for the holding of the event. (1988 Code, § 12-314)

16-315. Consideration of late applications. The special events committee, in its discretion, may consider any application filed with the recreation department less than fifteen (15) days prior to the time requested for holding a special event. (1988 Code, § 12-315)

16-316. Notice to city departments of issuance of permit. Upon issuance of a special event permit, the recreation department shall forward a copy of the permit, including conditions imposed thereon, to the police and fire departments. (1988 Code, § 12-316)

16-317. Suspension or revocation of permit. A permit for an event issued hereunder shall be summarily suspended or revoked by the special events committee at any time:

- (1) When it has reasonable cause to believe that any of the grounds exist for which the original application for permit would have been denied; or
- (2) When it has reason to believe that the health, safety, and welfare of persons or property would be endangered because of real or threatened disaster, public calamity, riot, or other emergency.

Notice of the suspension or revocation shall be made in writing to the applicant or permittee. (1988 Code, § 12-317)

16-318. Appeal of denial, suspension, or revocation of permit. An appeal from a denial, suspension, or revocation of a permit may be taken to the city council within ten (10) days after service of notice of such action on the application or permittee. The appeal shall be in writing, setting forth fully the grounds upon which the appeal is based, and shall be filed with the city recorder who shall forward copies to the city council and members of the special events committee. The special events committee shall submit to the city council a report of the case appealed. (1988 Code, § 12-318)

16-319. Council action on appeal. (1) Within thirty (30) days after filing the appeal with the city recorder, the city council shall consider the appeal at a regular meeting. Written notice of the time and place the council will consider the appeal shall be mailed by the city recorder to the person who filed the appeal at least ten (10) days before the date set for hearing unless the applicant/permittee waives notice in writing.

(2) In any appeal, the city council shall consider the application, the report of the case submitted by the special events committee, and other pertinent information presented, and may grant or deny the permit subject to the conditions, terms, and regulations set forth in this chapter. The decision of the council shall be final.

(3) The city recorder shall, within three (3) days after decision of the city council, notify the applicant/permittee in writing of the decision of the council. (1988 Code, § 12-319)

16-320. Decision review by council. (1) The city council may, on its own motion, made within twenty (20) days after the decision of the special events committee, review the issuance, denial, suspension, or revocation of any permit, or review any condition, term, or regulation attached thereto.

(2) If, after review, the city council determines that the matter should be considered on appeal before it, it shall order the city recorder to notify the applicant/permittee, special events committee, and any other affected parties of the time and place of such consideration, as hereinabove provided. After such consideration, the city council may grant or deny the permit subject to the conditions, terms, and regulations set forth in this chapter. (1988 Code, § 12-320)

16-321. Exceptions for city. No permit shall be required under this chapter for any event sponsored or co-sponsored by the City of Dayton. (1988 Code, § 12-321)

16-322. Parade permit exceptions. The provisions of this chapter dealing with parades shall not apply to:

- (1) Funeral processions.
 - (2) Students going to and from school classes or participating in educational activities, if 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.
- (1988 Code, § 12-322)

16-323. Parade permit application. A person seeking issuance of a parade permit shall file an application with the city manager on forms provided by the city manager.

(1) Filing period. An application for a parade permit shall be filed with the city manager not less than thirty (30) days nor more than forty-five (45) days before the date on which the parade is to be held.

(2) Contents. The application for a parade permit shall set forth the following information:

- (a) The name, address, and telephone number of the person seeking to conduct the parade.
- (b) If the parade 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 the organization.

(c) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

(d) The date when the parade is to be conducted.

(e) The route to be traveled, the starting point, and termination point.

(f) The approximate number of persons, animals, and vehicles, that will constitute the parade; the type of animals, and a description of the vehicles.

(g) The hours when the parade will start and end.

(h) A statement whether the parade 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 the parade.

(j) The time at which units of the parade will begin to assemble at any such assembly area or areas.

(k) The interval of space to be maintained between units of the parade.

(l) If the parade is designated to be held by and on behalf of or for any person or organization other than the applicant, a statement in writing from the person or organization proposing to hold the parade authorizing the applicant to apply for the permit on behalf of the person or organization.

(m) The number, names, and addresses, if known, of any persons who will assist the applicant or the person or organization on whose behalf the application is filed to maintain orderly conduct among persons participating in the parade.

(3) Fee. There shall be paid at the time of filing the application for a parade permit a fee of fifteen dollars (\$15.00). (1988 Code, § 12-323)

16-324. Standards for issuance. The city manager shall issue a permit as provided for by this chapter when, after a consideration of the application and other information otherwise obtained, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and areas contiguous thereto as to prevent adequate police protection to the city.

(3) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection to areas contiguous to the assembly areas.

(4) The conduct of the parade will not interfere with the movement of fire fighting equipment enroute to a fire.

(5) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct, or create disturbance.

(6) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.

(7) The parade will not have as a primary function the publication or advertisement of a person, business, organization, or event, even though that event is sponsored for charity; however, a permit shall not be issued for a parade if any major portion of the theme of the parade is directed at solicitation of funds, sale of merchandise or tickets, or any other exploitation of the spectators. Further, a permit shall not be issued if the parade as sponsored would endanger public safety.

the city manager shall act upon the application for a parade permit within ten (10) days after the filing thereof. If the city manager disapproves the application, within two (2) days after his decision he shall mail to the person or to the organization on whose behalf the application was filed, to the mail address shown on the application for that person or organization, a notice of his actions stating all reasons for his denial of the permit. (1988 Code, § 12-324)

16-325. Alternative permit. The city manger, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within the time provided for filing a notice of appeal after notice of the action of the city manger, file a written notice of acceptance with the city manager. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this chapter. (1988 Code, § 12-325)

16-326. Notice of issuance of parade permit. Immediately upon the issuance of a parade permit, the city manger shall send a copy thereof to the following:

- (1) The chief of police.
- (2) City attorney.
- (3) Fire chief.
- (4) Mayor. (1988 Code, § 12-326)

16-327. Contents of parade permit. Each parade permit shall state the following information:

- (1) Starting time.
- (2) Minimum speed.
- (3) Maximum speed.

- (4) Maximum intervals of space to be maintained between the units of the parade.
- (5) Portions of the street to be traversed that may be occupied by the parade.
- (6) The maximum length of the parade in miles or fractions thereof.
- (7) Such other information as the city manager finds necessary to the enforcement of this chapter. (1988 Code, § 12-327)

16-328. Parade permit revocation. The city manager may revoke a parade permit issued hereunder and order the dispersal of the participants of the parade upon the refusal of the applicant, person, or organization or the participants of the parade to conduct the parade pursuant to the provisions of the parade permit issued. (1988 Code, § 12-328)

16-329. Duties of permittee; chairman to carry permit. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinance.

The parade chairman or other person heading or leading the activity shall carry the parade permit upon his person during the conduct of the parade. (1988 Code, § 12-329)

16-330. Regulations generally. (1) Interference. No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

(2) Driving through parade. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

(3) Parking on a parade route. The city manager may, when reasonably necessary, prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The city manager shall post signs to this effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking in a street unposted in violation of this section. (1988 Code, § 12-330)

16-331. Appeal procedure. Any person or organization aggrieved may appeal the denial of a parade permit to the city council. A notice of appeal shall be filed within five (5) days after mailing of the notice of denial. The city council shall act upon the appeal at the next regular scheduled or adjourned meeting of the city council occurring after the filing of the notice of appeal. The notice of appeal shall be considered to have been filed upon its receipt in the mail by the

City of Dayton. The notice of appeal shall be addressed to the city manager or the city recorder of the City of Dayton. The city council shall act to grant or deny the appeal at the first meeting at which the appeal is on the council's agenda unless the appellant agrees to a continuance of the matter for further consideration. No other action than filing the notice of appeal shall be necessary to have the appeal placed on the agenda of the city council. (1988 Code, § 12-331)

16-332. Penalty for violation. Any person violating any provision of this chapter or condition of the permit shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the general penalty clause for this code of ordinances. (1988 Code, § 12-332)