

ORDINANCE NO. 2012 - 56

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, REGULATING ACTIVITIES IN THE CITY OF TAMPA RELATED TO THE 2012 REPUBLICAN NATIONAL CONVENTION; DESIGNATING GEOGRAPHIC BOUNDARIES, DATES AND TIMES FOR AN EVENT ZONE; CREATING A PUBLIC VIEWING AREA; PROVIDING FOR A PUBLIC GATHERING PERMIT PROCESS; DESIGNATING AN OFFICIAL PARADE ROUTE; PROVIDING FOR AN OFFICIAL PARADE ROUTE PERMIT PROCESS; PROHIBITING PARADES OUTSIDE OF THE OFFICIAL PARADE ROUTE; PROVIDING FOR REASONABLE TIME, PLACE AND MANNER REGULATIONS CONCERNING MATERIALS AND OBJECTS THAT MAY BE POSSESSED, CARRIED OR USED IN THE CITY OF TAMPA; PROVIDING FOR PROHIBITIONS CONCERNING MATERIALS AND OBJECTS THAT MAY BE POSSESSED, CARRIED OR USED IN THE EVENT ZONE; PROVIDING FOR PROHIBITIONS CONCERNING MATERIALS AND OBJECTS THAT MAY BE POSSESSED IN THE PUBLIC VIEWING AREA; PROVIDING FOR A PROHIBITION ON PLACING OBJECTS IN THE RIGHTS-OF-WAY; PROVIDING FOR A PROHIBITION ON CAMPING; PROVIDING FOR A PROHIBITION ON PUBLIC URINATION AND DEFECATION; PROVIDING FOR A PROHIBITION ON RAPPELLING; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; CREATING A TEMPORARY SECURITY FENCE PERMIT PROCESS; PROVIDING FOR EXTENDED HOURS OF OPERATION FOR PARKS LOCATED WITHIN THE EVENT ZONE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Tampa (the "City") has been selected to host the 2012 Republican National Convention (the "RNC") which is scheduled to take place from August 27-30, 2012; and

WHEREAS, the RNC is expected to attract thousands of visitors to the City; and

WHEREAS, the magnitude and significance of the RNC creates unique challenges for the City that require additional regulations to assist in promoting and protecting the general health, safety, and welfare of the residents and visitors of the City during the RNC; and

WHEREAS, it is the public policy of the City that persons and groups have a First Amendment right to organize and participate in peaceful assemblies and parades on the sidewalks and rights-of-way and in the parks of the City, and to engage in peaceful assemblies and parades near the RNC so they may be seen and heard, subject to reasonable restrictions

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1 designed to protect public safety, persons and property, and to accommodate the interest of
2 persons not participating in the assemblies and parades to use the sidewalks and rights-of-way to
3 travel to their intended destinations and use the parks for recreational purposes; and
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5 **WHEREAS**, the City recognizes the compelling need to facilitate safe and orderly
6 movement of vehicular and pedestrian traffic during the RNC; and
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8 **WHEREAS**, an estimated 10 billion media impressions of Tampa Bay will be made
9 during the RNC by the more than 15,000 members of the local, national and international media;
10 and
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12 **WHEREAS**, the RNC will generate millions of dollars worth of economic impact for the
13 City; and
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15 **WHEREAS**, the City Council has determined that the following regulations are
16 reasonable time, place and manner restrictions that will promote and protect the general health,
17 safety, and welfare of the residents and visitors of the City during the RNC while also allowing
18 persons and organizations to exercise their First Amendment rights to peacefully assemble and
19 parade; and
20
21

22 **WHEREAS**, duly noticed public hearings as required by law were held by the City
23 Council at which all residents and interested persons were given an opportunity to be heard.
24

25 **NOW, THEREFORE,**
26

27 **BE IT ORDAINED BY THE CITY COUNCIL**
28 **OF THE CITY OF TAMPA, FLORIDA:**
29

30 **Section 1.** That the recitals set forth above are hereby incorporated as if fully set forth herein.
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32 **Section 2.** This Ordinance shall go into effect immediately upon becoming a law, and terminate
33 at 12:01 a.m. eastern time on September 1, 2012. In the event that the RNC is delayed, the
34 effectiveness of this Ordinance shall automatically extend to 12:01 a.m. eastern time on the day
35 after the conclusion of the RNC, but shall not extend beyond 12:01 a.m. eastern time on
36 September 8, 2012.
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38 **Section 3.** Unless more specifically stated herein, the following regulations shall be effective
39 temporarily in the City of Tampa during the time period set forth above. The regulations
40 contained in this Ordinance shall only apply to public property that is owned, leased, managed or
41 operated by the City, including but not limited to, sidewalks, rights-of-way and parks.
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43 **Section 4. Definitions.** Unless more specifically defined herein, all words and terms shall
44 have the meaning as provided by the City of Tampa Code of Ordinances. In the event that there
45 is a conflict in definitions, the stricter definition shall apply.
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- 47 (1) *Assembly* shall mean a demonstration, speech, meeting, performance,
48 rally, vigil or similar gathering conducted for a common purpose of
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1 persons expressing their political, social or religious views in a City park land,
2 right-of-way, sidewalk or other public grounds in a place open to the general
3 public.
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5 (2) *Camp or camping* shall mean the use of property for living
6 accommodation purposes such as sleeping, or making preparations to sleep
7 (including laying down of bedding for the purpose of sleep), or storing personal
8 belongings, or placing any tents or a temporary shelter on property for living
9 accommodation purposes.
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11 (3) *City park land* shall mean City parks, dedicated parks, and Joe Chillura
12 Park.
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14 (4) *Department* shall mean the City of Tampa Parks and Recreation
15 Department.
16

17 (5) *Department Director* shall mean the City of Tampa Parks and Recreation
18 Director and his/her designee.
19

20 (6) *Event Zone* shall mean the portions of the City within the boundaries
21 depicted in the map attached hereto and incorporated herein as Exhibit A. The
22 Event Zone shall include all of the rights-of-way of the depicted boundaries and
23 the abutting properties.
24

25 (7) *Official Parade Route* shall mean the route created by the Department
26 Director to be utilized for any and all parades in the Event Zone during the
27 specified time period stated below.
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29 (8) *Parade* shall mean any parade, picket line, march, demonstration, protest
30 rally, ceremony, show, carnival, exhibition, festival, race, derby, block party,
31 celebration, public gathering, pageant or procession of any kind or any similar
32 activity on or upon any street, alley or other public rights-of-way.
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34 (9) *Public Viewing Area* shall mean the portions of the City designated by the
35 Department Director as the viewing area.
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37 (10) *Rights-of-way* shall mean any street, roadway, alley or portion of land set
38 apart for public use, vehicular travel and local convenience, which is either owned
39 by, or dedicated to, a governmental agency by deed or plat and/or is intended or
40 designated for public use.
41

42 (11) *Severe weather* shall mean the forecasting or occurrence of weather
43 phenomena affecting the Event Zone that require the National Weather Service
44 to issue a severe weather watch or warning for weather phenomena including,
45 but not limited to, tropical storms and hurricanes; severe thunderstorms
46 (producing winds around 60 mph and greater and large hail), tornados and
47 floods. Special Weather Statements will be issued for thunderstorm hazards
48 forecast to produce impacts less than warning conditions and City officials will
49 make decisions accordingly in collaboration with the National Weather Service.
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1 (12) *Sidewalk* shall mean that portion of a street adjacent to the curb lines or
2 the lateral lines of a roadway and the adjacent property lines, intended for use of
3 pedestrians.
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5 (13) *Special Event Permit* shall mean an official document authorizing
6 performance of a specific event regulated by Chapter 28 of the City of Tampa
7 Code of Ordinances.
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9 (14) *Temporary Shelter* shall mean tents, tarps or any type of structure or cover
10 that provides partial shelter from the natural elements.
11

12 **Section 5. Public Gathering Generally.** Any person, entity, group, or organization
13 engaging in an assembly may do so in any City park land, subject to reasonable time, place, and
14 manner regulations as established by the City to protect public safety, persons, property, and to
15 accommodate the interests of persons not participating in the assemblies to use the City park land
16 for recreational activities. Any assembly may be terminated immediately by the Department
17 Director due to severe weather.
18

19 (A) **Permits for Assemblies in Parks Not in the Lottery.** Any facility use permit
20 and special event permit for use of any City park land not designated by the
21 Department Director as a location to be included in the lottery shall be filed in
22 compliance with the guidelines set forth in Chapters 16 and 28 of the City of
23 Tampa Code of Ordinances.
24

25 (B) **Public Gathering Permit.**
26

27 (1) **Required.** A Public Gathering Permit is required when any person, entity,
28 group or organization desires to engage in, participate in, conduct, host or
29 otherwise hold an assembly in a City park land designated by the Department
30 Director as a location to be included in the lottery at any time during the days of
31 August 27, 2012 through September 1, 2012, and the proposed assembly
32 anticipates an attendance of fifty (50) or more persons at any one given time. In
33 the event that the RNC is delayed, the dates requiring a Public Gathering Permit
34 shall automatically extend to 12:01 a.m. eastern time on the day after the
35 conclusion of the RNC, but shall not extend beyond 12:01 a.m. eastern time on
36 September 8, 2012.
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38 (2) **Exceptions.** A person or group who wishes to conduct an assembly in a
39 City park land is not required to obtain a Public Gathering Permit when one or
40 more of the following conditions apply:
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42 a. The anticipated attendance actively participating in the assembly is
43 less than fifty (50) persons. If the number of persons actively participating
44 in the assembly is fifty (50) or more at any one given time, then the person
45 or group conducting the assembly shall be subject to the permit
46 requirements of this section; or
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48 b. The assembly will take place on public sidewalks and cross walks
49 and is not likely to interfere or obstruct the normal or usual flow of
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1 pedestrian use on the sidewalks or crosswalks. An assembly held on
2 public sidewalks and crosswalks will not interfere with the normal or
3 usual flow of pedestrian use if: (i) participants assemble two (2) abreast (to
4 create spacing between groups); and (ii) give way to others they
5 encounter; and (iii) obey all traffic and crosswalk regulations; or
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7 c. The assembly is a spontaneous event which is occasioned by news
8 or affairs coming into public knowledge less than forty-eight (48) hours
9 prior to such event and said event will be held in Joe Chillura Park. The
10 spontaneous assembly shall be subject to normal rules and regulations
11 governing use of the park (hours of operation, no camping, etc.) and shall
12 last no longer than twenty-four (24) hours. At the expiration of twenty-
13 four (24) hours, the spontaneous assembly event shall be subject to the
14 permitting requirements of this Ordinance. If practicable, the organizers
15 of the event should provide notice to the Department and the Tampa
16 Police Department at least twenty-four (24) hours prior to the event
17 informing the City of the date and time of the event and provide an
18 estimate of the number of persons who may be participating; or
19

20 d. The assembly will take place in the Public Viewing Area; or
21

22 e. A Special Event Permit has been or will be issued for the event
23 pursuant to Chapter 28 of the City of Tampa Code of Ordinances.
24

25 (3) **Filing Periods.** The Department Director shall accept all applications for
26 a Public Gathering Permit. However, it is anticipated that a transparent blind
27 lottery is necessary to ensure an impartial permit issuing process. A person
28 seeking a Public Gathering Permit is strongly encouraged to file an application for
29 a Public Gathering Permit with the Department no later than 5:00 p.m. eastern
30 time on June 11, 2012. A separate application is required for each day and
31 location a permit is requested.
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1 a. **Lottery.**
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3 i. If there are multiple requests for the same day and site,
4 those requests received by 5:00 p.m. eastern time on June 11, 2012 will be
5 entered into a lottery. If a day and site do not receive multiple requests,
6 then the applicant shall automatically receive priority for that day and site.
7 A permit will not be issued until Department Director determines the
8 application does not violate any of the provisions in §6 below. The lottery
9 shall occur on June 15, 2012. One (1) request will be drawn and will be
10 given priority in the application process. Two (2) additional requests will
11 be drawn as the second and third alternate. This will occur for each
12 available day and site. The Department shall contact each applicant with
13 priority in the application process no later than June 25, 2012 to notify the
14 applicant of acceptance or rejection of their application. Each applicant
15 shall accept or provide notice of appeal of denial for the offered site and
16 time no later than June 29, 2012. If the an applicant has not accepted or
17 provided a notice of appeal of denial for the offered site and time by 5:00
18 p.m. eastern time on June 29, 2012, then it shall be deemed the applicant
19 has rejected the offered site and time, and the site and time shall be offered
20 to the next alternate. The Department Director may alter the dates set
21 forth above if necessary, but the lottery shall occur no later than July 9,
22 2012.
23

24 ii. If the first round of the lottery has been completed and
25 there are sites or days available, applications which have not been awarded
26 a site, including alternates, will enter a second (2nd) round of the lottery.
27 One (1) request will be drawn and they will be contacted and offered the
28 site. Again, two (2) additional requests will be drawn as the second and
29 third alternate.
30

31 iii. The remaining applications, after the first and second
32 rounds of the lottery have occurred, will be listed in order of their
33 selection. These applications will be contacted, in the order of their
34 selection in the lottery, and offered any remaining site. The contact listed
35 on the application can then choose to accept or not. This process shall
36 continue until all sites have been allocated or the entire list of requests has
37 been contacted.
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39 b. **Post-Lottery.** Any application for a Public Gathering Permit for a
40 City park land located in the Event Zone received after 5:00 p.m. eastern time on
41 June 11, 2012, shall be issued on a first come first serve basis only after all of the
42 participants in the lottery have been contacted.
43

44 (4) **Amendment.** Following the approval of a Public Gathering Permit
45 application, the Department Director shall, after consultations with the applicant,
46 amend the Public Gathering Permit to make reasonable modifications to the
47 assembly location or time up until three (3) calendar days prior to the assembly
48 date to respond to specific risks, hazards and dangers to the public health and
49 safety identified by the Department Director as being reasonably foreseeable
50 consequences of the assembly.

1 (5) **Notice.** The Department Director shall provide written notice to the
2 applicant stating the reason(s) for any decision to:

- 3
4 a. Deny an application for a Public Gathering Permit; or
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6 b. Amend a Public Gathering Permit; or
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8 c. Revoke a Public Gathering Permit.
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10 Notification, pursuant to this subsection shall be deemed satisfied when the notice
11 is either (i) hand delivered to the applicant; (ii) sent via email to the applicant at
12 the email address shown on the permit application; or (iii) placed, postage
13 prepaid, in the United States mail and addressed to the applicant at the address
14 shown on the permit application.
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16 (6) **Denial/Revocation.**

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18 a. In determining whether to grant or deny an application for a Public
19 Gathering Permit, facility use permit or special event permit, the
20 Department Director shall not consider the content of the beliefs
21 expressed or anticipated to be expressed during the assembly, the
22 identity or associational relationships of the applicant, any
23 assumptions or predictions as to the amount of hostility which may
24 be aroused in the public by the content of the speech or message
25 conveyed at the event, nor may the Department Director favor non-
26 First Amendment activities over First Amendment activities except
27 for as provided below.
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29 b. A Public Gathering Permit application shall be denied or revoked
30 for any of the following reasons:
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32 1. The application is not fully complete and executed;
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34 2. The application contains a material falsehood or
35 misrepresentation;
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37 3. The applicant on prior occasions made material
38 misrepresentations regarding the nature or scope of an event;
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40 4. The applicant has previously violated or permitted a
41 violation of the terms of a Public Gathering Permit;
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43 5. The applicant has on prior occasion(s) damaged City
44 property and has not paid in full for such damage;
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46 6. The applicant has on prior occasion(s) received a permit
47 from the City (facility use, special event permit, etc.) and has an
48 outstanding debt owed to the City related to the prior permitted
49 event;
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1 7. A fully executed Public Gathering Permit application,
2 special event permit application or other permit application for the
3 same date, time and place has been received by the Department
4 and a permit has been or will be granted to a prior applicant
5 authorizing uses or activities which do not reasonably permit
6 multiple simultaneous events;
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8 8. The proposed assembly would likely interfere with the
9 movement of emergency vehicles or police protection in areas
10 contiguous or in the vicinity of the assembly;
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12 9. The proposed area for the assembly could not
13 accommodate the number of expected participants; or
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15 10. The proposed assembly involves activities prohibited by
16 federal, state, local laws, regulations or ordinances.
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18 c. If a permit is denied, the Department Director shall use her/his best
19 efforts to help the applicant cure any defects in the application
20 and/or provide an alternative date, time or location for the
21 proposed assembly.
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23 d. If a Public Gathering Permit application is denied, the applicant
24 may make a written appeal to the City's Chief of Staff.
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26 1. The appeal shall be submitted in writing and sent by
27 certified or registered mail, or hand-delivered to the City's Chief of
28 Staff's office. Appeals will be date and time stamped upon receipt
29 and if hand-delivered, a receipt will be issued to the appealing
30 party stating the date and time the appeal was filed.
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32 2. The appeal must be filed with the Chief of Staff's office
33 within seven (7) business days of the issuance of the decision by
34 the Department Director. Any appeal received outside of this
35 timeframe will not be considered.
36

37 3. The written appeal must contain the following:
38

39 a. The name, postal and email address, telephone and
40 facsimile numbers (if available) of the applicant appealing;
41 and
42

43 b. A succinct statement indicating the grounds and evidence,
44 including facts, rules, regulations, statutes and
45 constitutional provisions, the factual and legal basis, upon
46 which the Department Director's decision should be
47 modified or reversed, with inclusion of all supporting
48 documentation; and
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50 c. A statement of the specific ruling or relief requested; and

1 d. Signature by an authorized agent of the party appealing.
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3 4. The City's Chief of Staff shall, within seven (7) business
4 days of receipt of the appeal, serve notice upon the appealing party
5 that the Department Director's decision was modified, affirmed or
6 reversed. Notification, pursuant to this subsection shall be deemed
7 satisfied when the notice is either (i) hand delivered to the
8 appealing party; (ii) sent via email to the appealing party at the
9 email address shown on the appeal; (iii) placed, postage prepaid, in
10 the United States mail and addressed to the appealing party at the
11 address shown on the appeal; or (iv) faxed to the appealing party to
12 the facsimile number listed on the appeal.
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14 5. If such notice is not served upon the appealing party within
15 seven (7) business days of the date of receipt of the appeal, then
16 the denial shall be deemed reversed.
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18 6. The decision by the City's Chief of Staff under this section
19 shall be final and binding on the City and shall thereafter represent
20 the position of the City.
21

22 7. If there is insufficient time to file an appeal in accordance
23 with the procedures set forth above, then the decision by the
24 Department Director shall be deemed a final decision subject to
25 judicial review in accordance with applicable law.
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27 (7) **Duration.** Any Public Gathering Permit issued in accordance with this
28 Ordinance shall be for one full day beginning when the park opens and
29 automatically terminating when the park closes for the day. All Public Gathering
30 Permits shall be non-exclusive, non-transferable and non-assignable.
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32 (8) **Fees.** There shall be no fee charged for a Public Gathering Permit. A fee
33 shall be required for any facility use permit and special event permit as set forth in
34 Chapters 16 and 28 of the City of Tampa Code of Ordinances.
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36 (9) **Insurance/Indemnification.** There shall be no insurance or
37 indemnification agreement required for a Public Gathering Permit. Insurance and
38 indemnification agreements shall be required for any facility use permit and
39 special event permit as set forth in Chapters 16 and 28 of the City of Tampa Code
40 of Ordinances.
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42 **Section 6. Parades Generally.** It is hereby declared that the public health, safety, welfare
43 and the good order of the community is of the highest importance and that the use of the Official
44 Parade Route and a streamlined parade permit process are reasonable time, place and manner
45 regulations necessary to maintain the health, safety, welfare and good order of the citizens and
46 visitors of the City of Tampa. Any parade may be terminated immediately by the Department
47 Director due to severe weather.
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(A) **Parade Route Permits.**

(1) **Required.** A parade permit shall be required when any group of persons, entity, or organization desires to engage in, conduct, host or otherwise hold a parade, except as set forth below.

(2) **Permit Not Required for Parades on Sidewalks.** A parade permit is not required for a parade that takes place on public sidewalks and crosswalks and does not interfere or obstruct the normal or usual flow of pedestrian use on the sidewalks or crosswalks. A parade held on public sidewalks and crosswalks will not interfere with the normal or usual flow of pedestrian use if: (i) the participants assemble two (2) abreast (to create spacing between groups); and (ii) give way to others they encounter; and (iii) obey all traffic and cross walk regulations.

(3) **Types.**

a. **Official Parade Route Permit.** The Official Parade Route shall be the only parade route permitted in the Event Zone effective beginning at 12:01 am eastern time on August 27, 2012 and terminating at 12:01 am eastern time on September 1, 2012. In the event the RNC is extended, then the effective period of the Official Parade Route shall also extend to coincide with the dates of the RNC. However, the term for the Official Parade Route shall not extend beyond September 8, 2012. Unless otherwise stated herein, an Official Parade Route permit shall be required when any person, entity, group or organization desires to engage in, participate in, conduct, host or otherwise hold a parade in the Event Zone during the aforementioned dates.

b. **Regular Parade Permit.** A regular parade route permit as required by Chapter 28 of the City of Tampa Code of Ordinances is required when any person, entity, group or organization desires to engage in, participate in, conduct, host or otherwise hold a parade either (i) outside the Event Zone during the dates when the Official Parade Route is effective; or (ii) within the Event Zone during the dates when the Official Parade Route is not effective.

(4) **Filing Periods.**

a. **Official Parade Route Filing Period.** A person seeking an Official Parade Route permit shall file an application for the permit with the Department. The Department Director shall provide a final determination on the Official Parade Route Permit application no later than fourteen (14) calendar days from the receipt of the Official Parade Route permit application. Notwithstanding the foregoing, the Department will accept all applications for all parades and make a determination on the application as soon as reasonably possible. Official Parade Route permits will be issued on a first come first serve basis. Spontaneous parades may be held in the Official Parade Route so long as the Department Director confirms: (i) there has not been an Official Parade Route permit issued for the desired time for the spontaneous parade; (ii) and there is no parade currently utilizing the

1 Official Parade Route.

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3 b. **Regular Parade Route Filing Period.** A regular parade route
4 permit required by Chapter 28 of the City of Tampa Code of Ordinances
5 shall be filed in compliance with the guidelines set forth in Section 28-26 of
6 the City of Tampa Code of Ordinances.

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8 (5) **Notice.** The Department Director shall provide written notice to the
9 applicant stating the reason(s) for any decision to:

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11 a. Deny an application for a parade route permit;
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13 b. Amend a parade route permit; or
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15 c. Revoke a parade route permit.

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17 Notification, pursuant to this subsection shall be deemed satisfied when the notice
18 is either (i) hand delivered to the applicant; (ii) sent via email to the applicant at
19 the email address shown on the permit application; or (iii) placed, postage
20 prepaid, in the United States mail and addressed to the applicant at the address
21 shown on the permit application.

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23 (6) **Denial/Revocation.**

- 24
25 a. In determining whether to grant or deny any application for a
26 parade route permit, the Department Director shall not consider the
27 content of the beliefs expressed or anticipated to be expressed
28 during the parade, the identity or associational relationships of the
29 applicant, any assumptions or predictions as to the amount of
30 hostility which may be aroused in the public by the content of the
31 speech or message conveyed at the parade, nor may the
32 Department Director favor non-First Amendment activities over
33 First Amendment activities.
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35 b. Any parade route permit application shall be denied or revoked for
36 any of the following reasons:
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38 1. The application is not fully complete and executed;
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40 2. The application contains a material falsehood or
41 misrepresentation;
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43 3. The applicant on prior occasions made material
44 misrepresentations regarding the nature or scope of an
45 event;
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47 4. The applicant has previously violated or permitted a
48 violation of the terms of a parade route permit;
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- 5. The applicant has on prior occasion(s) damaged City property and has not paid in full for such damage;
- 6. The applicant has on prior occasion(s) received a permit from the City (facility use, special event permit, etc.) and has an outstanding debt owed to the City related to the prior permitted event;
- 7. A fully executed, Public Gathering Permit, parade route permit application, facility use permit application, special event permit application or other permit application for the same date, time and place has been received by the Department and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple simultaneous events;
- 8. The proposed parade would likely interfere with the movement of emergency vehicles or police protection in areas contiguous or in the vicinity of the parade;
- 9. The proposed area for the parade could not accommodate the number of expected participants;
- 10. The proposed area for the parade includes all or a portion of the Public Viewing Area;
- 11. The proposed parade is outside of the Official Parade Route during the dates when the Official Parade Route is effective; or
- 12. The proposed parade involves activities prohibited by federal, state, local laws, regulations or ordinances.

- c. Regular Parade Route Permit applications shall be reviewed in accordance with the regulations set forth in Chapter 28 of the City of Tampa Code of Ordinances.
- d. If a permit is denied, the Department Director shall use her/his best efforts to help the applicant cure any defects in the application and/or provide an alternative date, location, and/or time for the proposed parade.
- e. If a parade route permit application is denied, the applicant may make a written appeal to the City's Chief of Staff.
 - 1. The appeal shall be submitted in writing and sent by certified or registered mail, or hand-delivered to the City's Chief of Staff's office. Appeals will be date and time stamped upon receipt and if hand-delivered, a receipt will be issued to the appealing party stating the date and time the appeal was filed.

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2. The appeal must be filed with the Chief of Staff's office within seven (7) business days of the issuance of the decision by the Department Director. Any appeal received outside of this timeframe will not be considered.
3. The written appeal must contain the following:
 - a. The name, postal and email address, telephone and facsimile numbers (if available) of the applicant appealing; and
 - b. A succinct statement indicating the grounds and evidence, including facts, rules, regulations, statutes and constitutional provisions, the factual and legal basis, upon which the Department Director's decision should be modified or reversed, with inclusion of all supporting documentation; and
 - c. A statement of the specific ruling or relief requested; and
 - d. Signature by an authorized agent of the party appealing.
4. The City's Chief of Staff shall, within seven (7) business days of receipt of the appeal, serve notice upon the appealing party that the Department Director's decision was modified, affirmed or reversed. Notification, pursuant to this subsection shall be deemed satisfied when the notice is either (i) hand delivered to the appealing party; (ii) sent via email to the appealing party at the email address shown on the appeal; (iii) placed, postage prepaid, in the United States mail and addressed to the appealing party at the address shown on the appeal; or (iv) faxed to the appealing party to the facsimile number listed on the appeal.
5. If such notice is not served upon the appealing party within seven (7) business days of the date of receipt of the appeal, then the denial shall be deemed reversed.
6. The decision by the City's Chief of Staff under this section shall be final and binding on the City and shall thereafter represent the position of the City.
7. If there is insufficient time to file an appeal in accordance with the procedures set forth above, then the decision by the Department Director shall be deemed a final decision subject to judicial review in accordance with applicable law.

(7) **Duration.** Any parade route permit issued during the effective period of this Ordinance shall not be for a period of more than ninety (90) minutes. The City will use its best efforts to accommodate parades that do not finish parading in a timely fashion in the Official Parade Route while also minimizing the delay in

1 the start time to other permitted parades in the Official Parade Route.

2
3 (8) **Fees.** There shall be no fee charged for an Official Parade Route permit.
4 A fee shall be required for a regular parade route permit as set forth in Chapter 28
5 of the City of Tampa Code of Ordinances.

6
7 (9) **Insurance/Indemnification.** No insurance or indemnification shall be
8 required for parades held in the Official Parade Route. Insurance and
9 indemnification shall be required for a regular parade route permit as set forth in
10 Chapter 28 of the City of Tampa Code of Ordinances.

11
12 **Section 7. Prohibited Materials and Objects.** It is hereby declared that the public health,
13 safety, welfare and the good order of the community is of the highest importance; that the
14 citizens and visitors of the City of Tampa should be protected from riots, routs, affrays,
15 disturbances, and disorderly assemblies and disorderly parades; and that prohibiting the
16 possession or carrying of certain objects during assemblies and parades will help protect the
17 health, safety, welfare and good order of the citizens and visitors of the City of Tampa. This
18 section shall be effective beginning at 12:01 a.m. eastern time on August 27, 2012, and
19 terminating at 12:01 a.m. eastern time on September 1, 2012. In the event the RNC is extended,
20 then the effective period of these provisions shall also extend to coincide with the dates of the
21 RNC. However, the term for these provisions shall not extend beyond September 8, 2012.
22 Governmental employees in the performance of their official duties shall be exempt from the
23 regulations of this section.

24
25 (A) **Prohibited Items City Wide.** The following regulations shall be
26 applicable throughout the entire City of Tampa but only on public property that is
27 owned, operated, managed or leased by the City:

28
29 (1) It shall be unlawful for any person, with the intent to cause injury,
30 harm or damage to any person or property, to carry or possess any length
31 of lumber, wood, or other wood product, unless it is one-fourth (1/4)
32 inch or less in thickness and two (2) inches or less in width or if not
33 generally rectangular in shape, such object shall not exceed three-
34 quarters (3/4) inch in its thickest dimension. The lumber, wood or other
35 wood product that does not exceed the aforementioned dimensions is
36 permissible only if the object is not filled with any material, liquid or gas
37 and both ends of the length of lumber, wood, or other wood product are
38 blunt and not pointed.

39
40
41 (2) It shall be unlawful for any person, with the intent to cause injury,
42 harm or damage to any person or property, to carry or possess any length
43 of metal, plastic or other hard material, whether hollow or solid that
44 exceeds three-quarter (3/4) inch in its thickest dimension and one-eighth
45 (1/8) inch in wall thickness. The metal, plastic or other hard material
46 object that does not exceed the aforementioned dimensions is
47 permissible only if the object is not filled with any material, liquid or gas
48 and both ends of the metal, plastic or other hard material are blunt and
49 not pointed.
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(3) It shall be unlawful for any person, with the intent to cause injury, harm or damage to any person or property, to carry or possess aerosol cans.

(4) It shall be unlawful for any person to carry or possess, with the intent to cause injury, harm or damage to any person or property, any weapon, as defined below. For the purposes of this Ordinance, a "weapon" shall mean any air rifle, air pistol, paintball rifle, explosive, blasting cap(s), switchblade, hatchet, ax, slingshot, BB gun, pellet gun, wrist shot, slung shot, blackjack, metal knuckles, nun chucks, mace, iron buckle, ax handle, chain, crowbar, hammer, shovel or any club or bludgeon or any other instrumentality used or intended to be used to cause property or personal damage.

(5) It shall be unlawful for any person to carry or possess, with the intent to cause injury, harm or damage to any person or property, any container or inflatable device filled with urine, fecal matter, blood or any other bodily fluid.

(6) It shall be unlawful for any person to carry or possess, with the intent to cause injury, harm or damage to any person or property, any container filled with any liquid, solid or gas.

(7) It shall be unlawful for any person to carry or possess, with the intent to cause injury, harm or damage to any person or property, any projectile launcher or other device which may be used for the purpose of launching, hurling, throwing or spraying any object, liquid material or other substance. The prohibited items shall include but are not limited to, water guns, super soakers and water cannons.

(8) It shall be unlawful for any person to throw, project, hurl or launch any object with the intent to cause intimidation, apprehension, injury, harm or damage to any person or property.

(9) It shall be unlawful for any person to set, light or use a fire, campfire, bonfire, or fire pit on public property except as may be specifically authorized by permit issued in accordance with the City of Tampa Code of Ordinances or on private property without the prior written consent of the property owner.

(10) Nothing in this section is intended to authorize the possession or use of materials, weapons or devices that are otherwise prohibited by any other local, state or federal ordinance, statute or regulation that are applicable to the City. The purpose of this section is to prohibit the carrying or possession of items and materials that have the potential to be used as weapons to cause property or personal damage, and whose

1 possession might not otherwise be prohibited by local, state or federal
2 law.

3
4 **(B) Prohibited Items in the Event Zone.** The items listed in subsection (A)
5 above shall be prohibited in the Event Zone regardless of the person's intent to
6 cause injury, harm or damage to any person or property. It shall be unlawful to
7 possess the following items upon any public property within the Event Zone:
8

9
10 (1) Rope, chain, cable, strapping, wire, string, line, tape or any
11 material of a similar nature, having tensile strength greater than thirty
12 (30) pounds and a length greater than six (6) feet; and

13
14 (2) Frangible containers of any kind, including, without limitation,
15 glass bottles, glass ornaments, light bulbs, or ceramic vessels, regardless
16 of whether the container holds any substance; and

17
18 (3) Locks including, without limitation, padlocks, bicycle locking
19 devices, chain locks or similar devices, but not including: (i) an integral
20 component of a conveyance or structure; (ii) locks when utilized by the
21 owner of private real property to secure permanent or temporary
22 fencing; or (iii) locks attached to a bicycle; and

23
24 (4) Material designed, intended or readily adaptable for use as a
25 portable shield but not including, common umbrellas made primarily of
26 fabric or soft vinyl without metal tips or other potentially hazardous
27 modification; and

28
29 (5) Any gas mask or similar device designed to filter all air breathed
30 by the wearer in an attempt to protect the respiratory tract and/or face
31 against irritating or noxious gasses or other materials. This prohibition
32 on gas masks shall not apply to any person wearing a medical oxygen
33 mask that fits over the nose and mouth of the person and provides
34 oxygen from an oxygen tank to the person.
35

36
37 (6) The prohibitions of this section shall not be applicable to:

38
39 a. Persons possessing an item listed above when (i) the person
40 or his/her employer is properly licensed to do business in
41 Hillsborough County, Florida; and (ii) the possession of
42 said item is in the normal course of the person's licensed
43 business or employment with said licensed business; and

44
45 b. Law enforcement personnel or other local, state or federal
46 government employees possessing a prohibited item in the
47 course of their authorized duties; and
48
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1 c. Any licensed medical professional in the performance of
2 their medical duties.

3
4 **(C) Prohibited Items in the Public Viewing Area.** In addition to the
5 foregoing regulations, the following items shall be prohibited from the Public
6 Viewing Area:
7

- 8 (1) Aerosol cans; and
- 9
- 10 (2) Any weapon as defined above; and
- 11
- 12 (3) Camping gear; and
- 13
- 14 (4) Coolers and ice chests; and
- 15
- 16 (5) Fireworks; and
- 17
- 18 (6) Lasers; and
- 19
- 20 (7) Non-plastic containers, bottles, cans and thermoses; and
- 21
- 22 (8) Sticks, poles that do not meet the dimensions set forth in Section
23 7(A)(1)-(2); and
- 24
- 25 (9) Ladders, monopods, bipods, and tripods; and
- 26
- 27 (10) Umbrellas with metal tips; and
- 28
- 29 (11) Any other item that law enforcement personnel determines to be a
30 clear and present danger to the health, safety, welfare and good order of
31 the persons in the Public Viewing Area.
32
33

34 **Section 8. Prohibition on Masks.** It shall be unlawful for any person or persons to wear
35 any mask, or device whereby any portion of the face is hidden, concealed or covered as to
36 conceal the identity of the wearer in the Event Zone. The following persons are exempt from
37 this prohibition:
38

- 39 (A) Governmental employees in the performance of their official duties; and
- 40
- 41 (B) Any person in the Public Viewing Area; and
- 42
- 43 (C) Any person parading in a parade in the Official Parade Route.
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1 **Section 9. Possession of obstruction devices prohibited; placing objects in the rights-of-**
2 **way, sidewalks and roadways.**
3

4 (A) It shall be unlawful for any person, with the intent to obstruct the public's
5 ability to freely move about on rights-of-way, sidewalks and other areas to which
6 the public has access, to possess or place any tool, object, instrument or any
7 combination thereof, that is adapted, designed or intended to be used for
8 obstructing the public's ability to freely move about on rights-of-way, sidewalks
9 or any other area to which the public has access.
10

11 This shall include, but is not limited to, a so called "Sleeping Dragon", tripods,
12 bipod, pole, any sections of pipe or containers filled with or wrapped in weighted
13 material such as concrete and/or containing handcuffs, chains, carabiners,
14 padlocks or other locking devices.
15

16 (B) It shall be unlawful for any person to inhibit, for any reason, the
17 movement of emergency equipment on streets, rights-of-way, or sidewalks.
18

19 (C) It shall be unlawful for any person to place any instrument, tripod, bipod
20 or other pole or object with the intent to obstruct the public's ability to freely
21 move about on rights-of-way, sidewalks, entrance and exit to private property, or
22 any other area to which the public has access.
23

24 (D) It shall be unlawful for any person to attach themselves to another person,
25 building, vehicle or fixture with the intent to obstruct the public's ability to freely
26 move about on rights-of-way, sidewalks, entrances and exits to private property,
27 or any other area to which the public has access.
28

29 (E) Governmental employees in the performance of their official duties shall
30 be exempt from this section.
31

32 **Section 10. Prohibition on Camping and Temporary Shelters.** It shall be unlawful for any
33 person to camp on any property owned, operated, or controlled by the City, including parks,
34 rights-of-way and sidewalks. Camping is deemed a public nuisance and the City may summarily
35 remove a temporary shelter, bedding or personal belongings.
36
37

38 **Section 11. Prohibition on Public Urination or Defecation.**
39

40 (A) It shall be unlawful for any person to urinate or defecate on any public
41 place in the City of Tampa unless such urination or defecation is made into a
42 receptacle that (i) has been provided for that purpose; (ii) that stores or disposes of
43 the wastes in a sanitary manner; and (iii) that is enclosed from the view of the
44 general public.
45

46 (B) It shall be unlawful for any person to dump, throw, discard, place, deposit,
47 spill, leak or otherwise dispose of urine or feces in any public place in the City of
48 Tampa unless such disposal is (i) made into a receptacle that has been provided
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50

1 for that purpose; (ii) that stores or disposes of the wastes in a sanitary manner; and
2 (iii) that is enclosed from the view of the general public.

3
4 (C) This section shall not apply to children under six (6) years old, or to
5 persons with impairments who lack the physical or mental ability to control their
6 bodily functions; except that such a person's parent, guardian or custodian shall
7 be responsible for the immediate cleanup and sanitary disposal of any waste
8 expelled by the child or person with impairment. Failure of the parent, guardian
9 or custodian of the child or person with impairment to immediately cleanup and
10 dispose of any waste in a sanitary manner shall constitute a violation of this
11 Ordinance.

12
13 (D) For purposes of this Ordinance, a person with impairment does not include
14 intoxicated individuals or individuals who are impaired due to the taking of illegal
15 substances or substances not legally prescribed to them.

16
17
18 **Section 12. Prohibition on Rappelling.** It shall be unlawful for any person, other than
19 governmental employees in the performance of their duty, to engage in any form of rappelling or
20 climbing activity either with or without specialized gear for such activity on the exterior of any
21 pole, tree, building, parking structure, bridge, overpass, crane, or tower.

22
23 **Section 13. Fencing within the Central Business District.**

24
25 (A) Within the Central Business District, as defined in Chapter 27 Article
26 XVIII, City of Tampa Code of Ordinances, a property owner or his/her authorized
27 agent, may apply for a rights-of-way permit to allow for the construction of a
28 temporary security fence within the City's rights-of-way directly adjacent to their
29 property as follows:
30

31 (1) Submit an application for a rights-of-way use permit,
32 miscellaneous structure, in compliance with Chapter 22, Article I,
33 Division 3, Subdivision I of the City of Tampa Code of Ordinances; and

34 (2) Pay the appropriate fee; and

35 (3) Receive the approval from the City's Transportation Division, the
36 Tampa Police Department, and the Tampa Fire Department of the
37 materials, location, height and installation method of the temporary
38 security fence; and

39 (4) Consent to and abide by the appropriate conditions placed upon the
40 rights-of-way use permit.

41
42 (B) Any temporary security fencing constructed pursuant to this section may
43 be installed no sooner than August 19, 2012, and must be removed no later than
44 September 5, 2012. In the event the RNC is extended, then the effective period of
45 the rights-of-way permit issued for temporary security fencing shall also extend to
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1 coincide with the dates of the RNC. However, the term for the rights-of-way
2 permit issued for temporary security fencing shall not extend beyond September
3 8, 2012.
4

5 **Section 14. Rights-of-way Use Permits Previously Issued.**
6

7 (A) Except for the construction of temporary security fencing erected pursuant
8 to this Ordinance, any activity or construction which has been authorized by a
9 lawfully issued rights-of-way use permit within the restricted rights-of-way
10 identified on the City of Tampa's Transportation Management Area Map
11 (maintained by the Transportation Manager) shall be completed by July 15, 2012,
12 and those restricted rights-of-way shall be fully restored by July 31, 2012.
13

14 (B) If, in the City's sole discretion, the City determines that RNC preparations
15 require the activities authorized by a rights-of-way permit must cease, the City
16 may direct the applicant to stop work prior July 15, 2012. If so directed, the
17 applicant shall have all travel ways, local side streets, parking areas and sidewalks
18 free of obstructions and open to traffic in a safe and secure manner within four (4)
19 business days of the request. The City, in its sole discretion, may authorize an
20 extension of the timeframes provided for herein as it deems appropriate and
21 necessary.
22

23 (C) Maintaining the free flow of vehicular and pedestrian traffic, especially for
24 emergency vehicles, during the RNC will help protect the health, safety, welfare
25 and good order of the citizens and visitors of the City of Tampa, so unless
26 otherwise deemed appropriate and necessary, the City's Transportation Manager
27 may abate the acceptance of new rights-of-way use permit application for
28 restricted roadways from August 1, 2012 until September 8, 2012.
29
30

31 **Section 15. Penalties.**
32

33 (A) Each violation of this ordinance shall be deemed irreversible, irreparable,
34 transient or itinerant in nature, as the circumstances may dictate, and will
35 therefore result in immediate enforcement including, but not limited to, arrest for
36 violation of municipal ordinances as provided for in §§162.22 and 162.23,
37 *Florida Statutes*. A person convicted of violating a municipal ordinance is
38 punishable pursuant to the provisions of §162.22, *Florida Statutes* and may be
39 sentenced to pay a fine, not to exceed \$500.00, and/or may be sentenced to a
40 definite term of imprisonment, not to exceed sixty (60) days, in a municipal
41 detention facility or other facility as authorized by law.
42
43

44 (B) In addition to any other penalty imposed by lawful authority, every person
45 in violation of this Ordinance may be required to forfeit to the City such
46 dangerous or deadly weapon, object or item so concealed or displayed.
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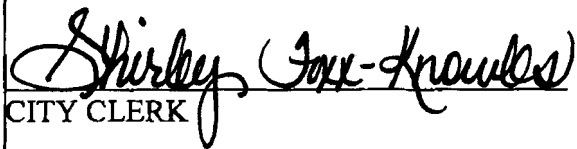
1 **Section 16. Hours of Operation.** The closing time for City park land located within in the
2 Event Zone shall be extended to 3:00 a.m. The Public Viewing Area shall be open twenty-four
3 (24) hours a day.
4

5 **Section 17.** Nothing in this Ordinance shall be interpreted as regulating items inconsistent with
6 Chapter 790 of the Florida Statutes. That if any part of this Ordinance is declared
7 unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions, at the
8 City's election, shall remain in full force and effect.
9

10 **Section 18.** That all ordinances in conflict herewith are temporarily repealed to the extent of any
11 conflict with the terms of this Ordinance.
12

13
14
15 **PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,**
16 **FLORIDA ON MAY 17 2012.**
17

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19 ATTEST:
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CITY CLERK


CHAIRMAN **PRO-TEM**

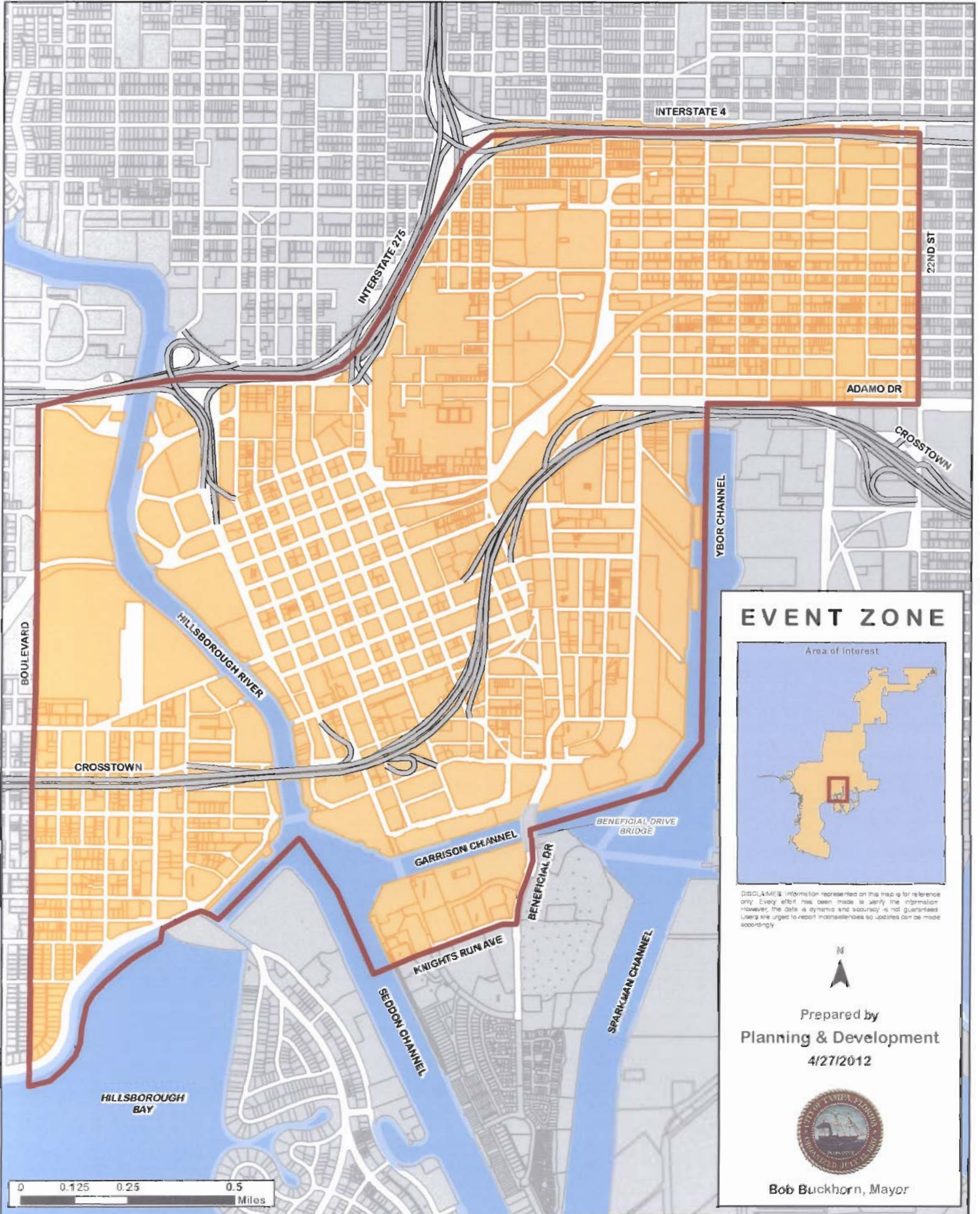
APPROVED BY ME ON MAY 18 2012


BOB BUCKHORN, MAYOR

PREPARED BY AND APPROVED
AS TO LEGAL SUFFICIENCY:

E/S MAURICIO RODRIGUEZ
ASSISTANT CITY ATTORNEY

EXHIBIT A



EVENT ZONE



DISCLAIMER: Information represented on this map is for reference only. Every effort has been made to verify the information. However, the data is dynamic and accuracy is not guaranteed. Users are urged to report inconsistencies so updates can be made accordingly.



Prepared by
Planning & Development
4/27/2012



Bob Buckhorn, Mayor