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PARADE AND SOUND INFORMATION FROM THE BEVERLY HILLS MUNICIPAL CODE

Article 2. Parades and Assemblies

4-3-201: PERMIT REQUIRED:

No person shall engage in, conduct, or carry on the activity of a parade or assembly without a permit issued under the provisions of chapter 1, article I of this title. The permit may authorize the use of sound amplifying equipment in conjunction with a parade or assembly without a permit issued under article 5 of this chapter. (1962 Code § 4-9.01 et seq.)

4-3-202: DEFINITIONS:

ASSEMBLY: Any meeting, demonstration, picket line, rally, gathering, or group of twenty five (25) or more persons, animals, or vehicles, or a combination thereof, having a common purpose, design, or goal, upon any public street, sidewalk, alley, park, or other public place, which assembly substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public area, other than a "parade", as defined in this section.

PARADE: Any march, demonstration, procession, motorcade, or promenade consisting of persons, animals, or vehicles, or a combination thereof, having a common purpose, design, destination, or goal; upon any public place, which parade, march, demonstration, procession, motorcade, or promenade does not comply with normal and usual traffic regulations or control. (1962 Code § 4-9.01 et seq.)

4-3-203: EXEMPTIONS:

The permit application provisions of this article shall not apply to the following:

A. Funeral processions.

B. Spontaneous parades or assemblies occasioned by news or affairs coming into public knowledge within three (3) days of such parade or assembly, provided that the organizers thereof give written notice to the city at least twenty four (24) hours prior to such parade or assembly. Such written notice shall contain all of the following information:

1. The name, address and telephone number of the person or persons seeking to conduct the parade or assembly. This person or these persons shall be considered a permittee for the purposes of this article.

2. The name, address and telephone number of the headquarter of the organization, if any, and of the organizer or responsible head of such organization by whom or on whose behalf the parade or assembly is proposed to be conducted.

3. The name, address and telephone number of the person who will chair the parade or assembly and who will be responsible for its conduct.

4. The location and date of the proposed parade or assembly, including the assembly area, disbanding area, and the route to be traveled.

5. An estimate of the approximate number of persons who will be participating in the parade or assembly and an estimate of the approximate number of persons who will be observing the parade or assembly.

6. The time at which the parade or assembly will start and conclude.

7. The type of security or other arrangements that will be provided to assure that participants are properly directed.

C. The city manager or the city manager's designee may deny permission to conduct the parade or assembly within eighteen (18) hours of the submission of the notice pursuant to subsection B of this section if the city manager or the city manager's designee makes a finding requiring denial pursuant to subsection B of this section. If the city manager makes a finding requiring denial pursuant to that subsection, the city manager shall immediately provide notice of the denial, including the reason for the denial, by telephone to the permittee and shall also provide written notice of the denial including the reason for the denial. If the permittee provides a fax number for the purpose of receiving notices, the city manager shall provide written notice of the denial by fax immediately upon making the denial decision. (1962 Code § 4-9.01 et seq.; amd. Ord. 00-0-2348, eft. 8-1-2000)

4-3-204: APPLICATION FOR PERMIT:

A. A person seeking issuance of a permit pursuant to this article shall file an application with the city manager or the city manager's designee, on forms supplied by the city.

B. The application shall be filed with the city manager or the city manager's designee in accordance with the following time limitations:

1. Not less than six (6) days prior to the date of the parade or assembly if the parade or assembly is proposed to take place in whole or in part on, in or along the roadway portion (other than within crosswalks) of the following streets in the city of Beverly Hills: Wilshire Boulevard, Olympic Boulevard, Santa Monica North Roadway, Sunset Boulevard, La Cienega Boulevard, or Robertson Boulevard;

2. Not less than four (4) days prior to the date of the parade or assembly if the parade or assembly is proposed to take place in whole or in part on, in or along the roadway portion (other than within crosswalks) of any other street in a commercial zone within the city of Beverly Hills;

3. Not less than three (3) days prior to the date of the parade or assembly if the parade or assembly is proposed to take place in a residential zone, or outside of the roadway in a commercial zone, but within the sidewalk or any other portion of the public right of way;

4. Not less than two (2) days prior to the date of the parade or assembly if the parade or assembly is proposed to take place in whole or in part on, in or along any park or other publicly owned traditional public forum in the city of Beverly Hills not governed by subsections B1 through B3 of this section.

C. The application shall include, but shall not be limited to, the following information:

1. The name, address and telephone number of the person or persons seeking to conduct the parade or assembly.

2. The name, address and telephone number of the headquarters of the organization, if any, and of the organizer or responsible head of such organization by whom or on whose behalf the parade or assembly is proposed to be conducted.

3. The name, address and telephone number of the person who will chair the parade or assembly and who will be responsible for its conduct.

4. The location and date of the proposed parade or assembly, including the assembly area, disbanding area, and the route to be traveled.

5. An estimate of the approximate number of persons who will be participating in the parade or assembly and an estimate of the approximate number of persons who will be observing the parade or assembly.

6. The hours when the parade or assembly will start and conclude.

7. The type of security or other arrangements that will be provided to assure that participants are properly directed.

8. The minimum and maximum speeds that the parade is to travel, if applicable, and the maximum number of platoons or units, if any, in the parade or assembly and the maximum and minimum interval of space to be maintained between the units of such parade or assembly.

9. The maximum length of such parade or assembly in miles or fractions thereof.

10. The number and type of vehicles in the parade or assembly, if any.

11. Whether any of the participants in the parade or assembly will be wearing any type of mask or other face covering.

12. A statement to be signed by the person seeking the permit that the permittee will hold harmless and indemnify the city of Beverly Hills, its elected officials, officers, employees and agents from any damages which may arise as a result of the conduct of the parade or assembly for which the permit is sought.

13. If the assembly or the parade set up or dispersal is to be conducted on private property, the applicant must submit with the application proof of the property owner's permission for the property to be used for that purpose.

D. Within twenty four (24) hours after the submission of the application, the city manager or the city manager's designee must notify the applicant, in writing, whether the application is complete. If no such notice is given within twenty four (24) hours after submission, the application will be deemed to be complete. (1962 Code §4-9.01 et seq.; amd. Ord. 00-0-2348, eff. 8-1-200)

4-3-205: GENERAL CRITERIA FOR ISSUANCE OR DENIAL OF PERMIT:

A. In lieu of the criteria for issuance or denial of a permit under the provisions of section 4-1-103 of this title, the following criteria shall apply to issuance or denial of a parade or assembly permit.

B. The permit shall be issued by the city manager or the city manager's designee unless there is a finding that:

1. The information contained in the application is false or intentionally misleading; or
2. The parade or assembly is proposed to take place in the roadway portion of any street in a commercial zone between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) A.M. or between the hours of four o'clock (4:00) P.M. and six thirty o'clock (6:30) P.M., Monday through Friday, unless the parade or assembly will occur on a national holiday; or
3. The parade or assembly is proposed for a time and location for which another parade or assembly permit has been previously issued; or
4. The parade or assembly will require the simultaneous closure of the roadway portion of more than two (2) streets that run in a generally north and south direction between the hours of seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M., Monday through Friday, or between the hours of ten o'clock (10:00) A.M. and six o'clock (6:00) P.M. on Saturday, unless the parade or assembly will occur on a national holiday; or
5. The parade or assembly will require the simultaneous closure of the roadway portion of more than two (2) streets that run generally in an east and west direction between the hours of seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M., Monday through Friday, or between the hours of ten o'clock (10:00) A.M. and six o'clock (6:00) P.M. on Saturday, unless the parade or assembly will occur on a national holiday; or
6. The parade or assembly, by itself or in combination with other parades or assemblies, will require closure of the roadway portion of any street in a commercial zone for more than three (3) hours in anyone day between the hours of seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M., Monday through Friday; or
7. The proposed route or location of the parade or assembly traverses a street or other public right of way that was scheduled for maintenance, construction or repair prior to the application for that parade or assembly permit and the conduct of the parade or assembly would interfere with such maintenance, construction or repair or the maintenance, construction or repair would represent a threat to the health or safety of the participants in the parade or assembly; or
8. The proposed area for the assembly or for the set up or dispersal of a parade could not physically accommodate the number of participants expected to participate in the parade or assembly, as reflected in the application completed and submitted pursuant to the requirements of this article; or
9. The parade would result in a violation of any federal, state or local law or regulation. Upon making any finding set forth in this subsection, the city manager or the city

manager's designee shall deny the permit application.

C. As a condition of the issuance of a permit under the provisions of this article, the city manager or the city manager's designee may require that the parade or assembly be limited to a portion of the width of the street or right of way upon which the applicant seeks to conduct the parade or assembly, provided that such limitation does not limit or interfere with the conduct of the parade or assembly or cause the parade or assembly to violate any other provision of this article or any other federal, state or local law or regulation. (1962 Code § 4-9.01 et seq.; amd. Ord. 00-0-2348, eff. 8-1- 2000)

4-3-206: NONDISCRIMINATION:

The official designated by the city to act on permit applications shall uniformly consider each application upon its merits and shall not discriminate in granting or denying applications; and, shall not deny any permit based upon political or religious grounds or reasons. (1962 Code § 4-9.01 et seq.)

4-3-207: NOTICE OF ISSUANCE OR DENIAL OF PERMIT:

A. The city manager or the city manager's designee shall approve or deny the permit application within the following time limitations, and shall notify in writing the applicant of the action taken: If the permit is sought under the provisions of subsection 4-3-20481 or 82 of this article, within two (2) days after submission of the application. If the permit is sought under the provisions of subsection 4-3-204B3 or B4 of this article, within twenty four (24) hours after submission of the application.

B. If the permit is denied, the notice of denial shall set forth the reasons for denial.

(1962 Code § 4-9.01 et seq.; amd. Ord. 00-0-2348, *eff.* 8-1 -2000)

4-3-208: INTERFERENCE WITH PARADE OR ASSEMBLY:

No person shall knowingly join or participate in any parade or assembly conducted under permit from the city in violation of any of the terms of said permit, nor knowingly join or participate in any permitted parade or assembly without the consent of the permittee, nor in any manner interfere with its progress or orderly conduct. (1962 Code § 4-9.01 et seq.; amd. Ord. 00-0-2348, *eff.* 8-1-2000)

4-3-209: PROHIBITIONS:

The following prohibitions shall apply to all demonstrations, rallies, picket lines, parades and assemblies:

A. It shall be unlawful for any person to carry or possess, while participating in any parade or assembly, any length of lumber, wood, or wood lath greater than one foot (1') in length, unless such object is of wood, is blunted at its ends, and is one-fourth inch

(1/411) or less in thickness and two inches (2") or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths inch (3/411) in its thickest dimension.

B. It shall be unlawful for any person to carry or possess any length of plastic pipe or metal greater than one foot (1') in length or greater than one-quarter inch (1/411) in its thickest dimension.

C. It shall be unlawful for any person to carry any sign, poster, plaque, or notice, whether or not mounted on a length of wood as specified in subsection A of this section, unless such sign, poster, plaque, or notice is constructed solely of a cloth, paper, or cardboard material no greater than one-quarter inch (1/411) in thickness.

D. It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal drawn vehicle upon any public street, unless specifically authorized by a permit.

E. It shall be unlawful for any person to carry or possess any projectile launcher or other device which is commonly used for the purpose of launching, hurling, or throwing any object, liquid, material or other substance.

F. It shall be Unlawful for any person to carry, possess or wear, any gas mask or similar device designed to filter all air breathed and that would protect the respiratory tract and face against irritating, noxious or poisonous gases.

G. It shall be unlawful for any person to fail to abide by the instructions of a traffic control officer given for the purpose of accommodating traffic, including emergency vehicles, through and across a parade route, demonstration, rally, picket line or assembly. Nothing in this section shall prohibit a disabled person from carrying a cane, walker, or similar device necessary for providing mobility so that the person may participate in a demonstration, rally, picket line, parade or assembly. (1962 Code § 4-9.01 et seq.; amd. Ord. 00-0-2348, eff. 8-1-2000)

4-3-210: CONTENT OF PERMIT:

In each permit, a copy of which shall be maintained and kept upon the person in charge of the parade or assembly at the parade or assembly site at all times during the parade or assembly, including during assembly and dispersal, the city manager or the city manager's designee, shall set forth the following information as that information is set forth in the approved application:

A. The name, address and telephone number of the person to whom the permit is issued.

B. The names, addresses and telephone numbers of the sponsoring organization, if any.

- C. The name, address and telephone number of the chairperson of the parade or assembly.
- D. The date for which the parade or assembly is scheduled.
- E. The assembly area for the parade or assembly.
- F. The starting and ending time for the parade or assembly.
- G. The minimum and maximum speeds at which the parade is to progress, if applicable.
- H. The route which the parade or assembly will take.
- I. The maximum number of platoons or units, if any, in the parade or assembly and the maximum and minimum interval of space to be maintained between the units of such parade or assembly.
- J. The maximum length of such parade or assembly in miles or fractions thereof.
- K. The disbanding area for the parade or assembly and the disbanding time.
- L. The number and type of vehicles in the parade or assembly, if any.
- M. Whether participants in the parade or assembly shall be wearing masks.
- N. The type of security or other arrangements that will be provided to assure participants are properly directed. The parade or assembly permit shall also set forth any condition imposed pursuant to subsection 4-3-205C of this article. Additionally, the permittee shall advise all participants in the parade or assembly, of the terms and conditions of the permit, prior to the commencement of the parade or assembly. (Ord. 00-0-2348, eff. 8-1 - 2000)

4-3-211: CITY'S COSTS TO BE PAID BY PERSON OR ORGANIZATION RESPONSIBLE FOR PARADE OR ASSEMBLY:

A permittee under the provisions of this article shall reimburse the city for all traffic control costs incurred in connection with diverting traffic due to the closure of streets. These costs shall be established by the city council by resolution. No fee shall be charged based upon the need for security or increased police protection due to the nature of the parade or assembly. (Ord. 00-0-2348, eff. 8-1-2000)

4-3-212: VIOLATION:

Any violation of the terms or conditions of a parade or assembly permit, or a parade or assembly notice pursuant to section 4-3-203 of this article, by the permittee or any participant in a parade or assembly is a misdemeanor. (Ord. 00-0-2348, eff. 8-1-2000)

4-3-213: JUDICIAL REVIEW:

Any applicant or permittee pursuant to this article may seek judicial review of any decision made pursuant to this article in accordance with the provisions of section 1-5-302 of this code. (Ord. 00-0-2348, eff. 8-1-2000)

Article 5. Amplified Sound

4-3-501: PERMIT REQUIRED:

No person shall use, or operate any loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck or other vehicle for the purposes of giving instructions, directions, talks, addresses, or lectures or for transmitting music to any persons or assemblages of persons, in or upon, any street, alley, sidewalk, park, place, or public property without first obtaining a permit issued under the provisions of chapter 1, article I of this title. (1962 Code §4-8.501 et seq.)

4-3-502: EXEMPTIONS:

The permit requirements of this article shall not be applicable to law enforcement personnel of government agencies acting in their official capacity. (1962 Code § 4-8.501 et seq.)

4-3-503: DEFINITIONS:

SOUND AMPLIFYING EQUIPMENT:

Any machine or device for the amplification of the human voice, music, or any other sound, or by which the human voice, music, or any other sound is amplified. "Sound amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound amplifying equipment" shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

SOUND TRUCK:

Any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment. (1962 Code § 4-8.501 et seq.)

4-3-504: FILING OF APPLICATION:

Permit applications shall be filed with the city a minimum of five (5) days prior to the date on which the permit is required. (1962 Code § 4-8.501 et seq.)

4-3-505: CRITERIA FOR ISSUANCE OR DENIAL OF PERMIT:

Issuance or denial of a permit shall be based on the criteria of section 4-1-103 of this title, excluding subsections A1 and A3 thereof; and with the following additional criteria which require denial of the permit if:

- A. The conditions of any motor vehicle movement are such that the use of the equipment would constitute a substantial and unreasonable interference to traffic safety; or
- B. The conditions of pedestrian movement are such that the use of the equipment would constitute a substantial detriment to traffic safety. (1962 Code § 4-8.501 et seq.)

4-3-506: FEES AND TERMS OF PERMITS:

Fees for permits regulating amplified sound shall be on a per diem basis as designated by council resolution, and the permit shall designate the specific effective dates of such permit. (1962 Code § 4-8.501 et seq.)

4-3-507: RESTRICTIONS AND PROHIBITIONS:

The use or operation of sound amplifying equipment shall be subject to the following restrictions and prohibitions:

- A. The use or operation of sound amplifying equipment shall be prohibited between the hours from six o'clock (6:00) P.M. to ten o'clock (10:00) A.M. of the next succeeding day;
- B. No sound emanating from sound amplifying equipment shall exceed fifteen (15) dbA above the ambient as measured at any property line;
- C. The volume of sound shall be so controlled that it will not be substantially and unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility;
- D. The only sounds permitted to be amplified shall be either music or human speech, or both. (1962 Code § 4-8.501 et seq.)