

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, ESTABLISHING A REQUIREMENT FOR PARADE PERMITS; DEFINING PARADE; ESTABLISHING APPLICATION PROCEDURE AND FEE; SETTING FORTH DUTIES OF TOWN MAYOR; ESTABLISHING APPEALS PROCEDURE; PROVIDE FOR CRIMINAL OFFENSE FOR VIOLATION OF ORDINANCE; PROVIDING FOR SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU FLORIDA.

SECTION 1.

PERMIT REQUIRED. From and after the passage of this ordinance, it shall be unlawful for any person, firm, association, or group of persons, firms or associations to hold, or participate in a parade in the Town of Cinco Bayou, Florida, Okaloosa County, without first securing a parade permit from the Town Clerk of the Town of Cinco Bayou, Florida.

SECTION 2.

PARADE DEFINED. For the purpose of this ordinance, a "parade" shall be defined as an assemblage of persons, groups of persons, vehicles, bands, floats, or devices gathered together in public with some circumstances of show and shall not include a funeral procession or an assemblage of public officials gathered for any purpose in the public interest.

SECTION 3.

FILING OF APPLICATION. The application for a parade permit shall be made at least ten (10) days before the date of the scheduled parade. To obtain such parade permit the person, firm, association or group of persons, firms, or associations, desiring to hold a parade shall file with the Town Clerk an application form to reflect the name, address and telephone, both business and residential of the applicants; the date and hours which the parade is to be held, the location and time of the point of assembly, the location and time of the disbursal, the parade route, anticipated number of marching persons, the anticipated number and type of motorized and other vehicles and devices, the number of bands and floats in the parade, and a statement by the applicant that his/her firm or association will assume all responsibility for the mechanical condition of each and every vehicle in the parade, and any and all damages caused by mechanical failure of any vehicle, float or other device in the parade and hold the Town harmless for any negligent acts or omissions of the parade participants.

SECTION 4.

NOTIFICATION OF VARIOUS DEPARTMENTS. The Town Clerk shall notify the public utilities companies, the directors of the franchise department of water and sewer system for the Town of Cinco Bayou of the time, place, route and other circumstances of said parade. In the event that either or any of said departments are in the process of utility improvements, or contemplated improvements along the parade route during the time of the parade which cannot be interrupted, the Mayor, or in his/her absence, the Mayor Pro Tem, shall deny the application for a parade permit or shall reroute same.

SECTION 5.

DETERMINATION AS TO WHETHER PERMIT IS TO BE ISSUED. The Mayor, or in his/her absence, the Mayor Pro Tem, shall determine whether or not the application is properly made and after analyzing the information contained therein, the information from the departments consulted as aforesaid, and any other information gathered by him/her shall determine whether or not the permit should be granted. Permission from the State Department of Transportation to parade on Eglin Parkway shall be a condition precedent to issuance of a permit.

SECTION 6.

PERMIT CONDITIONS AND RESTRICTIONS. The Mayor, or in his/her absence, the Mayor Pro Tem, shall, upon granting the permit, insert such conditions and restrictions on the permit as are reasonable and necessary to insure the general health, welfare and public safety; to include, but not limited to, lane-of-travel restrictions, road guards and escort security.

SECTION 7.

BOND. The Mayor, or in his/her absence, the Mayor Pro Tem, may, at his/her discretion, require the applicant for a parade permit to furnish to the Town a bond in an amount not to exceed two hundred and fifty thousand dollars (\$250,000.00) secured by a surety company licensed to do business in the State of Florida, payable to the Town of Cinco Bayou or to any person, firm, corporation or association in the Town of Cinco Bayou who may suffer any injury or damage from any vehicle, float, device or person participating in the parade.

SECTION 8.

DENIAL OF PERMIT; APPEAL. Any applicant who has been denied a parade permit shall have the right to file an appeal to the Town Council of the Town of Cinco Bayou, within five (5) days from the date his application is denied. It shall be incumbent upon the Town Council to hear the appeal at any regular or special meeting of said council to be held at any time not less than ten (10) nor more than sixty (60) calendar days from the date the appeal is received by the Mayor, or in his/her absence, the Mayor Pro Tem.

SECTION 9.

EFFECT OF FAILURE TO OBTAIN PERMIT. Any person, or the officers of any firm or association who organize and hold a parade within the incorporated area of the Town of Cinco Bayou without first obtaining a parade permit or any person who participates in any manner in a parade in the incorporated area of the Town of Cinco Bayou knowing either from his/her knowledge or from information received by him/her from the representatives of the Town of Cinco Bayou, that a parade permit has not been granted for the parade in which he participates shall, upon conviction in the County Court of Okaloosa County, Florida, be sentenced to not more than six (6) months in County Jail, be fined not more than five hundred dollars (\$500.00), or both.

SECTION 10.

SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not effect the validity of the remaining portion thereof.

SECTION 11.

REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All ordinances and resolutions of the governing body in conflict herewith are hereby repealed.

SECTION 12.

EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE

TOWN OF CINCO BAYOU, FLORIDA, this 18th DAY OF MAY, 1981.

ATTEST:


ALBERT S. BORCHIK, JR.
TOWN CLERK


RALPH J. PERRY
MAYOR PRO TEM