ORDINANCE 16-16

AN ORDINANCE RELATING TO PARADES, MARCHES, WALKS AND DEMONSTRATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, IOWA:

Section 1. Section 42.08 of the Code of Ordinances is amended by deleting Subsections 42.08(1) (2), and (3) in their entirety and inserting in lieu thereof the following:

1. Application. It is unlawful for any parade, demonstration, march or rally of any kind or nature to be held upon the public street, sidewalk or public ground unless a hold harmless agreement is first obtained. The application for a hold harmless agreement shall be filed with the City Manager’s Office and shall contain a description of the proposed activities, their duration and location within the City. If a parade or march is contemplated, then the route shall be shown in detail. The correct name of the sponsoring organization shall be set out in the application along with the name and address of all officers and directors or owners or partners, depending upon the type of legal organization. The application must be filed with the City not less than seventy-two (72) hours before the proposed activity.

2. Issuance Standards. The City Manager shall issue the hold harmless agreement as requested upon the applicant’s written agreement to comply with the terms of the hold harmless agreement unless the City Manager finds that:

A. The time, route and size of the parade, demonstration, march, or rally will disrupt to an unreasonable extent the movement of other traffic.

B. The parade, demonstration, march, or rally is of a size or nature that requires the diversion of so great a number of police officers of the City to properly police the area and areas contiguous thereto that allowing the parade, demonstration, march or rally would deny reasonable police protection to the City.

C. The parade, demonstration, march, or rally will interfere with another parade, demonstration, march, or rally for which a hold harmless agreement has been issued.

D. An application for an event covered by this Chapter that is expected to exceed sound, noise, or time limits shall be subject to Council approval as provided for within Chapter 53 of the Marion Code of Ordinances.

3. Denial Standards. The City Manager shall deny an application for a hold harmless agreement as requested and shall notify the applicant of the denial where:

A. The City Manager makes a finding contrary to the findings required to be made for the issuance of the hold harmless agreement.

B. The information contained in the application is found to be false or nonexistent in any material detail.
C. The applicant refuses to abide by or comply with all conditions of the hold harmless agreement.

Section 2. Subsection 42.08(4) shall remain unchanged.

Section 3. This Ordinance shall be in full force and effect from and after its passage and publication as by law provided. Violations of this Ordinance shall be punished as provided in section 1.06 of the Code of Ordinances.

Passed and approved this 17th day of November, 2016.

Nicolas AbouAssaly, Mayor

ATTEST:

Wesley A. Nelson, City Clerk

CERTIFICATE OF SERVICE
The undersigned City Clerk of Marion, Iowa certifies that the Ordinance shown immediately above was published in the Marion Times on the 1 day of December, 2016.

Wes Nelson, City Clerk