

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE ADOPTED BY THE CITY COUNCIL.**

AN ORDINANCE

AMENDING ARTICLE XVII OF CHAPTER 19 OF THE CITY CODE ENTITLED PARADES, RUNS, WALKS AND RELATED EVENTS, AND AMENDING SECTION 3-22 OF ARTICLE II OF CHAPTER 3 OF THE CITY CODE ENTITLED COMMERCIAL AND NON-COMMERCIAL ACTIVITIES TO MAKE REVISIONS CONSISTENT WITH COUNCIL DIRECTION TO LIFT AS MANY BARRIERS TO FREE SPEECH AS POSSIBLE AND AUTHORIZING THE CREATION OF A PERSONNEL COMPLEMENT.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Revisions. Revisions to Article XVII of Chapter 19 of the City Code entitled Parades, Runs, Walks and Related Events and Section 3-22 of Article II of Chapter 3 of the City Code entitled Commercial and non-commercial activities are hereby amended as provided for in Attachments A and B as follows:

City Code Provision	Attachment
Citywide Article XVII of Chapter 19 of the City Code entitled Parades, Runs, Walks and Related Events	A
San Antonio Airports Section 3-22 of Article II of Chapter 3 of the City Code entitled Commercial and non-commercial activities	B

Attachments A and B are hereby incorporated in this Ordinance for all purposes.

SECTION 2. City Code Revisions. The publisher of the City Code is authorized to revise the City Code to reflect changes provided for in Attachments A and B; to correct typographical errors where necessary; and to format and number paragraphs to conform to the existing City Code.

SECTION 3. Severability. Should any portion of this Ordinance, for any reason be held illegal, inoperative, invalid, unconstitutional or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted or ordained without the portion held to be illegal, inoperative, invalid, unconstitutional, or ineffective.

SECTION 4. Public Meeting. It is officially found, determined and declared, as a matter of legislative finding, that the meeting at which this Ordinance is adopted was open to the public and public notice of

the time, place and subject matter of public business to be considered at such meeting, including consideration and adoption of this Ordinance, was appropriately given, all as required by law, including the Texas Government Code, Chapter 551.

SECTION 5. Personnel Complement. Staff is directed to take all necessary actions to create a personnel complement as established within this Ordinance.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 7. Effective Date. Unless specifically provided for otherwise, this Ordinance shall take effect March 1, 2018.

PASSED AND APPROVED this ____ day of _____, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

ATTACHMENT A

PARADES, RUNS, WALKS AND RELATED EVENTS

SECTION 1. Revisions. The City Code, Article XVII, is amended to read as indicated below. Additions are underlined and deletions are ~~struck through~~.

ARTICLE XVII. - ~~PARADES, RUNS, WALKS AND RELATED EVENTS~~ PROCESSIONS AND ASSEMBLIES

Sec. 19-630. - Definitions.

For this chapter, the following definitions shall apply, unless the context clearly indicates otherwise: *Chief of police* ~~shall~~ means the chief of police of the San Antonio Police Department or his or her designated representative.

City attorney ~~shall~~ means the city attorney of the City of San Antonio or his or her designated representative.

City manager ~~shall~~ means the city manager of the City of San Antonio or his or her designated representative.

Commercial procession means a procession, the sole or principal object of which is not First Amendment activity.

First Amendment activity ~~shall~~ means all expressive and associative activity that is protected by the United States and Texas Constitutions, including speech, press, assembly, and the right to petition, but not including commercial advertising, revenue-generating events, or fundraising.

First Amendment procession ~~shall~~ means a procession, the sole or principal object of which is First Amendment activity.

~~*Non-First Amendment procession* shall mean a procession the sole or principal object of which is not First Amendment activity.~~

Organize ~~shall~~ means to arrange systematically as an individual or with a committee or group for harmonious or united action.

Procession marshal means an individual or individuals who shall coordinate with SAPD during a procession.

Permit holder shall means a person issued a procession and/or public assembly permit pursuant to this article.

Permitting official means the individual charged with issuing the procession permits and public assembly permits.

Procession shall means a group of persons moving along, by whatever means, in an orderly, formal manner on any street, alley, or public thoroughfare from a point of origin to a point of termination or a group of persons moving along, by whatever means, in an orderly, formal manner anywhere else in the city from a point of origin to a point of termination in such a way as to ~~impede~~ impact the normal flow or regulation of pedestrian or vehicular traffic.

Procession and Public Assembly Permit Office means the office within the Center City Development and Operations Department charged with issuing public procession permits and assembly permits.

Procession permit shall means the procession permit required by this article; to hold a procession on City property or rights of way.

Procession unit shall means any vehicle, animal or object used to transport a person who is participating in a procession.

Public assembly means a gathering of a group of persons, for either First Amendment activity or for other purposes, on public spaces owned or managed by the City of San Antonio. Assemblies shall generally occur in City Parks and on sidewalks.

Public assembly permit means the permit required by the City to reserve City property for a Public Assembly on City property.

Traffic control personnel shall mean ~~certified peace officers engaged to provide control of the flow of both non-participant and participant pedestrians and vehicles so as to minimize the traffic congestion and to maintain traffic flow at permitted events.~~ means a commissioned peace officer licensed by the State of Texas and authorized to control the movement, direction, and flow of vehicular traffic under state law and local ordinances.

Sec. 19-631. - Procession and Public Assembly Policy of the City; Permit required.

~~No person shall organize any procession without having first obtained a procession permit.~~ (1) It is the policy of the City of San Antonio to facilitate the expressive and associative activity that is protected by the United States and Texas Constitutions, including speech, press, assembly, and the right to petition. The City shall, in exercising its control of public spaces, allow for full expression of First Amendment processions and assemblies as is compatible with the regulations outlined below. In

particular, Public Assemblies that occur in City Parks and associated sidewalks that do not interfere with previously scheduled events occurring in the Park, or impede the flow of pedestrian traffic on sidewalks, shall be allowed free of charge and with no permit required.

(2) No person shall organize any procession or public assembly that impedes the normal flow or regulation of pedestrian or vehicular traffic without having first obtained a procession permit.

Sec. 19-632. - Exceptions to application.

~~This article shall not apply to:~~ No permit shall be required for: (1) The movement of persons in an orderly, formal manner from a point of origin to a point of termination on a sidewalk, so long as the movement does not impede the normal flow or regulation of pedestrian or vehicular traffic; or

(2) A public assemblage that does not involve the movement of persons in an orderly, formal manner from a point of origin to a point of termination. A public assembly that does not impede the normal flow or regulation of pedestrian or vehicular traffic, unless the person organizing the assembly desires to reserve the City Property for exclusive use for the assembly.

Sec. 19-633. - Application for ~~permit~~ procession permit and public assembly permit.

(a) A person seeking issuance of a procession permit or a public assembly permit shall file an application with the ~~chief of police~~ permitting official on forms provided by such ~~officer~~ individual.

(b) First Amendment procession permits.

(1) An application for a First Amendment procession permit shall be filed with the ~~chief of police~~ permitting official not less than ~~thirty (30) calendar~~ fifteen (15) business days nor more than one hundred fifty (150) calendar days before the proposed procession date;

(2) Where the organization of a First Amendment procession, however, begins within ~~thirty (30) calendar~~ fifteen (15) business days of the proposed procession date, an application for a First Amendment procession permit shall be filed with the ~~chief of police~~ permitting official within three (3) calendar days of the date on which organization of the procession begins, but not less than two (2) calendar days before the proposed procession date.

(3) The ~~chief of police,~~ permitting official may consider a First Amendment application filed less than ~~thirty (30) calendar~~ fifteen (15) business days, but not less than two (2) calendar days, before the proposed procession date where organization of the procession began more than ~~thirty (30)~~ fifteen (15) calendar days before the proposed procession date so long as there is adequate time for ~~SAPD~~ the Procession and Public Assembly Permit Office to process the application and for the chief of police to plan for the procession.

(4) First Amendment procession permits shall be obtained at no cost to the applicant.

(c) ~~Non-First Commercial~~ Amendment procession.

- (1) An application for a ~~non-First Amendment commercial~~ procession permit shall be filed with the ~~chief of police~~ permitting official not less than forty-five (45) calendar days nor more than one hundred fifty (150) calendar days before the proposed procession date.
 - (2) The ~~chief of police~~ permitting official may consider a ~~non-First Amendment commercial~~ procession application filed less than forty-five (45) calendar days before the proposed procession date, but not less than four (4) calendar days, before the proposed procession date where organization of the procession began more than forty-five (45) calendar days before the proposed procession date so long as there is adequate time for ~~SAPD~~ the Procession and Public Assembly Permit Office to process the application and for the chief of police to plan for the procession.
 - (3) Commercial Procession applications shall be accompanied by a fee of seventy-five dollars (\$75.00). If the organizers of an event cannot provide payment with the application, an organizer may submit an affidavit attesting that he or she will provide payment within fifteen (15) business days of the date of the submission of the application. Failure to provide payment will trigger the surety bond requirement in section 19-636 for future procession events by organizers, and the organizer signing the affidavit shall become personally responsible for payment.
- (d) The permit holder for a procession actually held during a prior year may receive advance approval of the route, date, and time not more than thirteen (13) months in advance of the scheduled date of the procession. The ~~chief of police~~ permitting official may give advance approval after receiving a written request from the permit holder. The permit holder shall receive the right of first refusal as to the route, date, and time of the procession that may be exercised until ninety (90) calendar days prior to the approved date of the procession.
- (e) The application shall contain the following:
- (1) The name, address, and telephone number of the person seeking to conduct the procession;
 - (2) Where the procession is to be held for or by an entity, rather than an individual, the name, address, and telephone number of the entity and the name, address, and telephone number of the head of the entity;
 - (3) Where the procession is to be held by or for any person other than the applicant, documentation evidencing authority to make the application;
 - (4) The name, address, and telephone number of the person who will be the procession ~~chairman~~ chairperson and who will be responsible for its conduct;
 - (5) The date the procession will be conducted;
 - (6) The location of the assembly area, the starting point of the procession, the route of the procession, the ending point of the procession, and the location of the disbanding area;
 - (7) The approximate number of persons who will participate in the procession;
 - (8) The approximate number vehicles that will be included in the procession and a description of those vehicles;

- (9) The approximate number of animals and the type of animals that will be included in the procession;
 - (10) The time when the procession will begin and end;
 - (11) A statement as to whether the procession will occupy all or only a portion of the width of the streets proposed to be used;
 - (12) The time at which units of the procession will arrive at the assembly area;
 - (13) The purpose of the procession; and
 - (14) Any other information which the ~~chief of police~~ permitting official or chief of police finds necessary to an evaluation of the request under the standards for issuance set forth in section 19-634.
- (f) ~~The application shall be accompanied by a fee of seventy five dollars (\$75.00). In the event the organizers of an event cannot provide payment with the application, an organizer may submit an affidavit attesting that he or she will provide payment within fifteen (15) business days of the date of the submission of the application. Failure to provide payment will trigger the surety bond requirement in section 19-636 for future procession events by organizers, and the organizer signing the affidavit shall become personally responsible for payment.~~
- (f) Public assembly permit.
- (1) If the planned procession requires the exclusive use of a City facility such as a Park or Plaza for an assembly area associated with the procession, the person seeking the procession permit shall so indicate on the application, and the permitting official will, after coordination with the appropriate City departments, issue a public assembly permit subject to the normal reservation regulations and fees associated with the requested City Facility.
 - (2) If an applicant requests a public assembly permit for a City Facility without requesting an associated procession permit, the permitting official will direct the applicant to the applicable City Department reservation office or official for further assistance.

Sec. 19-634. - Standards for issuance.

- (a) The ~~chief of police~~ permitting official and the chief of police shall uniformly treat each application in a just, fair, and nondiscriminatory manner bearing in mind that the time, place, duration, and manner of use of the public streets, parks, and other public ways and places for procession and assembly shall be subordinated to the must be consistent with public safety, ~~comfort and convenience~~, the maintenance of order, and ~~avoidance of congestion~~ rights of others to exercise free speech. The ~~chief of police~~ permitting official and the chief of police shall issue a permit when, from a consideration of the application, ~~he~~ they finds that:
- (1) The conduct of the procession will not substantially interrupt the safe and orderly movement of other traffic near its route;

- (2) The conduct of the procession will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas near there as to prevent normal police protection to the eCity;
- (3) The conduct of such procession will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the eCity other than that to be occupied by the proposed line of march and areas near there;
- (4) The concentration of persons, animals and vehicles at assembly and disbanding points of the procession will not unduly interfere with proper fire and police protection of, or ambulance service to, areas near such assembly or disbanding areas;
- (5) The conduct of such procession or assembly will not interfere with the movement of fire fighting equipment en route to a fire;
- (6) The procession is scheduled to move from its point of origin to its point of termination without unreasonable delays en route;
- (7) The applicant has fulfilled the requirements of this article; and
- (8) The event does not conflict with a previously scheduled event that is scheduled to:
 - a. Occur at the same time and place; or
 - b. Occur at the same time, though at a different location or along a route that crosses over or conflicts with previously scheduled events; and

(940) When SAPD is available where the proposed event is to take place downtown.

(b) If the chief of police determines that the applicant's proposed route conflicts with a previously scheduled event, street closure(s), or construction, then the permitting official or the chief of police will contact the applicant to discuss alternative routes.

(c) Upon final approval of the route by the chief of police, the chief will then create and approve a traffic safety plan for approved route.

(d) Time and place restrictions in issuing procession or public assembly permits.

- (1) No procession or public assembly permit shall be issued for streets in the "Downtown Business District" as defined in the City's Unified Development Code Appendix A, Section 35-A101(b), on non-holiday weekdays, between the hours of 7:30 – 9:00 a.m. and 4:30 – 6:00 p.m.
- (2) No procession or public assembly permit shall be issued for State or Federal Highways at any time.

Sec. 19-635. - Notice of rejection; appeal.

- (a) The ~~chief of police~~ permitting official shall act upon the application for a procession permit within ~~five (5)~~ three (3) calendar days it has been filed ~~with SAPD~~. If an application for permit has been filed under subsections 19-633(b)(2) or (3), or under subsection 19-633(c)(2) for an event which will take place within five (5) days of the submission of the application, the ~~chief of police~~ permitting

official shall act upon the application as soon as is practicably possible. If the ~~chief permitting official and/or the chief of police~~ chief permitting official does not approve the application, ~~he~~ the permitting official shall mail, by certified mail/return receipt requested, to the applicant, within ten (10) calendar days after the date upon which the application was filed, a notice of his action, stating the reason for his denial of a permit. The applicant shall have the right to appeal a denial of a procession permit to either the city council or the city manager by filing notice of appeal with the city clerk, specifying whether the appeal is to the city council or the city manager, within seven (7) calendar days after receipt of the notice provided above. The appeal shall be heard within ten (10) calendar days of the filing of the appeal. The council or manager or the manager's designee shall hear the appeal as soon as practicable. The decision of the city council or the city manager or the designee is final.

- (b) Where the denial of a permit application is upheld on appeal by the city council or the city manager, the city, acting by and through its city attorney, shall, within five (5) days following the appellate decision, apply to either a United States federal district court or to a state district court for a judicial determination as to whether the proposed procession described in the application may be prohibited, naming the applicant as party defendant. The city attorney shall exert every reasonable effort to have the case heard on its merits without delay. The burden of showing that the proposed procession may be prohibited shall rest on the city. If the city appeals an adverse judicial determination, it shall file its notice of appeal within five (5) days after the ruling has been issued by the court.

Sec. 19-636. - Duties of and costs to be paid by permit holder.

- (a) Each permit holder shall comply with all requirements of this article, the permit directions and conditions, and with all applicable laws and ordinances.
- (b) Each commercial procession permit holder is responsible for the costs of:
- (1) Providing traffic control devices for the procession route in accordance with section 19-66; and
 - (2) Providing traffic control personnel, whether on duty or on overtime, for the procession route; and.
 - ~~(3) Cleaning up the procession route.~~
- (c) Each First Amendment procession and commercial procession permit holder is responsible for cleaning up his or her procession route.
- (~~e~~) (d) In reviewing the application for ~~parade~~ a procession permit, the chief of police or his or her designee shall determine the number of peace officers and traffic control devices ~~reasonably~~ necessary to control traffic in the area of the requested procession. The chief or his or her designee will consider the following factors and identify the effect of each factor in assessing the estimated traffic control costs for commercial processions:
- (1) The route and the identification of roadways that cross through or feed into the street of the proposed route;
 - (2) The number of anticipated participants and vehicles in the event;
 - (3) Identification of other roadways, or public transportation and emergency vehicle routes that may be affected by the event;

- (4) Length of the route and the identification of the number of intersections along the route that will require barricades or traffic control personnel;
- (5) Whether intersections must be individually barricaded or whether officers can be assigned to move along with the event;
- (6) The date and time of the event;
- (7) Volume of vehicular and pedestrian traffic typical on and along the route for the time of day, day of the week and time of year for the proposed route.

The cost for each city police department officer shall be set in accordance with the collective bargaining agreement. The cost for traffic control devices will be set in accordance with the prices set in the city's annual contract for traffic control devices. The permittee may choose to contract directly with a traffic control device provider subject to compliance with the Texas Manual on Uniform Traffic Control Devices.

For First Amendment events, the city shall absorb the ~~first three thousand dollars (\$3,000.00)~~ cost of the traffic control devices and traffic control personnel costs on behalf of the permit holder.

Traffic control personnel shall be in a number sufficient to adequately safeguard the flow of both participant and non-participant traffic in order to minimize congestion, as determined by the chief of police. Any additional costs for police personnel deemed necessary to provide security due to the nature of the event will not be assessed to the permit holder. Traffic control personnel shall be limited to the furthest extent practicable to city uniformed police officers, and may include, with approval of the chief of police, other uniformed, certified peace officers knowledgeable of traffic control laws. Events held within the downtown expressway loop requires the use of SAPD officers, unless staffing restraints would lead to the denial of the permit, in which case limitations, as determined by the chief of police, require the use of other certified peace officers may be permitted by the chief. When available and safely practicable, the chief or his or her designee shall utilize on-duty officers before off-duty officers.

~~The permit holder shall obtain approval of the traffic control plan described above by the chief of police, including a barricade plan and an estimate of traffic control costs. The chief of police shall finalize and utilize a traffic control plan for First Amendment processions. For larger commercial processions, commercial procession applicants must timely provide to the SAPD a proposed barricade plan for the SAPD's approval. The A commercial procession permit holder shall receive from the city City an invoice for the required costs within fifteen (15) calendar days after the procession. The payment for these costs shall be due to the city City within thirty (30) calendar days after the date of the procession. If the applicant disputes the costs assessed by the police department,~~

the applicant may file an appeal with the office of the city manager within seven (7) business days of receipt of the invoice. The appeal must identify the specific costs in dispute. The city manager or his or her designee will review the assessed costs based on the criteria required to be used by the chief of police and render a final decision regarding the costs to be paid by the permittee within fifteen (15) business days of receiving the appeal. No costs shall be owed during the appeal until the office of the city manager has rendered its decision.

The chief of police shall create a written standard operating procedure for issuance of permits and assessments of traffic control costs in conformity with this section.

- ~~(d) Because of its broad appeal, historic tradition, cultural significance, and other public benefits provided by the Deiz Y Seis Parade, the city shall cover the costs of traffic control personnel. Because of their broad appeal, historic tradition, cultural significance, association with a national holiday or a day given statewide recognition, and other public benefits provided by the Martin Luther King March and the Veterans Day Parade, the city shall cover the costs of traffic control personnel and traffic control devices.~~
- (e) If an commercial procession applicant owes fees not timely paid in connection with a commercial procession previously approved and conducted or if the estimated costs to the City for a commercial procession under this section are greater than ten thousand dollars (\$10,000.00), the applicant shall, prior to approval of the application for a commercial procession permit, file a surety bond in accordance with and as described in section 1-16 in the amount of the estimated costs.
- (f) Prior to approval of the application for a ~~non-First Amendment~~ commercial procession permit, the applicant shall submit to the ~~chief of police~~ permitting official a certificate of insurance and endorsement evidencing commercial general liability coverage, including premises/operations, independent contractors, personal injury, and contractual liability, at a combined single limit of one million dollars (\$1,000,000.00) per occurrence, with the city being named as the additional insured by endorsement. The applicant shall provide at least thirty (30) days' advance notice of cancellation or material alteration of the insurance policy. ~~The city recommends and encourages, but does not require the organizers of First Amendment processions to also obtain insurance for their events.~~
- (g) At least twenty-four (24) hours before the scheduled start of the event, the permit holder for a "~~non-First Amendment~~ commercial procession" shall make a reasonable effort to notify the businesses and residences located around the assembly area, along the procession route, and around the disbanding area of the scheduled procession. A copy of any flyer or handout used in making the notification shall be provided to the ~~chief of police~~ permitting official at least twenty-four (24) hours prior to the beginning of the procession. It is recommended, but not required, that the permit holder for a "First Amendment Procession" provide the same notices.

~~The chief of police shall have the authority to revoke a procession permit issued pursuant to this article when the conditions supporting the findings made by the chief of police pursuant to section 19-634 change in such a way, prior to the date on which the procession is to be held, that a procession permit would not otherwise be issued. The chief of police shall have the authority to revoke a procession permit if the permit holder does not comply with section 19-636. The permitting official and the chief of police shall each individually have the authority to revoke a procession permit or public assembly permit issued pursuant to this article when the conditions supporting the findings made by the permitting official pursuant to section 19-634 change in such a way, prior to the date on which the procession or assembly is to be held, that a procession permit would not otherwise be issued. The permitting official and the chief of police shall each individually have the authority to revoke a procession permit or public assembly permit if the permit holder does not comply with section 19-636.~~

Sec. 19-638. - Public conduct during ~~parades~~ processions.

- (a) *Interference.* It shall be unlawful for any person to hamper, obstruct or impede, or interfere with any procession or procession assembly or with any person, vehicle, or animal participating or used in a procession.
- (b) *Driving through processions.* It shall be unlawful for any driver of a vehicle to drive between the vehicles or persons comprising a procession when such vehicles or persons are in motion and are conspicuously designated as a procession unless directed to do so by a police officer.
- (c) *Parking on procession route.* The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route, forming area, disbanding area, or buffer zone of a procession. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.
- (d) *Prohibited substances.* It shall be unlawful for any person to sell, possess, or use a pressurized container of the substance commonly known as "liquid string," "silly string," or "super string," or any quantity of the small explosive devices commonly known as "snappers," "throw downs," "pop pops," or "popping match sticks," which are paper-wrapped wads of sand coated with a minute quantity of explosive powder and adhesive, producing a small report upon impact with hard surfaces, in any public place or private property.
- (e) *Control of processions; restrictions.* ~~Upon initiation of a procession the chief of police shall take over control of the movement of the procession. All participants shall be required to maintain a forward progress. No participant shall throw or give away candy, gifts, tokens, advertisements, or any other objects from any participant or procession unit while the unit is on the procession route. This provision is not intended to prohibit the distribution of expressive material protected under the first amendment, including leaflets, provided the distribution is not from a procession unit that is on the procession route. Failure to observe these requirements shall constitute a violation of this article and the chief of police is empowered to remove this unit from the procession immediately. The Permitting official shall identify a point of contact or liaison within the SAPD to facilitate coordination and communication during the procession. Once the procession starts, the SAPD will coordinate with the procession group to ensure safe and efficient movement of the procession in accordance with the parameters outlined in the permit. SAPD will provide clear direction and take~~

appropriate action if the procession begins to go outside the parameters of the permit or if there is a situation that threatens individual or public safety.

- (f) Procession floats or vehicles. No participant shall throw or give away candy, gifts, tokens, advertisements, or any other objects from any float or transportation vehicle while the float or transportation vehicle is on the procession route. Failure to observe these requirements shall constitute a violation of this article and the chief of police is empowered to remove this unit from the procession immediately.

Sec. 19-639. - Criminal penalties.

- (a) It shall be unlawful to fail to obtain a permit required under this chapter for any procession. Any violation committed intentionally, knowingly or recklessly shall be deemed to be guilty of a misdemeanor and shall upon conviction be punished by a fine not exceeding five hundred dollars (\$500.00).
- (b) The intentional, knowing or reckless commission of any act made unlawful by section 19-638 shall be deemed a misdemeanor and shall upon conviction be punished by a fine not exceed five hundred dollars (\$500.00).

Sec. 19-640. Procession Marshal.

The procession marshal may complete a procession marshal orientation by the San Antonio Police Department (“SAPD”). The procession marshal helps ensure that the procession is moving along in a timely fashion and that health and other issues are promptly reported to SAPD. The procession marshal shall conduct him or herself in such a way that complies with state law and local ordinances. The designation and use of a procession marshal or marshals is optional and is not required for any procession permit issuance. Only traffic control personnel as defined by this section can control and direct vehicular traffic.

Secs. 19-641—19-649. - Reserved.

ATTACHMENT B

COMMERCIAL AND NON-COMMERCIAL ACTIVITIES

SECTION 1. Revisions. The City Code, Section 3-22, is amended to read as indicated below. Additions are underlined and deletions are ~~struck through~~.

Sec. 3-22. - Commercial and non-commercial activities.

(a) *Commercial activities.*

(1) It shall be unlawful for any person or entity:

- a. To engage in any commercial activity or services on the premises of the airport without first entering into an agreement with the eCity.
- b. To engage in commercial activity not specifically authorized by an agreement with the eCity.
- c. To post, distribute or display signs or advertisements not pursuant to the conditions of a written agreement with the eCity.

(2) Agreement shall mean a written contract, authorized by eCity ordinance as applicable, executed by the parties, and enforceable by law between the eCity and a person or entity. Such agreement will recite the terms and conditions under which specified activities will be conducted at the airport and the rights and obligations of the respective parties.

(3) *Commercial activity* shall mean and include any and all activity conducted at or out of the airport by any person, in which any product, goods, services, or entertainment is offered, exchanged, or sold for monetary gain, an asset, or service, or the promise thereof.

(b) *Solicitation.*

(1) No person shall engage in any solicitation for any purpose or in any manner on airport property unless such solicitation is authorized pursuant to an agreement with the eCity.

(2) *Solicitation* or *soliciting* is defined as any request, direct or indirect, for money, credit, property, financial assistance, or other thing of value in pursuit of a commercial activity or for religious, political or charitable purposes. Solicitation, as defined herein, shall be deemed completed when communicated to any person located upon the airport regardless of whether or not the person making such solicitation receives any contribution or makes any sale.

(c) *Non-commercial activity.*

(1) *Purpose.* ~~Any person or organization desiring to use airport property for non-commercial purposes, to include exercising constitutional rights of free speech and freedom of religion, such as the distribution of literature, shall be permitted to conduct such activities providing the activities 1) do not result in impairing or interfering with the operational functions of the airport, and 2) such activities are in compliance with the provisions of this section and other applicable provisions of this chapter. The regulations set out herein are necessary for the accomplishment of the following purposes:~~

- a. ~~To ensure that persons seeking to exercise their constitutional rights of free speech and freedom of religion may reasonably do so upon the premises of the airport;~~
- b. ~~To restrict such activities of free speech and freedom of religion to the designated public use areas of airport set out in subsection (c)(4) below;~~
- c. ~~To protect all persons using the airport from harassment, intimidation, and being subjected to unreasonable contacts by any persons or organizations seeking to exercise rights of free speech and freedom of religion;~~
- d. ~~To ensure the free, orderly, and efficient flow of pedestrian traffic through the airport premises; and~~
- e. To ensure the efficient and safe operations of the airport. The City of San Antonio supports our citizens' freedom to exercise their constitutional rights of free speech, as long as such activity does not interfere with the safe and efficient operation of San Antonio Airport System facilities (including San Antonio International Airport and Stinson Municipal Airport), or impede its passengers, tenants or members of the general public. Any person or organization desiring to use airport property for non-commercial purposes, to include exercising constitutional rights of free speech and freedom of religion, such as public demonstrations or the distribution of literature, shall be permitted to conduct such activities providing the activities meet the criteria indicated in Sec. 3-22 (c) (3), and:

a. allow for the free, orderly, and efficient flow of pedestrian and vehicular traffic through the airport premises, do not result in impairing or interfering with operational functions; and

b. protect all persons using the airport from harassment, intimidation, and being subjected to unreasonable contacts by any persons or organizations seeking to exercise rights of free speech.

~~(2) General. No person, group, association, organization, or entity shall engage in picketing, demonstrations, or marches, nor distribute literature of any nature whatsoever on the airport without first obtaining a permit from the Director., and under the terms and conditions set forth in this chapter and a permit issued by the city.~~

~~(3) Permits.~~

a. The Director shall exercise no judgment regarding the purpose or content of the proposed activities, and shall exercise no discretion over the issuance of a registration permit hereunder, it being the intent of this division that the issuance of a permit by the Director shall be a routine, clerical, and mandatory function. The Director shall consider only factors effecting the safe and efficient operation of the airport. The content or viewpoint of the requestor's speech shall not be considered in any manner by the Director.

~~a-b. No person shall~~ A permit is required to engage in picketing, demonstrations, marches or distribute literature at the airport without first obtaining a permit form unless the Director waives such requirement. An written application showing the nature of the intended activities must be received by the director at least two (2) business days prior to the date contemplated for commencing the activity, and may be applied for no more than thirty (30) days in advance of such activities may be submitted to the dDirector up to thirty (30) days in advance of such activities. Groups or individuals can request a permit and obtain information on the process by calling (210) 207-7242.

The written application shall contain:

1. The full name, residential mailing address, and telephone number of ~~all persons expected to engage in the proposed activity;~~
2. ~~The full name, business and/or residential mailing address, and telephone number of the individual or the organization sponsoring, conducting, or promoting the proposed activities;~~
2. The full name, residential mailing address, and telephone number of the contact person in the organization who will have supervision of and responsibility for the proposed activities;
- 4.3. The dates and hours on and during which the activities are proposed to be carried out, and the expected duration of the proposed activities;
- 5.4. A description of the proposed activities, indicating the type of communication involved; and
5. The area (if any) of the airport where the applicant prefers to conduct the activity.
6. ~~The terminal the applicant prefers.~~

~~b. Permit(s) shall be issued promptly within two (2) business days following receipt by the director of a fully and accurately completed registration form. The director shall issue the person a permit approval letter that shall indicate the person/group's registration number and the date of expiration, and shall designate the area of the airport to which the person/group has been assigned.~~

c. Timing. Permit(s) shall be requested no later than two (2) calendar days prior to the proposed activity unless the director waives such requirement. Permit will be issued promptly (normally within two (2) calendar days following receipt) by the dDirector of a fully and accurately completed registration form. The dDirector shall issue the person a permit approval letter that shall indicate the person/group's registration number and the date of expiration, and shall designate the area of the airport to which the person/group has been assigned and any other necessary restrictions. If unusual circumstances preclude two (2) day notice for permitting processing, the Director may issue approval for public activities, pending submission of a permit request. While the request to the Director may be in a form other than a written permit, the Director shall, time permitting, provide notification of approval to the requestor through electronic mail, as a minimum, with

notification to other Aviation Department staff. Notification shall include the authorized location for the proposed activities.

~~e. The Director shall exercise no judgment regarding the purpose or content of the proposed activities, and shall exercise no discretion over the issuance of a registration permit hereunder, it being the intent of this division that the issuance of a permit by the Director shall be a routine, clerical, and mandatory function. The Director shall consider only factors effecting the safe and efficient operation of the airport. The content or viewpoint of the requestor's speech shall not be considered in any manner by the Director.~~

~~d. Failure to furnish the information required by this section, or making false or misleading statements on the application, will result in the denial of the permit application.~~

~~e. The permit shall be issued for a period of not more than ten (10) days.~~

~~f. To enhance access to approved free speech areas by new individuals or groups, the director may implement rules and procedures such as 1) restricting the number of hours per day during which an activity by a particular user/group is authorized, 2) bumping permits for up to seven (7) days to ensure a new user/group is not blocked from access by a user/group who has had use of the area(s) during the past thirty (30) days, and 3) limiting the number of consecutive days that a user/group is authorized to use an area.~~

f.d. To enhance access to approved free speech areas by new individuals or groups, the Director may implement rules and procedures regarding timing, duration, and/or location(s) of the event(s) in order to provide fair and equitable exposure for an activity, while protecting the safe and efficient operation of the airport.

~~g.e. Permit(s) are nontransferable.~~

~~h.f. Any person conducting any activities referred to in this division shall keep the permit approval letter on his or her person at all times while conducting any activities regulated hereunder and shall display the permit approval letter upon the request of any person.~~

~~i. Any person conducting any activities referred to in this division shall wear a nameplate, card or other personal identification on his upper torso and clearly visible to the public. This identification must contain the legal name of the individual and the full legal name of the group, organization or cause he represents.~~

(4) *Location of activities.* In order not to unduly interfere with the orderly flow of the general public, picketing, demonstrations, distribution of literature, marches, or other first amendment activities ~~shall be conducted only in the areas the city has specified on the terminal layout plan or the designated employee parking lot location. The terminal layout plan is on file and available for inspection at the aviation department. These designated areas are located to allow reasonable access to persons enplaning and deplaning so as not to interfere with the flow of pedestrian or vehicular traffic or security.~~ the director will provide a prominent area(s) depending on the size of the protesting group that allows reasonable access to the intended audience, while not interfering with the safe and efficient operation of the airport Applicant shall have the option of requesting spaces that are not pre-designated in their permit application. The Director shall review those requests on a case-

by-case basis and will make a decision based on balancing First Amendment rights with the safe and efficient operations of the airport.

a. The Director may move the permitted activities from one area to another area when, in the judgment of the Director, a move(s) is necessary for the efficient and effective operation of the transportation function of the airport.

~~(5) Booths. In each area~~ Booths are identified in subsection (c)(4), ~~and are located inside a terminal building,~~ inside the terminal building of San Antonio International Airport. ~~One~~ (1) booth will be provided by the ~~e~~City at no cost to the person or persons using the booth. In order not to interfere with the free flow of passenger traffic and efficient airport operations, users/groups must limit activities to the space four (4) feet behind the booth and not to exceed the width of the booth. User/groups may not conduct activities in front of the booth.

~~a. The Director may move the permitted activities from one area to another area when, in the judgment of the Director, a move(s) is necessary for the efficient and effective operation of the transportation function of the airport.~~

(6) *Placard, sign, circular or other written material.* Placard, sign, circular or other written material may be affixed to ~~the~~ a booth or carried by participant(s), pursuant to the requirements in Section c(5), but only during such time as the associated person(s), group, association, or organization physically occupies such booth. The placard, sign, circular or other written material must be affixed only in such a manner as not to damage the booth in any manner and to be easily removable.

(7) *Number of persons.*

~~a. No more than three (3) permitted persons engaged in picketing, demonstrations, marches, or distribution of literature shall be present in the locations set out in subsection (c)(4) at any one time and such persons shall restrict their activities to such designated areas.~~

~~b.~~ When the number of persons/groups desiring to engage in picketing, demonstrations, marches, or distribution of literature at the airport exceeds the number specified for any one area as stated herein, ~~the d~~Director may impose reasonable and equitable restrictions limiting the dates or hours of such activities in order to provide as fair and equitable as possible an opportunity for all persons to conduct such activities, while ensuring the safe and efficient and effective operation of the transportation function of the airport. Every effort shall be made to identify a location for the proposed activity that allows the expression of speech, including reasonable access to the intended audience and does not interfere with the safe and efficient operation of the airport, its passengers, tenants or members of the general public.

~~c. — The director may move the permitted activities from one area to another among the different areas when, in the judgment of the director, a move or moves are necessary for the efficient and effective operation of the transportation function of the airport.~~

~~(8) Curbside and employee parking lot locations. User/groups designating either the curbside or employee parking lot as the preferred location for their activities must limit such activities to the space and location described in the appropriate permit received.~~

~~(9)~~ (8) *Prohibited conduct.* The following conduct is prohibited:

- a. Performing any ceremony, speech, song, carrying of any sign or placard, or other such activity which constitutes a danger to persons or property, or which hampers, delays or interferes with the authorized business of the airport including, but not limited to, the orderly formation and progression of waiting lines, pedestrian and/or vehicular travel, the issuance of tickets or boarding passes or equivalent documents for air or ground transportation, luggage or cargo movement or handling, the entry to and exit from vehicles, security procedures, government inspection procedures, cleaning, maintenance, repair and/or construction operations.
- b. Carrying or displaying a sign or placard larger than twenty-four (24) inches by thirty-six (36)" ~~twenty-eight (28)~~ inches (24" × ~~28~~36") in size.
- c. Intentionally leaving unattended any brochure, flyer, or any other item intended for distribution.
- d. Distributing any merchandise, including but not limited to jewelry, food stuffs, candles, flowers, badges and clothing.
- e. Affixing any placard, sign, circular or other written material to the exterior or interior of any building or other appurtenance within the airport premises, including, but not limited to, any wall post, counter, billboard, or any other surface, with the exception of the eCity-provided booths in the areas indicated in subsection (c)(4) above.
- f. Erecting any table, chair, mechanical device or other structure, with the exception of persons requiring the use of a wheelchair or other disadvantaged related device.
- g. Using a stick or pole to support any hand carried sign.
- h. Preventing or interfering with the conduct of business at the airport.
- i. Soliciting as defined in subsection (b)(2) above.
- j. Providing any service.

(10) *Indemnity.* All persons conducting non-commercial activities at the airport agree to indemnify the eCity, its agents, and employees from and against any and all claims and demands from third parties, whether just or unjust, for personal injuries (including death) and/or property damage (including theft or loss) caused by, or alleged to be caused by, the activities of such person on airport property.

(d) *Emergencies.* The dDirector is empowered to wholly or partially restrict or suspend the activities authorized under permits issued pursuant to subsection (c)(3) above in the event of emergencies that disrupt the normal operations of the airport or threaten the security of the general public.

Emergencies include, but are not limited to, unusual conditions due to adverse weather, emergency security measures, aircraft or traffic accidents, ~~strikes affecting the operations of the airport~~, power failures, fires, or other emergency conditions or circumstances disrupting the normal operations of the airport.

(e) *Revocation of permit.* A permit granted pursuant to subsection (c)(3) above may be revoked by the dDirector for any of the following reasons:

- (1) Violation of any provision or restriction of the registration form;
- (2) Any action by permittee that adversely affects the ~~health~~ or safety of the public;
- (3) Discovery of fraud or misrepresentation in the permit application; or
- (4) Violation of any of the terms and conditions of this chapter.

(Ord. No. 2015-04-09-0289, 1(Att. I), 4-9-15)

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