

ORDINANCE NO. 9825

RELATING TO MOTOR VEHICLES AND TRAFFIC; REGULATING USE OF CITY ROADWAYS OR OTHER PROPERTY FOR PARADES OR ASSEMBLIES; REQUIRING PERMITS FROM THE CHIEF OF POLICE ("CHIEF") FOR PARADES OR ASSEMBLIES HELD IN A CITY ROADWAY, OR HELD ON OTHER CITY PROPERTY SO AS TO BLOCK ACCESS TO THAT PROPERTY, OR CITY FACILITIES LOCATED ON THAT PROPERTY, OR HINDER THE PROPERTY'S USE FOR ITS INTENDED PUBLIC PURPOSE; EXEMPTING CERTAIN PARADES AND ASSEMBLIES FROM PERMIT REQUIREMENTS; SPECIFYING THE PROCEDURES AND STANDARDS THE CHIEF MUST USE IN GRANTING, DENYING OR REVOKING PERMITS, AND PROVIDING FOR JUDICIAL REVIEW OF THOSE DECISIONS; SPECIFYING THE CHIEF'S REGULATORY POWERS REGARDING PARADES AND ASSEMBLIES FOR WHICH A PERMIT HAS BEEN ISSUED, PUBLIC CONDUCT DURING PARADES AND ASSEMBLIES, DISPERSAL OF PARADES OR ASSEMBLIES HELD WITHOUT A REQUIRED PERMIT OR IN VIOLATION OF PERMIT REQUIREMENTS, AND SEPARATION OF PARADES OR ASSEMBLIES THAT REPRESENT A POTENTIAL DANGER TO PUBLIC SAFETY; CREATING NECESSARY DEFINITIONS; AMENDING CHAPTER 20 OF THE TUCSON CODE BY ADDING A NEW ARTICLE XI, CONSISTING OF SECTIONS 20-510 THROUGH 20-542; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Tucson Code § 20-150 is repealed.

SECTION 2. Chapter 20 of the Tucson Code is hereby amended by adding a new Article XI to read as follows:

**CHAPTER 20  
MOTOR VEHICLES AND TRAFFIC  
ARTICLE XI  
USE OF CITY ROADWAYS OR PROPERTY  
FOR PARADES OR ASSEMBLIES**

**Division 1. General Provisions**

**SECTION 20-510. Intent and purposes.**

- A. The fundamental intent and purposes of this article are as follows:
1. To require permits only for those parades and assemblies that affect traffic or public safety on City roadways or other City property.
  2. To codify uniform, consistent and constitutional procedures for the fair, efficient and expeditious permitting of assemblies or parades on City streets or other property, to assure adequate public notice, traffic regulation, crowd control, and protection of public health and safety.
  3. To distinguish between those assemblies or parades requiring relatively short notice to the City to meet the goals of paragraph 2 above and those requiring greater advance planning and coordination to meet those goals.
  4. To provide an avenue for effective judicial review when a permit is denied, granted under terms and conditions different from those originally applied for, or revoked.

**SECTION 20-511. Definitions.**

Unless the context otherwise requires, as used in this article:

1. *Arterial street* means a street, or any portion thereof, identified as an arterial or Interstate Route on the City's Major Streets and Routes (MS&R) Plan.
2. *Assembly* means any ceremony, concert, demonstration, event, exhibition, fair, festival, meeting, pageant, performance, protest, rally, street fair or other gathering or grouping of persons collected together at a fixed location.
3. *Barricade* means any barrier, tape, cone, channelization device, marked law enforcement vehicle, obstruction or blockage placed upon or across any roadway or sidewalk to prevent or limit access.
4. *Block party* means any event that requires the barricading of all or part of any street that is not an arterial street or collector street, to protect the participants.

5. *Business day* means any day that is not a Saturday, Sunday or city, state or federal holiday.

6. *Central Business District* has the meaning given the term in Tucson Code § Sec. 20-1(6).

7. *Chief* means:

(a) In the context of granting or denying permits applied for under this article, the Chief of Police of the City of Tucson, or the Chief's designee(s).

(b) In all other contexts, the Chief of Police of the City of Tucson, and any Tucson police officer, other certified peace officer, or federal law enforcement officer acting under the Chief's direction and authority.

8. *City property* means the City's streets (including both roadway and sidewalk), real property, municipal buildings, municipal facilities, municipal parking lots, or any other property, of whatever nature, owned, leased or used by the City.

9. *Class I Event* means an assembly or parade that takes place in whole or in part on, or causes spillover onto:

(a) Any City roadway; or

(b) Any City property other than a roadway, if the assembly or parade, or its spillover, blocks access to that City property or to City facilities located on that property, or otherwise impedes or prevents the City property's use for its intended public purpose;

PROVIDED ALWAYS THAT this definition does not include events exempted under Section 20-512.

10. *Class II Event* means:

Any assembly or parade that meets the requirements for a Class I event, and, in addition, has at least one of the following characteristics:

(a) Involves activities or equipment that will require any advance fire, health, safety or other inspection by any governmental agency;

(b) Requires the placement, on, across, along or over streets or other City property, of temporary transmission lines, conduit or piping for natural gas or other fuel, electrical power, water, sewer, telecommunications or any other utilities, services, or materials; PROVIDED ALWAYS THAT the set-up and use of portable equipment to power a microphone to amplify speech, or to power a

light to aid in the reading of speech, or to do both, shall not, by itself, invoke this provision;

- (c) Involves any storage, use or display of any portable fuel sources (e.g. propane tanks), explosives, fireworks or pyrotechnics, or flammable substances;
- (d) Involves the sale or service of alcoholic beverages, food items, or merchandise;
- (e) Involves the setting-up, on any street or other City property, of any barricade, fence, table, tent, booth, podium, structure, stage, reviewing stand, bleachers, utility pole, portable toilets, metal refuse containers, garbage receptacles, recycling containers, or other sanitation equipment.
- (f) Requires any excavation, anchoring or similar use of any City street or other property;
- (g) Include participants both on foot and in motor vehicles;
- (h) Involves the participation of persons on horseback, horse-drawn vehicles, or other draft animals.

11. *Closed course* means an area designated by the Chief that is barricaded to prevent or regulate motor vehicles or other vehicular traffic traveling on adjoining or intersecting streets from moving into, out of or through the designated area.

12. *Collector street* means a street, or any portion thereof, identified as a collector, or residential-collector, on the City's Major Streets and Routes (MS&R) Plan.

13. *Day* means a calendar day, unless otherwise specified.

14. *Event*, unless specifically designated, means any Class I or Class II event.

15. *Parade* means any group of persons traveling as a collective body from one location to another location. The term includes a procession or a picket line.

16. *Permitholder* means the applicant to whom a Class I or II permit is issued.

17. *Person* means any natural person, personal representative, receiver, trustee, assignee, firm, partnership, association, corporation, company, society, organization, political party, political committee, ad hoc committee or other legal entity of any kind, but not the federal government, state, county, city or any agency or political subdivision of the state.

18. *Police officer* includes any Tucson police officer, other certified peace officer, or federal law enforcement officer, cooperating with the Chief or acting under the Chief's direction and authority.

19. *Procession* means a parade in which the participants all travel on foot or by the same means of transportation.

20. *Roadway* means that portion of a street that is intended for public use by bicycles, motor vehicles, or any other lawful vehicular traffic, including any berm, shoulder, island or median.

21. *Sidewalk* means:

(a) That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians, whether identified on the ground as a pedestrian walkway or not, and whether paved or unpaved; and

(b) Any other pedestrian walkway, whether paved or unpaved, located on City property and open to the general public for purposes of pedestrian travel into, out of, or between City buildings, facilities, parks, parking lots or other City property.

22. *Spillover* occurs when participants in, or spectators of, a parade or assembly held at a location not on City property move onto, or congregate on any portion of any City roadway or other City property.

23. *Street* means and includes both the roadway and sidewalk portions of any public way, road, highway, avenue, boulevard, parkway, alley, lane, municipal parking lot, bicycle lane or path, intersection, viaduct, or bridge (including the approaches thereto), paved or unpaved.

24. *Traffic* is the normal movement and flow of pedestrians, bicycles, motor vehicles, or any other lawful vehicles or animals into, out of, on, over or along, any street or other City property, specifically including any entry to or exit from private or public buildings or facilities abutting on or adjacent to such City property.

**SECTION 20-512. Parades and assemblies for which no permit is required; applicability of section 20-537 to such parades and assemblies.**

A. The following are exempt from the permit requirements of this article, due to their lack of impact on City property, traffic or public safety:

1. Any assembly or parade that occurs wholly on private or non-City governmental property and that does not cause spillover.

2. An assembly or parade held in or on any public recreational area, roadway or sidewalk located within the boundaries of any City park; PROVIDED ALWAYS THAT the assembly or parade remains subject to all applicable regulations of the City's Department of Parks and Recreation.

3. Any assembly or parade held on or in Tucson Convention Center (TCC) grounds or facilities in conformity with a use permit or short-term rental agreement authorized by the TCC Director pursuant to Tucson Code § 2-23.

4. Any assembly or parade that meets all of the following requirements:

(a) Stands on or travels in orderly fashion on the sidewalk;

(b) Allows passage of other pedestrians on the sidewalk;

(c) Crosses street intersections by means of the crosswalks; and

(d) Obeys all traffic control devices and state and local traffic laws.

5. Any assembly on any island or median which remains at all times on the island or median, obeys all traffic control devices and state and local traffic laws, does not cause spillover onto the roadway, and does not otherwise interfere with or impede the normal flow or regulation of traffic on adjoining streets.

6. Any parade consisting solely of bicycles or solely of motor vehicles, that travels on the roadway together with, and at the same speed as, other traffic; obeys all traffic control devices and state and local traffic laws; and is otherwise carried out in such manner as to not interfere with or impede the flow or regulation of other traffic on streets and adjoining sidewalks.

B. The following also are exempt from the permit requirements of this article:

1. Funeral processions that consist solely of motor vehicles, and that are already regulated by, and comply with the provisions of, state law.

2. The operation of emergency vehicles in compliance with state law.

3. Any street or sidewalk improvement, repair or construction activities conducted pursuant to permits issued under Tucson Code Chapter 25, Article I ("Repairs and Improvements in Public Rights-of-Way"); PROVIDED THAT this subsection shall not be construed to exempt Class II events subject to permitting under this article from also complying where necessary with any permit requirements under Tucson Code Chapter 25 for excavation, anchoring or similar use of any City street or other property.

4. The activities, on any City property, of any governmental agency, civil or military, acting within the scope of its functions, or of any combination of such agencies,

when traffic control, crowd control, general security, and other public safety measures made necessary by the activities are planned for in advance, and undertaken by, or in coordination with, the Chief. By way of illustration, and not of limitation, this exemption is intended to cover day-to-day operations by law enforcement agencies, as well as motorcades and other security activities relating to the visits of governmental dignitaries or political candidates.

C. Any assembly or parade for which no permit is required under this article remains subject to Section 20-537 of this article, where the Chief finds the specified conditions for such regulatory actions are met.

**SECTION 20-513. Permit required for Class I or Class II event.**

A. It is unlawful for any person to conduct or participate in any Class I or Class II event, as defined in Section 20-511, unless the Chief has issued a written permit for the Class I or Class II event.

**SECTION 20-514. Procedure for filing class I or II permit application; priority of permit applications.**

A. A person seeking a permit for a Class I or Class II event shall file a written Class I or Class II permit application in a form approved by the Chief.

B. Applications shall be filed at the Main Police Station, 270 South Stone Avenue, Tucson, Arizona.

C. The application for permit shall be placed in an envelope clearly marked "Assembly or Parade Permit Application Enclosed."

D. An applicant applying for the permit on behalf of any other person or organization shall file with the permit application form a letter from that other person or organization authorizing the application's filing by the applicant.

E. The Chief is authorized to require reasonable supplementation of the information in the Class I or Class II permit application as necessary to determine what additional terms and conditions to impose, if any, and whether to grant or deny the application, or grant it with additional or modified terms and conditions.

F. In granting permits for a given time and location, the Chief shall give priority to applications filed for existing annual, semiannual, or other regularly scheduled or recurring Class I or II events historically held at the same location and on a known or calculable day or date, or set or series of days and dates, each year, that either already have been so listed by the Chief prior to enactment of this article, or that qualify now or in the future and are hereafter added to the applicable listing by the Chief.

G. The Chief shall continue to maintain the listings of annual, semiannual or other regularly scheduled or recurring events established prior to the enactment of this article, and shall update the listings as necessary to assure proper prioritization of permits for eligible events.

H. Notwithstanding subsections (F) and (G) above, the Chief shall not offer any multi-year or other multiple use permits for any event. Annual, semiannual or other regularly scheduled or recurring events shall require a new permit application, and new permit, each time the event is held.

I. If subsections (F) and (G) of this section do not resolve questions of priority, competing applications for events that are substantially for the same time and place shall be considered and permitted on a "first-in-time" basis, that is, the earliest completed application received shall have priority as to the time and place requested; PROVIDED ALWAYS THAT if the Chief determines that an application form mistakenly has been submitted for the wrong class of event, the Chief shall require correction of the application form, but for prioritization purposes continue to treat the application as initially filed on the date the incorrect application form was originally submitted.

## **Division 2. Procedures Specific to Permitting of Class I Events**

### **SECTION 20-515. Deadline for filing class I permit application; waiver for certain class I events.**

A. To provide adequate notice to the public, and adequate time for the Chief to process the application and make preparations for traffic regulation, crowd control and public safety, thereby minimizing public inconvenience, the Class I permit application shall be submitted in writing on a form provided by the Chief so as to be received by the Chief at least forty-eight (48) hours in advance of the time the Class I event is scheduled to commence.

B. Notwithstanding subsection (A) of this section, the Chief is authorized to, and shall, grant a Class I permit applied for less than forty-eight (48) hours prior to the Class I event, either as applied for or with such additional or modified conditions as the Chief determines are necessary, if the Chief determines that:

1. Adequate preparations for traffic regulation, crowd control and public safety can be made prior to the Class I event's scheduled commencement, upon consideration of the Class I event's date, day of the week, time of day, time of year, expected weather conditions, location or route, duration, number of participants, number of spectators, age or age range of participants and spectators, physical dimensions, format, and configuration, as well as the general traffic conditions in the area requested, both vehicular and pedestrian, the need to reroute vehicles or pedestrians normally using the requested area, the number of marked and unmarked intersections along the

route requested, together with the traffic control devices present, and the general impact on streets, intersections, and traffic; and

2. None of the reasons for denial in Section 20-518(A) of the code apply.

C. In the case of applications submitted under subsection B of this section, the applicant shall provide a contact phone number or numbers where, at all times between the time of application and the scheduled time of commencement of the Class I event, the applicant can be reached to be informed of grant or denial of permit, as applied for or with additional or modified conditions.

### **SECTION 20-516. Prohibited class I events.**

Due to heavy traffic, and the lack of effective and safe alternate routes for such traffic, the Chief shall not grant a Class I permit that allows any Class I event, between the hours of 6:30 a.m. and 9 a.m., or between the hours of 3:30 p.m. and 6 p.m, on any days other than Saturday, Sunday and legal holidays, on the roadway of any street within the boundaries of the central business district, or on the roadway of any arterial or collector street within the City.

### **SECTION 20-517. Time for decision on class I permit application; denial or grant with additional or modified conditions to be supported by written statement of reasons; judicial review.**

A. The Chief shall either grant the Class I permit as applied for, grant the Class I permit with additional or modified conditions, or deny the Class I permit application, within ten (10) business days from the date the application is received, except:

1. When a Class I permit application is filed ten days or less, but at least (48) hours, prior to the scheduled time of the Class I event, the Chief shall make a decision not later than twenty-four (24) hours prior to the scheduled time of the Class I event;

2. When a Class I permit application is filed less than forty-eight (48) hours prior to the scheduled time of the Class I event, pursuant to Section 20-515(B), the Chief shall make a decision not later than the scheduled time of the Class I event.

B. Except where the Class I event is prohibited under section 20-516, if the Chief fails to take one of the actions listed in subsection A within the time periods set forth in that subsection, the Class I permit application shall be deemed granted and the Chief shall issue a Class I permit as requested in the application.

C. If the Chief denies the Class I permit application, or grants it with additional or modified conditions, the Chief shall provide the applicant and the City Attorney

with a written statement of the reasons for the decision by the close of the next business day.

D. The Chief's decision regarding a Class I permit application is final, subject always to judicial review pursuant to section 20-535 of the code.

**SECTION 20-518. Standards for class I permit issuance.**

A. The Chief shall issue a Class I permit unless the Chief determines that any of the following reasons for denial exists:

1. The applicant, or a person on whose behalf the permit application is made, has, in applying for the permit, or in applying for, organizing or conducting any prior event:

(a) Made material misrepresentations regarding the nature or scope of an event;

(b) Violated the provisions of this article, or of prior permits issued pursuant to the provisions of this article; or

(c) Damaged City property and not paid in full for such damage;

2. The permit application (including any required attachments and submissions) is not fully completed and executed;

3. The permit application contains a material falsehood or misrepresentation;

4. The assembly or parade is a Class II event, not a Class I event;

5. Section 20-516 of the code prohibits the permitting of the Class I event;

6. The Class I permit application is not timely filed under Section 20-515(A) of the code and the provisions of Section 20-515(B) do not apply;

7. Another Class I or II event having priority under Section 20-514 of the code, and for which a permit has been or will be granted, is to be held at the same time and place for which application is made;

8. Permitting the Class I event will cause an unresolvable conflict affecting traffic safety or public safety with development, construction or repair work occurring at the specific location on City property for whose use application is made and at the time for which application is made, or will otherwise conflict with previously planned City activity at the time and place for which application is made;

9. Another Class I or II event at a different location, for which prior application has been made and a permit has been or will be granted, already will require such a level of police or other emergency resources that granting an additional permit would have an immediate and adverse effect upon the health, safety, or welfare of persons and property in the City.

10. The Class I event will require the diversion of so great a number of City police officers to properly police the location or line of movement, and the areas contiguous thereto, including any assembly or dispersal areas, as to prevent normal police protection of the City;

11. The concentration of persons or vehicles at or along the route of the Class I event, including any assembly site, staging areas or dispersal points, will unduly interfere with the movement of police, fire, ambulance and other emergency vehicles to any areas contiguous to the Class I event or on the streets in general;

B. If the Chief finds that the Class I event as applied for does not meet all the conditions set forth in subsection A of this section, and that a Class I permit therefore should not be granted as applied for, but that the imposition of additional or modified terms and conditions would allow a Class I permit to be granted that meets the conditions set forth in subsection A of this section, the Chief shall authorize the granting of a Class I permit with the additional or modified terms and conditions imposed.

C. The Chief shall not deny a Class I permit application unless the Chief finds it is impossible to grant a permit under either subsection A or B of this section.

### **Division 3. Procedures Specific to Permitting of Class II Events**

#### **SECTION 20-519. Deadline for filing class II permit application.**

To provide the Chief with adequate time to determine what additional terms and conditions are necessary for a particular Class II event, and to provide the applicant with time to comply with those terms and conditions, a Class II permit application shall be filed with the Chief at least sixty (60) and not more than one hundred eighty (180) days before the date and time at which the Class II event is proposed to commence.

#### **SECTION 20-520. Indemnification and insurance required for all Class II events.**

A. Each Class II 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 any 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. The permittee's acceptance of the permit shall constitute acceptance of the conditions set forth in this subsection.

B. The Chief shall not issue a Class II permit unless the applicant shall first obtain, at the applicant's own expense, and furnish the Chief with satisfactory proof of:

1. Comprehensive general liability insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the Class II event; and

2. If liquor will be sold or served at the Class II event, liquor liability insurance; and

3. Any other types and amounts of insurance required for the issuance of other permits or licenses necessary for the particular Class II event; and

4. Any other types of insurance the Chief determines to be necessary for a particular Class II event.

C. The Chief, with the advice of the City Risk Manager, shall determine the types and amounts of necessary insurance based on consideration of the information in the Class II permit application, the factors set forth in Sections 20-518(A), 20-524, and, if applicable, 20-537(B) of the code, and recognized insurance and risk management standards.

D. Any insurance obtained by the applicant shall name the City of Tucson, its officers, employees and agents as additional insureds. The insurance is provided to indemnify the City, and not as a duty, express or implied, to provide insurance protection for spectators or participants.

E. All insurance coverages must be maintained for the duration of the Class II event. Notice of cancellation shall be provided immediately to the City. The City shall not be responsible for payment of any premiums.

F. Copies of all necessary insurance policies, signed and executed, along with necessary endorsements, shall be provided to the Chief and the City Risk Manager's Office at least twenty (20) days before the Class II event.

**SECTION 20-521. Traffic control for Class II events.**

A. In any case where the Class II event will interfere with or impede traffic, no Class II permit shall be issued by the Chief unless the applicant shall first submit, and the Chief, in consultation with the Traffic Engineering Division, approve, or approve with additions or modifications, a temporary traffic control plan for the Class II event.

B. The temporary traffic control plan submitted by the applicant shall be accompanied by a letter from a barricade company, certifying that the submitted temporary traffic control plan complies with all applicable provisions of the Manual on Uniform Traffic Control Devices (MUTCD), as adopted with any amendments by the state director of transportation pursuant to state law, and including local additions or amendments adopted by the City.

C. In implementing this section, the Chief shall consider the information in the Class II permit application; and the factors set forth in Sections 20-517(A), 20-525, and, if applicable, 20-537(B) of the code.

D. No later than fourteen days prior to the date the Class II event is scheduled to commence, the applicant also shall submit a letter from a barricade company, stating they have contracted with the applicant to provide barricades and other necessary traffic control devices for the Class II event in accordance with the approved traffic control plan. A copy of the contract also shall be attached to the letter.

E. The applicant or barricade company shall be solely responsible for the set up of barricades and other necessary traffic control devices in accordance with the approved traffic control plan, the monitoring and maintenance of the barricades and traffic control devices for the duration of the Class II event, and their immediate removal at the conclusion of the Class II event.

F. It is unlawful for a barricade company to fail to comply with this section.

G. The applicant shall bear all expenses of obtaining and implementing the temporary traffic control plan required under this section.

**SECTION 20-522. Chief to determine need for peace officers at class II event; applicant to obtain at own expense; applicant to submit timely proof of contracts for peace officers.**

A. The Chief shall determine, based on the information in the Class II permit application, and the factors set forth in Section 20-518(A), 20-525, and, if applicable, Section 20-537(B) of the code, whether the presence of peace officers is reasonably necessary for the Class II event, and if so, how many peace officers are necessary.

B. The Chief shall inform the applicant if peace officers are deemed necessary. The applicant then shall have the duty to hire necessary peace officers at applicant's sole expense.

C. No later than fourteen days prior to the date the Class II event is scheduled to commence, the applicant for the Class II permit shall submit proof that the necessary number of peace officers have been hired. If City police officers are used, the applicant shall provide copies of all contracts. If peace officers from other agencies are used, the applicant shall submit copies of all contracts, or, for officers from agencies that do not use formal contracts, list the officers' names, badge or payroll number and agency.

D. If the proof required pursuant to subsection (C) is not timely provided, or if the necessary number of peace officers are not secured, the Chief may deny the permit, revoke any permit previously issued, or add to or change the terms and conditions of the permit to correspond to the actual number of officers who are available and under contract.

#### **SECTION 20-523. Payment of past expenses and deposits by Class II applicant.**

A. In the event the applicant for a Class II permit has failed to comply with one or more terms and conditions of a Class II permit previously issued to the applicant, resulting in expense to the City, the Chief shall require, as a condition of permit issuance, both of the following:

1. Prior repayment to the City by the applicant of any amounts paid by the City to cover the expense resulting from the applicant's failure to comply with any terms or condition of the previously issued Class II permit. Monies received pursuant to this paragraph shall be directed to, and used to reimburse, the affected City departments.

2. A cash deposit equal to the projected costs of compliance with the conditions of the current application.

B. No new Class II permit shall issue until the amounts previously owed by the applicant, and any necessary deposit, are both paid in full to the City.

C. In the event the applicant creates any expense to the City through non-compliance with any term or condition under the current permit, the Chief shall apply the deposit to pay the expense. Any portion of the deposit remaining after payment of all such City expenses by the Chief shall be refunded to the applicant without interest.

**SECTION 20-524. Chief authorized to determine additional terms and conditions for Class II permit issuance for particular events.**

A. Upon receipt of a Class II permit application, the Chief is authorized to, and shall, determine and impose appropriate additional terms and conditions that the Chief determines are necessitated or made desirable by the particular Class II event.

B. The terms and conditions imposed by the Chief shall relate to one or more of the following issues:

1. Additional police protection;
2. Advance contracts for the provision of necessary private or governmental services;
3. Animal safety, movement and control;
4. Avoiding the grounds for denial set forth in Section 20-518(A)(8)-(12);
5. Participant and crowd safety, movement and control;
6. Crowd and event security and monitoring;
7. Fire and emergency medical services;
8. Health, sanitation, and refuse, garbage and recycling services;
9. Insurance and liability;
10. Parking;
11. Acquisition of permits required by other city, county, state or federal governmental departments or agencies;
12. Protection of the physical integrity of streets and other City property;
13. Sale of merchandise;
14. Sale or service of food or alcohol;
15. Temporary traffic control devices, including barricades;
16. Traffic safety;
17. Crowd movement and control; and

18. Public safety in general.

**SECTION 20-525. Factors chief to consider in imposing additional terms and conditions.**

In implementing Sections 20-520 through 20-524 of the code, the Chief shall consider all the following characteristics of the Class II event:

- A. General nature;
- B. Theme and characteristics;
- C. Specific nature of entertainment and activities to be offered or presented;
- D. Whether food or alcoholic beverages will be served or sold;
- E. Location or route (including any remote event or parking sites);
- F. Date and time;
- G. Duration;
- H. Physical size;
- I. Site plan and layout (including remote parking areas or other facilities);
- J. Time of year and expected weather conditions;
- K. Number of streets and intersections to be blocked or otherwise restricted;
- L. Whether animals, bicycles, motor vehicles, or non-motorized vehicles will participate, and whether the modes of transportation used by the participants will vary;
- M. Expected levels of participant and spectator attendance (both average and peak);
- N. Age of the participants or spectators;
- O. Nature of the surrounding neighborhood;
- P. Any other expected impact on streets, intersections, and traffic;
- Q. Expected refuse, garbage and recyclables to be generated; and

R. Prior history of venue, event itself, and similar events for civil and criminal violations and for compliance or non-compliance with this article and related regulations, permit terms and conditions, and orders by the Chief.

**SECTION 20-526. Notification regarding terms and conditions; proof of compliance with terms and conditions.**

A. No later than thirty (30) days after the day of receipt of an application for a Class II permit, the Chief shall inform the applicant of all terms and conditions which the applicant must meet to be granted a Class II permit.

B. No later than fourteen (14) days prior to the scheduled date of the Class II event, the applicant shall provide the Chief with written documentation showing the applicant has complied with, or adequately arranged in advance to comply with, all terms and conditions required for issuance of the Class II permit.

**SECTION 20-527. Time for decision on class II permit application; denial or grant with additional or modified conditions to be supported by written statement of reasons; judicial review.**

A. Within seven (7) days after the day of receipt of the documentation required under Section 20-526(B) of the code, the Chief shall either grant or deny the Class II permit.

B. If the Chief fails to act within the seven-day period, the Class II permit application shall be deemed granted and the Chief shall issue a Class II permit.

C. If the Chief denies the Class II permit application, the Chief shall provide the applicant and the City Attorney with a written statement of the reasons for the decision by the close of the next business day.

D. The Chief's administrative decision regarding the grant or denial of a Class II permit is final, subject always to judicial review pursuant to section 20-535 of the code.

**SECTION 20-528. Standards for class II permit issuance.**

A. The Chief shall issue a Class II permit, unless the Chief determines that any of the following reasons for denial exists, in which case the Chief shall deny the Class II permit:

1. The Class II permit application is not timely filed under section 20-519 of the code;

2. Any of the conditions justifying denial of a Class I permit application, as set forth in Section 20-518(A)(1)-(3), (A)(5), or (A)(7)-(11), exists in the case of the Class II permit application.

3. Applicant has not met the additional standard conditions for Class II permit issuance set forth in Sections 20-520 through 20-523 of the code, including payment of any amounts owing to the City and any required deposits;

4. For Class II events involving the participation of persons on horseback, horse-drawn transport, or other draft animals, applicant has not made adequate provisions regarding health, safety, security and handling (e.g. health inspections, enclosures, run-outs, wranglers) to protect the health and safety of the animals, persons participating in the event, spectators, and the general public;

5. Applicant has not secured any permit or license required by the City or any other governmental entity;

6. Applicant has:

(a) Refused to comply with any additional term or condition imposed by the Chief as authorized by Sections 20-524 and 20-525 of the code, or

(b) Failed to provide timely written documentation, as required by section 20-526(B) of the code, of applicant's compliance with, or adequate advance arrangements to timely comply with, any additional term or condition imposed by the Chief as authorized by Sections 20-524 and 20-525 of the code.

#### **Division 4 Provisions Applicable to both Class I and Class II Events**

##### **SECTION 20-529. Content neutrality; non-discrimination.**

A. The Chief shall not consider any of the following factors in determining whether to issue a Class I or II permit under this article:

1. The event's speech content or message;
2. The applicant's identity or associational relationships; or
3. The anticipated public reaction to the event's speech content or message.

B. The Chief shall uniformly consider each permit application upon its merits and shall not discriminate, based upon race, creed, color, ethnicity, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, political party affiliation (or lack thereof), familial status or marital status.

**SECTION 20-530. Parades involving varying transportation modes, or animals, to take place within closed course.**

The Mayor and Council declare that parades that include participants both on foot and in motor vehicles, or that involve the participation of persons on horseback, horse-drawn vehicles, or other draft animals, create particular traffic control, crowd control and public safety difficulties, and shall take place only within a closed course.

**SECTION 20-531. Implementation of article by chief.**

A. The Chief is authorized to take such reasonable steps as the Chief deems necessary to implement this article, including the issuance of necessary regulations.

B. The Chief shall create standard application and permit forms for use under this article.

**SECTION 20-532. Powers of chief regarding events for which permit has issued.**

A. In connection with any event for which a permit has issued under this article, the Chief is authorized to:

1. Implement traffic and crowd control measures to protect public safety.
2. Close off any street or other city property, and prohibit or regulate any crossing, parking, stopping, or standing on that street or property.
3. Barricade streets so as to create a closed circuit for any parade, and prohibit or regulate movement of pedestrians or vehicles, including emergency or public transit vehicles, into, within, or out of that closed circuit, or any portion thereof.
4. In case of fire, accident, or any emergency at the location or along the route of any Class I or II event, move or divert the Class I or II event away from or around such fire, accident or emergency, to or along the nearest safe location or route, and direct the return of the Class I or II event to the location or route originally authorized if and when such return can safely occur.

B. It is unlawful for any person to refuse to comply with any order of the Chief given in accordance with this article.

C. The Chief's powers under this section are in addition to any other powers granted to the Chief under local, state or federal law.

**SECTION 20-533. Permitholder as responsible party; duties of permitholder or representative.**

A. A Class I or II permit shall be issued in the name of the applicant, who from the time of issuance is deemed the permit-holder.

B. For all purposes under this article, the permitholder is the person organizing and conducting the event, and responsible for compliance with the provisions of this article, all permit conditions, and the Chief's orders issued pursuant to this article.

C. The permitholder, or a representative designated by the permitholder in writing to the Chief, shall:

1. Be present on site at all times during the event, to act as contact person and provide any necessary liaison and coordination with the Chief;

2. Immediately identify himself or herself as the permitholder or designated representative to any police officer requesting such identification;

3. Carry the Class I or II permit and, in the case of a designated representative, a copy of the person's written designation as representative, upon his or her person at all times during the event, and present either or both of those items for inspection to any police officer requesting to see either or both of them.

D. With respect to Class I events, the permitholder's written designation of a representative shall be provided to the Chief not later than the start of the Class I event. With respect to Class II events, at least 48 hours prior to the Class II event's commencement, the permitholder shall provide the Chief with a written listing showing the name of all persons, including the permitholder where applicable, who will serve as representative during the entire event, as well as the specific location at the event where they can be contacted, the phone number where they can be contacted, and the specific time periods during which they will serve as representative.

**SECTION 20-534. Revocation of class I or II permit.**

A. Any permit issued pursuant to this article is subject to revocation pursuant to this section.

B. The Chief shall have authority to immediately revoke a permit, where the Chief determines that the event:

1. Cannot be conducted without violating the standards or conditions for permit issuance; or

2. Is being conducted in violation of this article, or of any term or condition of any permit issued pursuant to this article, or of any other applicable law, rule or regulation; or

3. Is being held without the necessary number of peace officers as required under Section 20-522 of the code.

4. Poses a threat to public health or safety; or

5. Lacks any other permit or license required by law; or

6. Was issued a permit in error or contrary to law; or

7. Meets one or more of the conditions for denial set forth in Section 20-518 of the code.

C. The Chief's verbal notification of revocation to the permit holder, or the permit holder's designated representative, shall be sufficient for closure of the event, PROVIDED THAT written notification of the reasons for the revocation shall thereafter be provided to the permit holder and the City Attorney by the close of the next business day after the closure of the event.

D. The Chief's revocation of a class I or II permit pursuant to this section:

1 Is final, subject to judicial review pursuant to Section 20-535;

2. Shall not be construed to limit the City's power to prosecute, or seek other relief against, any person for any violation or activity on which the permit revocation is based.

### **Section 20-535. Judicial review.**

A. The applicant may obtain judicial review of the following decisions by the Chief by filing a petition for review in the city court within ten (10) days of the Chief's decision:

1. Denial of a Class I permit, or grant of a Class I permit with additional or modified conditions. A copy of the Chief's written statement of reasons provided pursuant to Section 20-516(C) of the code shall be attached to the petition.

2. Denial of a Class II permit. A copy of the Chief's written statement of reasons provided pursuant to Section 20-526(C) of the code shall be attached to the petition.

3. Revocation of a Class I or Class II permit. A copy of the Chief's written statement of reasons for the revocation pursuant to Section 20-534(C) of the code shall be attached to the petition.

B. The petition shall include each petitioner's name and address, all telephone numbers where the city court can contact the petitioner to notify the petitioner of the date and time of the expedited hearing and, if applicable, all FAX numbers and e-mail addresses where petitioner can be contacted.

C. On the same day the petition for review is filed, a copy of the petition for review shall be served by hand-delivery on the Chief, 270 South Stone Avenue, Tucson, Arizona; the City Clerk, 255 West Alameda, 9<sup>th</sup> Floor, Tucson, Arizona; and the City Attorney, 255 West Alameda, 7<sup>th</sup> Floor, Tucson, Arizona.

D. Upon receipt of the petition for review, the city court shall schedule a hearing before a magistrate or special magistrate. The hearing shall occur expeditiously, and in any event not later than ten (10) days after receipt of the petition for review. The city court shall notify the applicant, Chief and City Attorney of the hearing date, time and location by telephone or telefax, with copy of the notice of hearing to follow by mail. If a petitioner fails to appear as directed, a default judgment will be entered against that petitioner.

E. The hearing shall be held in an informal manner as to the order of proceeding and presentation of evidence with a record made by electronic tape recording or stenographic transcription. The Arizona Rules of Evidence shall not apply. The magistrate or special magistrate shall admit evidence over hearsay objections where the proffered evidence has substantial probative value and reliability. Copies of records and documents prepared in the ordinary course of business shall be admitted, but subject to challenge as to weight and authenticity.

F. The sole basis for the magistrate or special magistrate to overturn the decision of the Chief shall be a finding of factual error or abuse of discretion as to the enumerated grounds for denial, granting with additional or modified conditions, or revocation of a class I or II permit contained in this article. The applicant shall have the burden of proof to show by a preponderance of the evidence that a factual error or abuse of discretion exists in the Chief's decision.

G. The city court shall rule expeditiously on the petition for review, and in any event not later than three (3) business days after the close of the hearing.

H. Appeal of the magistrate's or special magistrate's decision under this article shall be by way of special action to the superior court on the record of the hearing. The appealing party shall bear the cost of preparing the record for appeal. No appeal shall be taken later than ten (10) days after entry of the magistrate's or special magistrate's decision.

I. The right of judicial review in city court set forth in this section is not intended to be an exclusive remedy, and shall not be construed to prohibit or restrict any other action allowed under law or equity and brought by either the applicant or the City in any state or federal court of competent jurisdiction.

**SECTION 20-536. Chief's powers over events conducted without a permit, or in contravention of permit requirements, or caused by spillover.**

A. When the Chief responds to any Class I or II event that the Chief determines is being conducted without a required permit, or in contravention of permit requirements, the Chief may, upon consideration of the factors set forth in subsection (B) of this section, either order immediate dispersal or allow participants a reasonable time to disperse.

B. In determining whether to order immediate dispersal, or to allow participants a reasonable time to disperse, and in the latter case, how much time for dispersal to allow, the Chief shall consider the location, the speed and volume of traffic affected; the ability of responding officers to undertake necessary temporary traffic control measures; the size of the assembly or parade; its peacefulness or hostility as indicated by the conduct of the participants; the safety of responding officers, participants, spectators and persons traveling on the roadway; and the likelihood that allowance of a specified time for voluntary dispersal will result in more peaceful and efficient dispersal overall.

C. Where the Chief determines that spillover has created a Class I or II event requiring a permit, the Chief shall order the following steps, in the following specified sequence:

1. Order persons whose presence results in the spillover onto those portions of sidewalks or other city property that may be used for an assembly or parade without a permit;

2. Make individual arrests of persons pursuant to this ordinance or local or state criminal or traffic laws;

3. Either order immediate dispersal, or allow participants a reasonable time to disperse, if:

(a) There is noncompliance such that the process of making individual arrests will not adequately cure the problem, or will create too great a danger to participants, police personnel, or the general public; or

(b) The number of persons involved in the Class I or II event is greater than can be safely accommodated on those portions of sidewalks or other city property whose use for an unpermitted assembly or parade is permissible.

In making a determination under subdivision (a) or (b) of this paragraph (C)(3), the Chief shall consider all relevant factors listed in subsection (B) of this section.

D. Any grant of reasonable time to disperse under this section shall not be construed as a waiver of, or limitation on:

1. The Chief's right to revoke any permit already issued; or to subsequently take any necessary action for dispersal, traffic control and public safety, including but not limited to ordering immediate dispersal, or ordering specific persons to move off the roadway or other City property;

2. The City's right to prosecute persons conducting or participating in a Class I or II event without a permit or in contravention of permit requirements;

3. Any other City rights or remedies.

#### **Section 20-537. Separation of assemblies or parades.**

A. If the Chief determines that two or more parades or assemblies may coincide, in whole or in part, as to time or place, and that any direct contact between, or combination of, two or more of the coinciding assemblies or parades, or their spectators, might represent a danger to the respective rights of expression of the persons or groups represented and participating in the respective parades or assemblies, or a threat to spectators, or a threat to public safety in general, the Chief is authorized to require one or more of the following specified remedies, based on the Chief's consideration and application of the factors in subsection (B) of this section to the particular circumstances:

1. Geographically separated locations, routes, parking areas, assembly areas, or disassembly areas, or any combination thereof, for the respective assemblies or parades;

2. Different starting times, ending times, or both for the various assemblies or parades, or a specified duration of time between the ending time of one assembly or parade and the starting time of another; or

3. Physical separation of the participants in the respective assemblies through fences, barricades, police lines, or other appropriate means, singly or in combination.

B. In determining whether subsection (A) applies, which of the authorized remedies to apply, and how to specifically apply those remedies in the particular circumstances, the Chief shall consider, apply, and be governed by the following factors:

1. The times, locations and routes of the respective parades and assemblies;
2. Their relative proximity;
3. The availability, proximity and practicality, with respect to traffic control and public safety, of alternative locations or times for one or more of the assemblies or parades that will cause minimum disruption to participants;
4. The accessibility of alternate locations or routes to participants, spectators, and any media covering one or more of the assemblies or parades;
5. All information regarding the respective events listed in the various applications for permits, if any applications were filed;
6. All factors listed in 20-518 (considered in granting or denying permits);
7. To the extent not already considered under paragraph numbers (1)-(6), the safety of participants, spectators, police personnel and persons or property in general;
8. Any prior history indicating the extent to which similar events by or against the person or group, or regarding the person, cause, activity or issue being supported or opposed, if known, have either been peaceful or orderly, or have resulted in violence, danger to the public safety, or failure of compliance with the terms and conditions of this article, or of any permit issued hereunder, or of any order by a police officer authorized by this article or by the permit;
9. Any public statements by any of the participating persons or groups that indicate a heightened or lessened threat to public safety.

C. The Chief's authority under this section shall apply to any assembly or parade within the City limits, whether or not the assembly or parade is normally subject to permitting under this article.

**Section 20-538. City not required to provide free services.**

The issuance of a permit pursuant to this article, or, alternatively, the exemption of a parade or assembly from this article's permit requirements, does not obligate the City to provide any municipal services at city expense to any parade or assembly, and does not affect the Mayor and Council's discretion to grant or deny civic event support to any parade or assembly.

**SECTION 20-539. Permit does not affect, and is not affected by, other permit requirements or exemptions, laws, rights or remedies.**

A. The issuance of any other permit or license required by law, or, alternatively, a person's exemption from any other permit or license requirements, does not relieve any person from the obligation to obtain a permit required by this article.

B. The issuance of a permit pursuant to this article, or, alternatively, a person's exemption from the permit requirements of this article, does not relieve any person from the obligation to obtain any other permit or license required by law.

C. Nothing in this article shall be construed to affect the continued applicability to any event, or to those conducting or participating in any event, of any otherwise applicable provision of any permit, rental agreement, or local, state or federal statute, ordinance or regulation.

D. Any City right or remedy set forth in this article is in addition to, and does not supersede or waive, any other right or remedy available to the City under law.

**SECTION 20-540. Conduct of event permitholder and participants.**

A. It is unlawful for the permitholder to knowingly fail to comply with any condition of the permit.

B. Except as directed by the Chief pursuant to Section 20-532(A)(4) of the code, it is unlawful for any assembly or parade, or any participant in any assembly or parade, to depart or deviate from the assembly location or parade route set forth in the permit, or (for parades) to fail to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

C. It is unlawful for any participant in any parade or assembly to carry or possess any sign support that is metal, not blunt at each end, or has any point or edge capable of cutting or piercing.

**SECTION 20-541. Public conduct during events.**

A. All of the following are unlawful:

1. For any unauthorized person to:

(a) Block, hamper, obstruct or impede the passage of, any person, equipment, float, bicycle, motor vehicle, other vehicle or animal participating in an event. This provision shall not apply to the operation of police, fire, or other emergency vehicles such as ambulances, or of authorized City service vehicles. This provision also shall not

apply at any intersection where traffic is controlled by traffic signals or police and the person acts in compliance with the signal or police direction.

(b) Interfere with, grab at, take hold of, hit, pull, or push any person, equipment, float, bicycle, motor vehicle, other vehicle or animal participating or used in an event, or anything in the possession of any participant in the event.

(c) Fire any starter pistol, or any handgun or firearm, whether loaded with live ammunition or not, during any event.

(d) Remove, displace or interfere with any lawfully placed sign, barricade, or other property or equipment used in connection with the closure of streets for, or other regulation of, an event.

2. For any unauthorized person or vehicle to be on any roadway designated as a parade route, parade staging area, parade dispersal point, or site of an assembly. This provision shall not apply to the operation of police, fire, or other emergency vehicles such as ambulances, or of authorized City service vehicles, when responding to emergency calls. This provision also shall not apply at any intersection where traffic is controlled by traffic signals or police and the person acts in compliance with the signal or police direction.

3. For any person to:

(a) Shoot, drop, throw, squirt, roll, or fly any object, liquid or gaseous substance on, toward, into, among, or between the persons, floats, bicycles, animals, vehicles, motor vehicles participating in any event.

(b) Disobey the order of a police officer attempting to control traffic or crowd movement at an event.

B. The provisions of this section do not apply to a police officer acting within the scope of the police officer's authority.

### **SECTION 20-542. Penalties for violation; declaration of nuisance; administrative assessments for police response.**

A. Any person violating any of the provisions of this article, or any regulations authorized under Section 20-531 and adopted by the Chief under this article, is guilty of a misdemeanor.

B. Class I or II events held without a permit, or in contravention of permit requirements, also are declared to be a public nuisance. Persons responsible for the costs assessable under subsections (C) and (D) include anyone who organizes or conducts the Class I or II event.

C. The Court shall assess an administrative charge against any person convicted of, or found responsible for, organizing or conducting a Class I or II event held without a permit, or in contravention of permit requirements, to cover all or part of the costs and expenses directly incurred by the City in the investigation, enforcement and abatement of the violation. The administrative charge shall be in addition to any penalties specified in this article, and any amounts awarded as restitution. An administrative charge pursuant to this section may be imposed against more than one person for the same event, but the administrative charge imposed against any one person shall not exceed two thousand dollars for each event.

D. The administrative charge authorized by subsection C shall be assessed, collected and deposited in the same manner as the administrative charge for persons convicted of a violation of A.R.S. § 28-1381 as set forth in section 8-6.6 of this Code, except that the amount of the administrative charge shall be determined by the Court based upon the Chief's submission of evidence of the wages, including employer-paid benefits, of paid police officers for the time they were engaged in the response; a reasonable amount as rental for the use of vehicles and equipment; all costs and expenses for police equipment and materials, including any replacement costs necessitated by consumption; and the costs of any investigation.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

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SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

  
CITY ATTORNEY

\_\_\_\_\_  
CITY MANAGER

  
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**Sec. 20-149. Driving over fire hose.**

No vehicle shall be driven over any unprotected hose of a fire department when laid down, on any street, private driveway or alley, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(1953 Code, ch. 17, § 78)

**State law reference**—Similar Provisions, A.R.S. § 28-897.

**Sec. 20-150. Permission required for processions and parades; compliance with chapter.**

No procession or parade shall occupy, march, or proceed along any street or sidewalk except in accordance with written permission granted by the city traffic engineer and such other regulations as are set forth in this chapter which may apply. Written requests shall be made a minimum of fourteen (14) days in advance. This section shall not apply to funeral processions, except that the chief of police may regulate such processions as unreasonably interfere with normal traffic flow or pose a threat to public peace or safety.

(1953 Code, ch. 17, § 79; Ord. No. 4667, § 1, 6-20-77; Ord. No. 6308, § 1, 9-16-85)

**Sec. 20-151. Reserved.**

**Editor's note**—Section 20-151, prohibiting driving through processions, derived from the 1953 Code, ch. 17, § 80, was repealed by § 1 of Ord. No. 5931, adopted Dec. 19, 1983.

**Sec. 20-152. Method of driving in processions.**

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

(1953 Code, ch. 17, § 81)

**Sec. 20-153. Reserved.**

**Editor's note**—Section 20-153, prohibiting driving on sidewalks except at a driveway, derived from the 1953 Code, ch. 17, § 82, was repealed by § 1 of Ord. No. 5931, adopted Dec. 19, 1983.

**Sec. 20-154. Operation of unsafe vehicles.**

No person shall drive or move any motor vehicle, trailer, semitrailer or combination thereof on any street or highway when any such vehicle is in such condition as to be a potential hazard to any other person or vehicles upon such street or highway. This section is particularly directed against vehicles with damaged, torn or loose fenders, doors or other parts likely or liable to injure other persons, damage other vehicles or any other property.

(1953 Code, ch. 17, § 85)

**Sec. 20-155. Limitations on U-turns.**

The driver of any vehicle shall not turn such vehicle on a city street or highway so as to proceed in the opposite direction:

*Sec. 20-155(1).* At any intersection controlled by a traffic-control signal, whether a green indication or a green arrow when signs are erected prohibiting such turns. (Ord. No. 4508, § 2, 6-21-76)

*Sec. 20-155(2).* Upon any street or highway in a business district, except when on a divided highway or street, or part thereof.

*Sec. 20-155(3).* Upon any street or highway other than divided highways, except at intersections.

*Sec. 20-155(4).* Except when such movement can be made on a street or highway in safety and without interfering with other traffic. The driver shall yield the right-of-way to any approaching vehicle that is so near as to be an immediate danger. (Ord. No. 7645, § 1, 6-17-91)

*Sec. 20-155(5).* At such places where such turns are prohibited pursuant to and in the manner provided by section 20-115. (1953 Code, ch. 17, § 87; Ord. No. 1921, § 1, 4-21-58; Ord. No. 2544, § 1, 11-18-63)

**Sec. 20-156. Obstructing intersections, crosswalks.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk

**QUESTIONS AND ANSWERS REGARDING THE CITY’S ORDINANCE  
REGULATING USE OF CITY ROADWAYS OR PROPERTY  
FOR PARADES AND ASSEMBLIES  
(Revised 3/7/03)**

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## **I. Intent, scope, and general information**

### **What is the ordinance's intent and purpose?**

**[T.C. § 20-510]**

The ordinance's fundamental intent and purposes are:

- To require permits only for those parades and assemblies that affect traffic or public safety on City roadways or other City property.
- To codify uniform, constitutional permitting procedures to assure public notice, traffic regulation, crowd control, and protection of public health and safety.
- To distinguish between events whose relatively lesser impact on traffic and public safety allows permitting on relatively short notice, and those events requiring greater long-term planning and coordination prior to permit issuance.
- To provide effective judicial review if a permit is denied, granted under terms and conditions different from those originally applied for, or revoked.

### **What types of events don't need a City permit?**

**[T.C. § 20-512]**

- Assemblies or parades on:
  - Private property
  - Non-City public property
  - City sidewalks, islands, medians, or other off-roadway City property, so long as the participants obey all traffic signals and laws and don't interfere with traffic on nearby sidewalks or roadways.
  - City park grounds (subject to Parks Department regulation)
  - Tucson Convention Center grounds or facilities pursuant to a use permit or short-term rental agreement.
- Parades on City roadways that consist solely of one mode of transportation (e.g., bicycles or motor vehicles), travel with other traffic, and comply with traffic laws.
- Motor vehicle funeral processions in compliance with state law.
- Emergency vehicle operation in compliance with state law.

- Street or sidewalk improvements or repairs under City right-of-way permits.
- Governmental activities where traffic regulation, crowd control, and public safety measures are automatically undertaken by, or in coordination with, the Chief.

**What events do need a written permit?**

**[T.C. §§ 20-511(9) and (10); 20-513]**

Assemblies or parades that meet the definition of a Class I or Class II event, and are not exempted under T.C. § 20-512.

**Who issues Class I and Class II permits?**

**[T.C. §§ 20-513, 20-511(7)]**

The Chief of Police ("Chief") issues both Class I and Class II permits. In the context of granting or denying permits, the term "Chief " includes any designee(s).

**How does one apply for a class I or II permit?**

**[T.C. § 20-514(A)-(D)]**

By filing a written application, in a form approved by the Chief, and in an envelope clearly marked "Assembly or Parade Permit Application Enclosed," at the Main Police Station, 270 South Stone Avenue, Tucson, Arizona.

An applicant applying on behalf of any other person or organization must also file a letter from that person or organization authorizing the application's filing by the applicant.

**How does the Chief resolve issues of priority for time and place?**

**[T.C. § 20-514(F)-(I)]**

First, the Chief gives priority to existing annual, semiannual, or other regularly scheduled or recurring Class I or II events historically held at the same location and on a known or calculable day or date, or set or series of days and dates, each year.

Otherwise, the Chief issues permits for substantially the same time and place on a "first-in-time" basis, that is, the earliest completed application received has priority as to the time and place requested.

**Can the Chief offer multi-year or multiple use permits for any Class I or II event?  
[T.C. § 20-514(H)]**

No. A new application, and new permit, is required each time the event is held.

**Are there factors the chief may not consider in deciding whether to grant or deny a Class I or Class II permit?  
[T.C. § 20-529]**

Yes. The Chief may *not* consider the Class I or II event's speech content or message, the anticipated public reaction to that content or message, or the applicant's identity or associational relationships.

The Chief must uniformly consider each permit application upon its merits and cannot discriminate based on race, creed, color, ethnicity, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, political party affiliation (or lack thereof), familial status or marital status.

**Does having a Class I or II permit eliminate the need to get other permits required by law, or vice versa?  
[T.C. § 20-539(A)]**

No. Having a Class I or II event permit does not affect the applicant's need to obtain any other permits required by law. Conversely, having other required permits does not affect the applicant's need to obtain a required Class I or II event permit.

**Is the City required to provide free services to Class I or II permit holders, or to events exempted from permit requirements?  
[T.C. § 20-538]**

No.

## **II. Permit process for class I events**

**What is a Class I event?  
[T.C. § 20-511(9)]**

Any assembly or parade:

1. In a City roadway (that part of the street used by vehicles); or

2. On other City property if it blocks access to the property (or facilities on the property), or otherwise impedes or prevents the property's use for its intended public purpose.

**How much in advance must one apply for a Class I permit?  
[T.C. § 20-515]**

At least 48 hours prior to the start of the Class I event.

However, the ordinance provides that the Chief also shall grant Class I permit applications submitted less than 48 hours prior to the Class I event if the Chief determines, based upon consideration of the event's traffic- and public-safety-related characteristics as listed in T.C. § 20-515(B)(2), that necessary traffic control and public safety measures can be implemented in the time allowed.

**Does the new ordinance absolutely prohibit class I events at any particular times and locations?  
[T.C. § 20-516]**

Yes. Due to the lack of effective and safe alternate routes for rush hour traffic, Class I events are prohibited between 6:30 a.m. and 9 a.m., and between 3:30 p.m. and 6 p.m., on days other than Saturday, Sunday and legal holidays, on roadways in the central business district, or on roadways of arterial or collector streets.

The ordinance's definition section references Tucson Code § 20-1(6), which defines the City's central business district, and the Major Streets and Routes (MS&R) Plan, which identifies arterial and collector streets.

**Assuming T.C. § 20-516 does not apply, how does the Chief decide whether to grant a Class I permit?  
[T.C. §§ 20-515, 20-518]**

*Applications filed 48 hours or more prior to event.* The Chief must grant the permit unless the Chief determines one of the grounds for denial listed in T.C. § 20-518 exists.

If the Chief finds the permit as applied for cannot be granted, but that a permit could be granted with additional or modified terms and conditions, the Chief shall authorize the permit with the additional or modified terms and conditions. Only if the permit cannot be granted as applied for or as modified will the Chief wholly deny it.

*Applications filed less than 48 hours prior to event* In addition to T.C. § 20-518, the Chief must also consider the traffic-related characteristics of the event, listed in T.C. §

20-515(B)(2), to determine whether necessary traffic control and public safety measures can be implemented within the time allowed. If so, the Chief grants the permit.

**Must a Class I permit applicant pay for police and traffic control devices the Chief determines are necessary for a Class I event?**

**[T.C. § 20-518.01]**

No. The City could lawfully impose necessary traffic control and police costs on Class I permit applicants, However, after consideration of all the pros and cons, including input from interested groups, the City Manager has decided that for now, the City will not require Class I applicants to pay these costs.

Police and traffic control costs could range from a minimum of \$138 to several thousand dollars per Class I event, depending on the route, duration, and number of participants. On an annual basis, Class I events could result in considerable cumulative City expense.

City staff initially will monitor costs for police and traffic control incurred as a result of Class I events, and the resulting budget impact. After a data collection and evaluation period, and especially if costs begin to be a difficult burden on the budget, City staff may return at a future date with a proposal to impose police and traffic-control costs on Class I applicants.

**When must the Chief decide whether to grant a Class I permit?**

**[T.C. § 20-517]**

Within ten business days from the date the application is received, except:

- If the application is filed between 10 days and 48 hours prior to the Class I event, the Chief must decide not later than 24 hours prior to the Class 1 event;
- If the application is filed less than 48 hours prior to the Class I event, the Chief must decide by the Class I event's scheduled time.

**What if the Chief doesn't decide whether to grant a Class I permit within the time limits stated in the ordinance?**

**[T.C. § 20-517(B)]**

Unless the parade is a "rush hour" parade absolutely prohibited under the time and place restrictions set forth in T.C. § 20-516, the Class I permit is deemed granted.

### **III. Permit process for class II events**

#### **What is a Class II event?**

**[T.C. § 20-511(10)]**

A Class II event meets the definition of a Class I event (assembly or parade in a City roadway, or on other City property such that it interferes with traffic or intended public use) and also involves at least one of the following:

- Activities or equipment that will require advance fire, health, safety or other governmental inspection.
- Placement of structures or equipment in the roadway.

*Note: The set-up and use of portable equipment to power a microphone or reading light to aid speech does not, by itself, trigger this provision.*

- Storage, use or display of any portable fuel sources, explosives, fireworks or pyrotechnics, or flammable substances.
- Sale or service of alcohol, food, or merchandise;
- Setting-up structures or equipment on City property;
- Excavation, anchoring or similar use of a City street or other property;
- Participants of both persons on foot and in motor vehicles;
- Participation of persons on horseback, horse-drawn vehicles, or other draft animals.

#### **How much in advance must one apply for a Class II permit?**

**[T.C. § 20-519]**

At least 60 and not more than 180 days prior to the start of the Class II event.

#### **Must Class II permit applicants automatically pay for certain items to obtain a Class II permit?**

**[T.C. §§ 20-520 through 522]**

Yes. Before the Chief can issue a Class II permit, the applicants must obtain and pay for necessary insurance, traffic control measures, and police resources.

Proof of all necessary insurance must be in the Chief's hand no later than 20 days prior to the Class II event (T.C. §20-520(F)). Proof of contracts for traffic control and police resources must be in the Chief's hand no later than 14 days prior to the Class II event (T.C. §§ 20-521(D), 20-522(C)).

**In addition to requiring insurance, traffic control, and police, can the Chief impose additional conditions on the Class II permit applicant?  
[T.C. §§ 20-524 through 20-526]**

Yes. When a class II permit application is filed, the Chief has 30 days to determine, and notify the applicant of, additional terms and conditions necessary to the issuance of a Class II permit. The terms and conditions must relate to issues listed in T.C. § 20-524, and be based on the event characteristics listed in T.C. § 20-525.

Not later than 14 days prior to the Class II event, the applicant must provide the Chief with written documentation of compliance with the terms and conditions required for issuance of the permit. Failure to do so is grounds for permit denial (T.C. § 20-528(A)(6)).

**When must the Chief finally decide whether to grant a Class II permit?  
[T.C. § 20-527(A)]**

Within 7 days after receipt of the applicant's documentation of compliance required under T.C. § 20-526(B). This translates to 7 days prior to the Class II event.

**What if the Chief doesn't timely decide whether to grant a Class II permit?  
[T.C. § 20-527(B)]**

The permit is deemed granted. However, this is unlikely to occur with Class II permits, which have much longer application lead times, and involve intermediate deadlines for the communication of, and submission of proof of compliance with, conditions.

#### **IV. Chief's powers regarding permitted Class I or II events.**

**What are the Chief's powers regarding events for which a Class I or II permit has issued?  
[T.C. § 20-532]**

The Chief can:

- Implement traffic and crowd control measures to protect public safety.

- Close or barricade streets or other city property and prohibit or regulate pedestrian and vehicle traffic on the closed or barricaded street or property.
- In case of fire, accident, or emergency, divert a Class I or II event away from danger to a safe location or route, and return it to its original location or route when safe to do so.

The ordinance also makes it unlawful to refuse to comply with police orders given in these contexts. The Chief's powers under the ordinance are in addition to any other powers granted to the Chief under federal, state, or local law.

## **V. Permitholder's Responsibilities**

### **When a Class I or II permit issues, who is the permitholder? [T.C. § 20-533(A)]**

A Class I or II permit is issued in the name of the applicant, who from the time of permit issuance is deemed the permitholder.

### **What is the significance of being the permitholder? [T.C. §§ 20-518.01, 20-533, 20-540]**

For all purposes, the permitholder is the person organizing and conducting the event, and responsible for compliance with the ordinance, all permit conditions, and the Chief's orders.

### **Must the permitholder designate persons who will be available for liaison with police at the Class I or II event? [T.C. § 20-533(D)]**

Yes. With respect to Class I events, the permitholder must provide a written designation of a representative to the Chief by the start of the Class I event.

With respect to Class II events, at least 48 hours prior to the Class II event's commencement, the permitholder must provide the Chief with a written listing showing the names of all persons who will serve as representative, the location at the event and phone number where they can be contacted, and the time periods when they will serve.

**What responsibilities does the permitholder or representative have at the event?  
[T.C. §§ 20-518.01(E), 20-533(C), 20-540]**

The permitholder, or the designated representative, shall:

- Be present on site at all times during the event, to act as contact person and provide any necessary liaison and coordination with the Chief.
- Immediately identify himself or herself as the permitholder or designated representative to any police officer requesting such identification.
- Carry the Class I or II permit and, in the case of a designated representative, a copy of the person's written designation as representative, upon his or her person at all times during the event, and present either or both of those items for inspection to any police officer requesting to see either or both of them.

The ordinance makes it unlawful for:

- The permitholder to knowingly fail to comply with any condition of the permit.
- A parade or assembly to deviate in location or route, except in emergencies as directed by the Chief pursuant to T.C. § 20-532(A)(4).
- A parade to fail to expeditiously move from points of origin to termination.
- Any participant in any parade or assembly to carry or possess any sign support that is metal, not blunt at each end, or has any point or edge capable of cutting or piercing.

## **VI. Permit revocation**

**Can the Chief revoke a Class I or II permit, once it is issued?  
[T.C. § 20-534]**

Yes. The Chief can revoke a previously granted permit, where the Chief determines that the event:

- Was issued a permit in error or contrary to law.
- Now meets one or more conditions for initial denial set forth in Section 20-518.

- Cannot be conducted without violating the standards or conditions for permit issuance.
- Lacks any other permit or license required by law.
- Is being conducted in violation of the ordinance, a permit issued pursuant to the ordinance, or any other applicable law, rule or regulation.
- Is being held without the necessary number of peace officers.
- Poses a threat to public health or safety.

**Can the Chief revoke a Class I or II permit orally?  
[T.C. § 20-534]**

Yes. Oral notification to the permitholder or designated representative by the Chief, or a police officer acting under the Chief's direction and authority, is sufficient for immediate closure of the event. However, the Chief must provide written notification of the reasons for the revocation to the permitholder and City Attorney within twenty-four (24) hours after the closure of the event.

A revocation does not limit the City's power to prosecute, or seek other relief against, any person for any violation or activity on which the permit revocation is based.

**VII. Judicial review of permit denial or revocation**

**Does the Chief have to give written reasons for denying a Class I or II permit, or granting a Class I permit with modified conditions?  
[T.C. §§ 20-517(C) (Class I), 20-527(C) (Class II)]**

Yes. In these cases, the Chief must provide the applicant and City Attorney with a written statement of the reasons for the decision by the close of the next business day.

**Must the Chief give written reasons for revoking a Class I or II permit?  
[T.C. §§ 20-534(C)]**

Yes, but they can be provided after revocation occurs. The Chief's verbal notification to the permitholder is sufficient to close the event. However, written notification of the reasons for revocation must be provided to the permitholder and City Attorney by the close of the next business day after the closure.

**Is judicial review available for the Chief's denials or revocations of Class I or Class II permits?**  
**[T.C. § 20-535]**

Yes. The ordinance specifically provides for judicial review of the Chief's decision in City court upon petition by the applicant filed within ten days after the denial. The ordinance also specifically states this remedy is not exclusive. Either the applicant or the City also can bring an action in state or federal court.

**VIII. City's powers regarding Class I or II events held without permit, or in contravention of permit requirements.**

**What are the Chief's powers regarding events conducted without, or in contravention of a permit? [T.C. § 20-536(A), (B)]**

When the Chief responds to a Class I or II event being conducted without, or in contravention of a permit, the Chief may, after considering the traffic, public safety, and police safety factors set forth in T.C. § 20-536(B), either:

- Order immediate dispersal or
- Allow participants a reasonable time to disperse.

**What are the Chief's powers regarding situations where spillover from an assembly or parade on non-City property has created a Class I event?**  
**[T.C. § 20-536(C)]**

When the Chief determines that spillover from non-City property onto City property has created a Class I or II event requiring a permit, the Chief shall

- First order persons whose presence results in the spillover onto sidewalks or other city property usable without a permit.
- If there is noncompliance, or if spillover continues to occur, or if the number of persons is too large to fit onto those portions of sidewalks or other city property usable without a permit, the Chief may either
  - Order immediate dispersal or
  - Allow participants a reasonable time to disperse.

**If the Chief grants a reasonable time to disperse in either of the above situations, does that waive any City rights or remedies?**  
**[T.C. § 20-536(D)]**

No. The Chief still can revoke any permit already issued and take any necessary action for dispersal, traffic control and public safety, while the City can still prosecute persons conducting or participating in the event.

**Does the City also treat Class I or II events held without a permit, or in contravention of permit requirements, as a public nuisance?**  
**[T.C. § 20-542]**

Yes. In addition to any penalties or restitution, the Court shall assess an administrative charge against any person or persons convicted of, or found responsible for, organizing or conducting the Class I or II event, to cover the City's costs and expenses in the investigation, enforcement and abatement of the violation.

The administrative charge shall be assessed, collected and deposited in the same manner as the administrative charge for persons convicted of a violation of A.R.S. § 28-1381 as set forth in T.C. § 8-6.6.

The amount charged shall be determined by the Court based upon the Chief's submission of evidence of police officer wages, including employer-paid benefits, for the time they were engaged in the response; a reasonable amount as rental for the use of vehicles and equipment; all costs and expenses for police equipment and materials, including replacement costs necessitated by consumption; and any investigation costs.

An administrative charge pursuant to this section may be imposed against more than one person for the same event, but the administrative charge imposed against any one person shall not exceed two thousand dollars for each event.

**IX. Regulation of public conduct during Class I or II events**  
**[T.C. § 20-541]**

**Does the new ordinance also regulate public conduct at Class I or II events?**

Yes. T.C. § 20-541 specifies several types of unlawful conduct involving interference with events, their participants, or traffic control equipment used to regulate them. The ordinance also contains necessary exemptions for emergency or authorized City service vehicles responding to calls and for police officers acting within the scope of their authority.

## **X. Chief's authority to separate class I or II events.**

**Can the Chief separate parades or assemblies coinciding in time or place?**

**[T.C. § 20-537]**

Yes, if, based on the factors listed in T.C. § 20-537(B), the Chief decides contact between the two events represents a danger to participants, spectators, or the public, the Chief can require geographical, chronological, or physical separation as described in T.C. § 20-537(A).

**Does the Chief's separation authority extend to all assemblies or parades within the City, whether subject to permitting or not?**

**[T.C. § 20-537]**

Yes. The Chief's separation authority extends to any assembly or parade within the City limits, whether or not the assembly or parade is normally subject to permitting as a Class I or II event (T.C. § 20-537(C)).

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