

Chapter 22

STREETS AND SIDEWALKS*

* **Cross References:** Street construction in subdivisions, § 23-20.

Art. I. In General, §§ 22-1--22-29

Art. II. Sidewalk Construction, §§ 22-30--22-49

Art. III. Parades and Motorcades, §§ 22-50--22-61

ARTICLE I.

IN GENERAL

Sec. 22-1. Numbering system--Property to be numbered; placing numbers on buildings.

All buildings and vacant lots abutting on any street or avenue shall be numbered. The number or numerals shall be conspicuously placed on the building as provided herein.

(Ord. of 4-2-56, §§ 1, 7)

Sec. 22-2. Same--Base lines.

Main Street shall constitute the base line for all numbering on the streets running north and south, and Park Street shall constitute the base line for all numbering on the streets running east and west.

(Ord. of 4-2-56, § 2)

Sec. 22-3. Same--Odd and even numbers; order of numbers.

Buildings fronting streets from the east and from the south shall bear even numbers in their last figure. Buildings fronting streets from the west and from the north shall bear odd numbers in their last figure. Buildings fronting streets running north and south shall be numbered from the base line; such numbers shall be 100 at the base line and not to exceed the number 199 at the end of the first block either north or south of the base line, 201 at the beginning and not to exceed the number 299 at the end of the second block, either north or south of the base line. Such system shall be followed in numbering all of the streets running north and south in this city. Buildings fronting streets running east and west shall be numbered from the base line. Such numbers shall be 100 at the base line and not to exceed the number 199 at the end of the first block either east or west of the base line, 201 at the beginning and not to exceed the number 299 at the end of the second block, either east or west of the base line. Such system shall be followed in numbering all of the streets running east and west in this city. Where streets intersect but do not cross, the numbers shall run in each case to a street intersecting on both sides of the street being numbered. Any block located upon streets which do not intersect the base lines shall bear the hundred number of the corresponding block nearest the same location which does intersect the base line. In each block, each twenty-five (25) feet of frontage shall be deemed the unit for determining the last figure of the

number to be used. From the corner of each block nearest its respective base line each twenty-five (25) feet of frontage shall be given a number; except where lots vary from twenty-five (25) feet in width, such lots shall be numbered to conform to the size of the lot. Fractions may be used if necessary to designate a building located on a fractional part of a twenty-five (25) foot frontage.
(Ord. of 4-2-56, § 3)

Sec. 22-4. Directional designation of streets.

All lots or parts of lots, houses and buildings located on those portions of any street extending north and south and being north of the Main Street base line shall be known and designated as "North" and all south of the Main Street base line shall be known and designated as "South," and all located on all those portions of any street extending east and west and being east of the Park Street base line, shall be known and designated as "East" and all west of the Park Street base line shall be known and designated as "West." The prefixes shall be placed before the proper name of the street as "West Main Street" or "North Park Street."
(Ord. of 4-2-56, § 4)

Sec. 22-5. Same--Determining in case of doubt.

In case of doubt or where a question arises as to the proper number to be assigned to any lot or building, the city secretary shall decide the question and fix the number of such lot or building.
(Ord. of 4-2-56, § 5)

Sec. 22-6. Same--Style of number.

The number plate, placed upon any building shall be metal or wood, or the number may be painted on the front of the building, door, post, transom, or other place. The number shall be at least three (3) inches in height and so as to be easily seen from the street.
(Ord. of 4-2-56, § 6)

Sec. 22-7. Obstructing--By merchant.

It shall be unlawful for any person to obstruct any street or sidewalk by placing any merchandise or thing in front of his store on the sidewalk or street next to the building; provided, however, that merchants having stores within the Historical Central Business District may place benches and planters on the sidewalk in front of their stores. Benches, planters and the plants contained therein shall not extend further onto the sidewalk than two (2) feet from the face of a building. No written material such as advertising or slogans can be applied or affixed to the benches or planters. It shall be the responsibility of the merchant to keep his bench in good repair and to keep the plants within his planters watered. A merchant may not place a bench or planter on a sidewalk without first having obtained a permit from the building inspector.
(Code 1894, Ord. 321; Rev. Ords. 1899, Ord. 291; Ord. of 10-5-02; Ord. of 4-15-12; Ord. of 4-11-96, § 1)

Sec. 22-8. Same--Stand or booth.

It shall be unlawful for any person to keep or operate any stand, stall or booth, for the sale of articles, on any street or pavement.
(Code 1894, Ord. 180)

Sec. 22-9. Same--Declaration of nuisance.

Any encroachment upon a street, or obstruction thereof, shall be deemed a nuisance, and any person making or causing the same shall be guilty of a misdemeanor.
(Code 1894, Ord. 181)

Sec. 22-10. Same--Abatement by chief of police.

It shall be the duty of the chief of police to cause all obstructions in the streets, highways and sidewalks to be removed.
(Code 1894, Ord. 322)

Sec. 22-11. Obstruction of drainage.

It shall be unlawful for any person to obstruct or stop the running off of water in any of the ditches, culverts or sewers.
(Code 1894, Ord. 131)

Sec. 22-12. Water falling from roof, etc.

The falling of water from the roofs, galleries and awnings of houses, into the streets, alleys or sidewalks is declared a nuisance. All owners of such houses are required to provide proper gutters to the same to convey the water to the earth.
(Code 1894, Ord. 179; Rev. Ords. 1899, Ord. 202; Ord. of 9-18-03)

Sec. 22-13. Depositing liquids.

If any person in this city shall cause or permit the water, or any liquid matter, from his premises to run and be discharged in and upon any street, alley, sidewalk or gutter of this city, by any pipe or conduit or by any other means, he shall be deemed guilty of a misdemeanor.
(Code 1894, Ord. 185)

Sec. 22-14. Responsibility of railroad companies as to ditches, etc.--Construction and keeping in repair as required.

Every company owning, controlling or operating a railroad within or through this city is required to construct and keep in good repair all necessary ditches, drains, culverts, street crossings and bridges, the necessity of which shall be determined by the governing body.
(Code 1894, Ord. 272)

Sec. 22-15. Same--Ordering construction; notice.

Whenever the governing body, by resolution, shall require of any railroad company the construction of any ditch, drain, approaches or culvert along its roadbed, or of any street crossing or bridge, it shall be the duty of the city secretary to notify the local agent thereof; and if such ditch, drain, culvert, street crossing or bridge is

not constructed within thirty (30) days, the officer or employee of such company, charged with the construction thereof, shall be deemed guilty of a misdemeanor.
(Code 1894, Ord. 273)

Sec. 22-16. Same--Construction by city.

Should any railroad company fail to construct, or keep in repair, any ditch, drain, culvert, street crossing or bridge, as required in section 22-15, the city shall construct or repair the same at the expense of such company, and collect the same as taxes are collected from such company.
(Code 1894, Ords. 274, 275)

Sec. 22-17. Cleanliness and good condition of sidewalks--Removal of weeds and grass by property owner.

It shall be the duty of every owner, occupant or agent of any lot or parcel of ground within the city to keep sidewalks in front of and around the same free and clear from weeds and grass, from the line of said lot or parcel of ground to the curbing of the sidewalk thereof.
(Ord. of 7-3-05)

Cross References: Depositing refuse in streets, § 11-2; scattering handbills, § 11-3; covering of vehicles to prevent scattering of refuse, § 11-18.

Sec. 22-18. Same--Required generally.

It shall be the duty of every owner, occupant or agent of any house, store, shop or vacant lot within the city to keep the sidewalks in front of and around such house, store, shop, or vacant lot clear and in good condition.
(Ord. of 7-3-05)

Sec. 22-19. Same--Filling, grading and curbing as required.

It shall be the duty of every owner, occupant or agent of any lot or parcel of ground within the city to fill up, grade, and curb the sidewalks in front of and around the same in a manner to be approved by the city.
(Ord. of 7-3-05)

Sec. 22-20. Same--Raising level to prevent water accumulation.

In all cases where sidewalks anywhere within the city are found to be so low or defective that water will accumulate thereon in wet weather, the owner, occupant or agent of the property fronting on the same shall be required to fill, raise, or repair the same forthwith in such a manner as to prevent water from remaining thereon, and making the sidewalks passable in wet weather.
(Ord. of 7-3-05)

Sec. 22-21. Soil washed onto streets declared nuisance.

Soil which washes from the abutting real estate and is deposited into and upon a paved street in the city from the result of rain or other means is detrimental to the safety and welfare of the general public, is a traffic hazard, impairs the operation of and damages the storm sewers of the city creating a health hazard, and such soil is therefore declared to be a public nuisance.

(Ord. of 7-20-82, § 22.21)

Editors Note: An ordinance enacted July 20, 1982, amended the Code by adding eight sections to Art. I of this chapter, designated by the city as §§ 22.21--22.25, 22.25A, 22.25B and 22.25C. The editor, at his discretion, has included the provisions of §§ 22.21--22.25 as Code §§ 22-21--22-25, has renumbered the provisions of §§ 22.25A and 22.25B of said ordinance as Code §§ 22-26 and 22-27, and has omitted the provisions of § 22.25C, which contained the savings clause of this ordinance.

Sec. 22-22. Removal of soil.

Every person, firm or corporation owning real estate fronting on a paved street in the city, or the agent or agents of such owner, shall within forty-eight (48) hours after the fall of any rain or any occurrence which causes the soil from the abutting real estate to be washed into and deposited upon such paved street, remove and clear, or cause to be removed and cleared, said soil from such paved street so as to leave it free and clear of those deposits.

(Ord. of 7-20-82, § 22.22)

Note: See the editor's note to § 22-21.

Sec. 22-23. Notice and hearing.

Should any person, firm or corporation fail to comply with section 22-22 herein, then the city may order said soil to be removed and abated under the following conditions, regulations, and procedure:

(a) When it shall come to the notice of the chief of police that there is soil which has washed into and been deposited upon a paved street in the city as the result of rain or other means which has not been removed as provided in section 22-22 herein, the chief of police shall give notice to the owner of the premises from whose premises the soil has washed to appear before the municipal court with the City of Brenham, Texas, and show cause why such soil should not be declared a public nuisance and why he should not be ordered to remove same from the paved street. The date of such hearing shall not be less than three (3) days after such notice has been made.

(b) Such notice shall be sent by certified or registered mail, with a three-day return requested, to the owner or occupant of the premises from which the soil washed. If the notice is returned undelivered by the United States Post Office, the hearing shall be continued to a date not less than seven (7) days from the date of such return.

(c) On the day set in such notice of hearing, hearing shall be had and on the basis of such hearing the court shall determine whether or not such soil is a nuisance, and if so found to be a nuisance, the judge of the municipal court in the city shall issue such orders as shall appear reasonably necessary for the removal and abatement of such soil.

(Ord. of 7-20-82, § 22.23)

Note: See the editor's note to § 22-21.

Sec. 22-24. Order for removal.

If upon the hearing provided herein, there is an order to remove such soil, the removal shall be accomplished by the owner of said premises.

(Ord. of 7-20-82, § 22.24)

Note: See the editor's note to § 22-21.

Sec. 22-25. Removal by city.

If any owner of real property from whose premises the said soil washed into and deposited upon the paved street in the city fails to remove said soil within twenty-four (24) hours after being ordered to do so, the city shall remove said soil, and the costs of removing same shall be assessed on said real estate, or lots from which such soil was washed.

(Ord. of 7-20-82, § 22.25)

Note: See the editor's note to § 22-21.

Sec. 22-26. Statement of expenses incurred for removal of soil to be filed; lien upon realty; priority of lien and interest; foreclosure of lien.

The mayor, city manager or superintendent of street maintenance shall file a statement of such expenses incurred under section 22-25 of this article giving the amount of such expenses, the nature of the work done, and the date on which said work was done, with the county clerk of Washington County, Texas, and the City of Brenham shall have a privileged lien on such lot or lots or real estate from which the soil was washed into and deposited upon the public street, which said lien shall be second only to tax liens and liens for street improvements; and said amount shall have ten (10) per cent interest from the date said statement was filed. It is further provided that for any such expenditures and interest, as aforesaid, suit may be instituted and recovery and foreclosure of said lien may be had in the name of the City of Brenham, Texas; and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

(Ord. of 7-20-82, § 22.25A)

Note: See the editor's note to § 22-21.

Sec. 22-27. Penalty for violation of sections 22-21 through 22-26.

Any person, firm or corporation who shall violate any of the provisions of sections 22-21 through 22-26, or who shall fail to comply with same shall be guilty of a misdemeanor and upon conviction(s) thereof shall be punished by fine not exceeding two hundred dollars (\$200.00). Each and every day or fraction thereof which these sections or any part thereof shall be violated, shall be deemed a separate offense.

(Ord. of 7-20-82, § 22.25B)

Note: See the editor's note to § 22-21.

Secs. 22-28, 22-29. Reserved.

ARTICLE II.

SIDEWALK CONSTRUCTION

Sec. 22-30. Compliance with ordinance or resolution ordering construction, and with specifications by owner; construction by city.

It shall be the duty of the owner of any lot or of any real estate of any kind within the city in front of which or along which, the governing body may, by either resolution or ordinance, order that a sidewalk shall be built or constructed, to build and construct same in accordance with said resolution or ordinance directing such construction, and in accordance with the plans and specifications thereof prepared by the director of public

works for the particular street, block or community, where such lot or parcel of ground is located. Said property owners shall construct said sidewalk in front of their respective property within thirty (30) days after the giving of the notice as prescribed in this article, and after the expiration of the time indicated in the notice, the city shall proceed to construct said sidewalk in accordance with said ordinance or resolution and the plans and specifications, and shall advertise for bids or shall itself construct said paving or contract for said paving as to said city may seem best. Said city, after constructing a sidewalk in front of, or alongside of any lot, block, or real estate, shall be entitled to recover of the owner thereof a personal judgment in any court having jurisdiction of said cause, in a sum equal to the cost of construction of said sidewalk, in front of or along said property, together with costs of court, and ten (10) per cent of said cost of construction additional as attorney's fees. (Ord. of 7-15-07, § 1)

Sec. 22-31. Passage of ordinance or resolution ordering construction.

Whenever it shall be found necessary by the governing body that sidewalks be constructed along any real estate or along any street or a part of a street of the city, the governing body shall by ordinance or resolution designate the real estate or street or part of a street along or on which said sidewalk shall be constructed, and shall in such resolution or ordinance prescribe the grade and width of the sidewalk, the kind and character of material out of which it shall be built, the position and any other requirements it may deem necessary. The sidewalk shall be constructed of such material as the governing body may designate, and the ordinance or resolution providing for the particular work shall designate the particular material to be used. (Ord. of 7-15-07, § 2)

Sec. 22-32. Filing specifications; construction to conform; retention of portion of contract amount.

It shall be the duty of the director of public works, immediately upon the passage of any ordinance or resolution providing for paving of sidewalks along or abutting on particular blocks and lots, streets or parts of streets, and designating the width of the sidewalk to be laid, the material out of which said walks are to be constructed, etc., to file in the office of the city secretary full specifications as to how the details of said work are to be executed and completed. All walks shall be built in compliance therewith, and any bids for the construction of any sidewalk shall be based upon said plans and specifications. Any contractor or other person contracting to build same under the authority of the city and as its agent or as the agent of the owner, or any other person shall construct said sidewalks in accordance with said plans and specifications. All contracts made and entered into under special ordinance or resolution shall require the work to be completed within twenty (20) days from the date of said contract. The city in all cases in which it shall undertake to contract for the building of sidewalks shall retain twenty-five (25) per cent of the cost of constructing such sidewalk until the completion in good faith of the walk and its acceptance by the city. (Ord. of 7-15-07, § 3)

Sec. 22-33. Notice to construct.

When the governing body shall have, by resolution or ordinance, designated the real estate or street, or portions of streets in which sidewalks are required to be laid, it shall be the duty of the city secretary to serve notice that said walks must be laid by the owners of the abutting lots or blocks or parcels of land, showing the width of said walk, and the materials out of which said walk shall be constructed, and the time within which said work shall be completed and the estimated cost of paving said walk per square foot. Said notice may be served by any officer of the city designated for that purpose, and said notice may be served by delivering a copy

of the same to the owner of the abutting lot if such owner lives or resides on said abutting block, or lot, but in case the owner does not reside upon the abutting block or lot then notice may be given by serving a copy thereof upon any tenant of said particular block or lot, or property and in case no tenant or owner is found on the property, then the officer may post a copy of said notice upon said particular property. Said officer shall make due return of said notice, stating the manner of serving copy of said notice, and said return, when produced in court, shall be final evidence that due notice has been served, and shall preclude any question as to whether or not there was a sufficient notice given. In lieu of service of the notice above prescribed, the city secretary may mail a copy of said notice to the post-office address of the property owner, and the mailing of said notice shall constitute sufficient notice whether received or not. In lieu of service of notice above prescribed, a brief summary of said notice may be published once in some daily newspaper published in the city, addressed generally "To whom it may concern," at least thirty (30) days before said pavement is required to be constructed, and such publication in the paper shall be deemed sufficient notice. Notice will be sufficient if given to the property owner in any one of the ways above indicated.
(Ord. of 7-15-07, § 4)

Sec. 22-34. Exclusion where sidewalk exists; constructing sidewalk other than prescribed.

In the event, in the judgment of the governing body, along any property designated by ordinance or resolution for the construction of a sidewalk there be already constructed in front of the property of any person, a sufficient and adequate sidewalk in a state of good repair, then in such event the city secretary shall not be required under this article to notify the owner of said property to construct a sidewalk as provided in the ordinance or resolution. After the passage of an ordinance or resolution prescribing a sidewalk to be constructed it shall be unlawful for the owner to construct any other or different sidewalk from that prescribed in the ordinance or resolution.
(Ord. of 7-15-07, § 5)

Sec. 22-35. Judgment where fine already paid.

Where the property owner failing to construct said sidewalk has at the date of the trial of the suit to recover the cost of constructing the sidewalk and ten (10) per cent penalty, under this article, already has paid a fine under any other ordinance of this city for failure to construct such sidewalk, and then in such event the recovery in the civil action, under this article shall be for the cost of constructing said sidewalk and ten (10) per cent attorney's fees less the amount of such fine already paid (if any) and if such fine already paid (if any) is equal to the amount of said cost and ten (10) per cent then no recovery shall be had in said civil action, except a nominal sum, and for the costs of court.
(Ord. of 7-15-07, § 6)

Sec. 22-36. Cost of construction assessed against lot.

(a) The cost of the construction of any sidewalk shall be reported to the governing body, and it shall order the cost of construction of such portion of said sidewalk abutting on any lot to be assessed by the assessor and collector as a special assessment against said lot; said special assessment shall be a lien on such lot, and the assessor and collector shall collect the same in the same manner as provided for the collection of taxes.

(b) Upon the complete payment by the owner of the adjacent property of one-half of the costs of the construction of a sidewalk assessed against such owner in accordance with other provisions of the City's Code

of Ordinances, such owner shall be eligible to apply for a waiver of the remaining one-half of the costs assessed against such owner for the sidewalk. Upon a finding by the city secretary that such owner has timely complied with the payment terms of the sidewalk assessment, the city secretary shall certify that such property owner is entitled to said waiver.

(Code 1894, Ord. 325; Ord. of 9-20-89, §§ 2, 3)

Cross References: Definitions applicable to paragraph (b) of § 22-36, see § 22-37(a).

Sec. 22-37. Repair and replacement of sidewalks.

(a) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this section and paragraph (b) of Section 22-36:

Construction of sidewalks shall mean the original construction of same at any place on which a sidewalk was not previously located.

Principal thoroughfares shall mean only the following streets within the City of Brenham: Main Street, Alamo Street, Market Street, Austin Street (excluding the portion of South Austin Street south of its intersection with Tom Green Street), Austin Parkway and North Park Street from its intersection with Academy Street north to the City limits.

Repair of sidewalks shall mean the correction of any hazardous or unsafe condition that can be accomplished without removing all or a portion of the existing sidewalk.

Replacement of sidewalks shall mean the correction of any hazardous or unsafe condition that cannot be accomplished without removing all or a portion of the existing sidewalk.

(b) *Hazardous sidewalks.* The adjacent property owner shall promptly notify the city that the condition of a sidewalk adjacent to said owner's property has deteriorated and constitutes a hazard. Upon said notification, the city shall promptly inspect the condition of such sidewalk and evaluate the repairs needed to improve the condition of the sidewalk.

(c) *Repairs and/or replacement of sidewalks.* Notwithstanding the provisions of any other ordinance, the city shall make all required repairs on sidewalks at city expense. However, any costs of replacement of sidewalks along principal thoroughfares, as defined herein, which are deemed necessary by the city shall be assessed against the adjacent property owner in the same manner as the costs of original sidewalk construction are assessed. However, the provision of Section 22-36(b) above shall also apply to such replacement costs.

(d) *Removal of hazardous sidewalks.* If the city determines that a sidewalk anywhere in the city other than along principal thoroughfares, as defined herein, cannot be repaired, the city may, at its option and expense, remove said sidewalk. Thereafter, the adjacent property owner may elect to replace the sidewalk at his own expense; however, if such sidewalk is not replaced, said owner shall landscape the area where the sidewalk was removed from to eliminate any hazards to the public. (Ord. of 9-20-89, §§ 1, 4--6)

Editors Note: Having not expressly amended the Code, the provisions of §§ 1 and 4--6 of an ordinance enacted Sept. 20, 1989, have been codified as § 22-37 at the editor's discretion.

Secs. 22-38--22-49. Reserved.

ARTICLE III.

PARADES AND MOTORCADES*

* **Cross References:** Traffic, Ch. 25.

Sec. 22-50. Definitions.

The following definitions shall apply to this article:

Motorcade: Any organized procession containing ten (10) or more motor vehicles, except funeral processions, upon any public street, sidewalk or alley.

Parade: Any march or procession consisting of people, animals or vehicles, or a combination thereof, including athletic events and excepting funeral processions, upon any public street, sidewalk or alley which does not comply with normal or usual traffic regulations or controls.
(Ord. of 8-19-93, § I(A))

Sec. 22-51. Permits.

It shall be unlawful for any person to conduct a parade or motorcade in or upon any public street, sidewalk or alley in the city, or knowingly participate in any such parade or motorcade, unless and until a permit to conduct such parade or motorcade has been obtained from the building official or as hereinafter provided from the city manager.
(Ord. of 8-19-93, § I(B))

Sec. 22-52. Parade or motorcade for commercial purpose prohibited.

No permit shall be issued authorizing the conducting of a parade or motorcade which the building official finds is proposed to be held for the sole purpose of advertising any product, goods, wares or merchandise and is designed to be held purely for profit.
(Ord. of 8-19-93, § I(C))

Sec. 22-53. Interference with parade or motorcade.

No person shall knowingly join or participate in any parade or motorcade conducted under permit from the building official in violation of any of the terms of such permit, nor knowingly join or participate in any permitted parade or motorcade without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.
(Ord. of 8-19-93, § I(D))

Sec. 22-54. Application for permit.

Any person who wants to conduct a parade or motorcade shall apply to the building official for a permit at least thirty (30) days in advance of the date of the proposed parade or motorcade. The building official may,

in his discretion, consider any application for a permit to conduct a parade or motorcade which is filed less than thirty (30) days prior to the date such parade or motorcade is to be conducted. The application for such permit shall be made in writing on a form approved by the building official in order that adequate arrangements may be made for the proper policing of the parade or motorcade. The application shall contain the following information:

- (1) The name or the applicant, the sponsoring organization, the parade or motorcade chairman, and the address(es) and phone number(s).
- (2) The purpose of the parade or motorcade, the date when it is proposed to be conducted, the proposed location of the assembly area, the proposed location of the disbanding area, the proposed route to be traveled and the approximate time when the parade or motorcade is proposed to assembly, start and terminate.
- (3) A description of the number of individual participants, floats (maximum of fifteen (15) feet high), marching units, vehicles and bands.
- (4) A description of any sound amplification equipment to be used.
- (5) A description of the provisions made for cleanup.

(Ord. of 8-19-93, § I(E))

Sec. 22-55. Issuance or denial of permit.

(a) *Standards for issuance.* The building official shall issue a parade or motorcade permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the city manager finds that:

- (1) The time, route and size of the parade or motorcade will disrupt to an unreasonable extent the movement of other traffic;
- (2) The parade or motorcade is of a size or nature that it requires the division of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto that allowing the parade or motorcade would deny reasonable police protection to the city; or
- (3) Such parade or motorcade will interfere with another parade or motorcade for which a permit has been issued.

(b) *Chief of fire department.* The building official shall issue a parade or motorcade permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the chief of the fire department finds that:

- (1) The materials used in the construction of floats used in any parade fail to meet fire safety requirements;

- (2) Provision cannot be made to allow free movement of equipment from one part of the city to another; or
- (3) Applicant intends to use open flames, torches or explosive material including fireworks.
- (c) *Other requirements:*
 - (1) The attendance of such police officers as the chief of police may deem necessary for the controlling of persons in the assembly and to prevent overcrowding and for such other control as may be necessary to render such parade or motorcade safe for the public. When the presence of city police officers is deemed necessary, every applicant shall pay to city revenue for the services of such personnel, which revenue shall be determined by the chief of police and paid into the general fund.

(Ord. of 8-19-93, § I(F))

Sec. 22-56. Contents of permit.

In each permit, the building official shall specify:

- (1) The assembly area and time therefor.
- (2) The starting time.
- (3) The minimum and maximum speeds.
- (4) The route of the parade or motorcade.
- (5) What portions of streets to be transversed may be occupied by such parade or motorcade.
- (6) The maximum number of units and the maximum and minimum intervals of space to be maintained between the units of such parade or motorcade.
- (7) The maximum length of such parade or motorcade in miles or fractions thereof.
- (8) The disbanding area and disbanding time.
- (9) The number of persons required to monitor the parade or motorcade.
- (10) The number and type of vehicles, if any.
- (11) The material and the maximum size of any sign, banner, placard or carrying device therefore.
- (12) The cleanup requirements.
- (13) The permittee shall advise all participants in the parade or motorcade, either orally or by written notice, of the terms and conditions of the permit prior to the commencement of such parade or

motorcade.

- (14) The amplification of sound permitted to be emitted from sound trucks or bullhorns shall be fixed and not variable.
- (15) The parade or motorcade shall continue to move at a fixed rate of speed and that any willful delay or willful stopping of such parade or motorcade, except when reasonably required for the safe and orderly conduct of the parade or motorcade, shall constitute a violation of the permit.
- (16) Such other requirements as are found by the building official to be reasonably necessary for the protection of persons or property.

All conditions of the permit shall be complied with so far as reasonably practicable.
(Ord. of 8-19-93, § I(G))

Sec. 22-57. Denial/appellate review.

(a) Upon denial by the building official of an application made pursuant to section 22-55, the applicant may appeal from the determination of the building official within five (5) days thereafter to the city manager by filing a written notice of appeal for hearing with the city manager. Upon such appeal, the city manager may reverse, affirm or modify in any regard the determination of the building official.

(b) City manager may certify any question for council review. Council shall have authority to review costs and waive any assessed cost.
(Ord. of 8-19-93, § I(H))

Sec. 22-58. Revocation of a permit.

Any permit for a parade or motorcade issued pursuant to this article may be summarily revoked by the building official any time when, by reason of disaster, public calamity, riot or other emergency, the building official determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail.
(Ord. of 8-19-93, § I(I))

Sec. 22-59. Application fee.

Upon submission of an application, an application fee shall be paid. The application fee shall be set by the city council by resolution from time-to-time as the council deems necessary.
(Ord. of 8-19-93, § I(J))

Sec. 22-60. Contract.

Applicant, in tendering its application and receiving a license, agrees and contracts with the city that it will comply with all of the terms of the permit for the purpose of maintaining and assuring the health, safety and welfare of the residents of the city.
(Ord. of 8-19-93, § I(K))

Sec. 22-61. Penalties.

(a) It shall be unlawful for any person to engage and participate in, aid, form or start any parade or motorcade unless a parade or motorcade permit shall have been obtained as herein provided and it shall be unlawful for any person participating in any parade or motorcade for which a permit hereunder has been issued to fail to comply with all directions and conditions of such permit and all applicable laws and ordinances.

(b) Any person, firm or corporation violating any of the provisions of this article shall be fined not less than one dollars (\$1.00) nor more than five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed committed on each day during which any violation occurs or continues.

(Ord. of 8-19-93, § I(L))