



February 6, 2019

## MEMORANDUM

To: Wildwood Celebration Commission Members

From: Department of Planning and Parks

Re: Draft of Proposed Parade Policy Options Relative to Participants

Cc: The Honorable James R. Bowlin, Mayor  
The Honorable City Council of Wildwood  
Steve Cross, Co-Interim City Administrator  
John A. Young, City Attorney  
Rick Brown, P.E. and P.T.O.E., Director of Public Works  
Kathy Arnett, Assistant Director of Planning and Parks  
Gary Crews, Superintendent of Parks and Recreation

As the Commission Members may recall, shortly after the 2018 version of the Celebrate Wildwood Event, a participant at one (1) of its meetings noted an issue relating to the decision-making process of who can or cannot participate in the parade associated with this day. The past policy did not allow political groups or campaigning by candidates at the parade, trying to avoid creating ill will or otherwise have a political organization participate that may be offensive to the common decencies of most. This policy had generally worked and only been questioned on a few occasions until this past year, with the more detailed presentation and identified concern by a member of a group that did participate in the parade.

This group, however, was almost denied access to the parade, given it was thought to have a political affiliation and might campaign along the route of it. However, as mentioned, this group was allowed to participate, but spoke about the uncertainty of the process for selection, while also being inherently unfair. In response to this discussion, the Commission Members agreed to consider a more formal policy relating to the Celebrate Wildwood Event.

In preparing for tonight's discussion, the Department of Planning and Parks contacted several local municipalities to ask about their parade policies in this regard. None of the contacted municipalities have a formal policy, but all noted they do not distinguish between any participants regarding whether they are candidates or part of political organizations. Many of the cities did note they do charge political organizations and politicians a fee, generally more than others, while limiting them to not handing out political materials, but just candy. One (1) of the cities reserves the right to deny access based upon inappropriateness of it for the event. Therefore, to the Department, it appears to be more on a case-by-case basis.

Parade Participation Policies		
City	Official Policy	Details
<b>Kirkwood</b>	No	No restrictive language, currently. When accepting entries, they are guided by the mission statement of the festival. Charges everyone to participate, but politicians are assessed more.
<b>Eureka</b>	No	Family appropriate, no animals. The City reserves the right to cancel or deny an entry, if it is felt to be inappropriate for the event. Charges \$25.00 for non-floats. Not-for-profits and floats are free.
<b>Ballwin</b>	No	Charges politicians to participate; all others are free. Asked participating politicians to not hand out anything, except candy.
<b>Florissant</b>	No	Decide on a case-by-case basis. No set policy. Chief of Police and Mayor are involved in the decision-making process.
<b>Manchester</b>	No	Exercise judgment on location of all entrants, usually grouping politically-related types to a certain location within the parade lineup.
<b>Webster Groves</b>	No	No restrictions. Strategic with placement in the line-up (opposing parties/views are separated, etc.).

In completing an internet search, the Department did note that many communities have considered and discussed this issue, particularly around the very popular 4<sup>th</sup> of July parades. In those instances, most communities appear to allow political organizations and candidates to participate, but do require them to follow all the rules and regulations associated with the conduct of the parade, particularly its safety measures, and only allow candy to be handed out, not political bills. This search that was conducted by the Department should not be considered extensive or complete, but a sampling of some of the approaches elsewhere outside the City of Wildwood.

Regulation of parades can impact the First Amendment Free Speech rights of entrants. At least one federal court has upheld a City policy that prohibited “political organizations” from participating in a City-sponsored parade that celebrated the anniversary of the founding of the City. The Court determined that the government can impose time, place, and manner restrictions on City-sponsored parades. The Court found that the City engaged in content discrimination, but not viewpoint discrimination, in banning all political organizations from the parade. The Court held that “content discrimination” is permissible in a City-sponsored parade, while “viewpoint discrimination” is not. Therefore, a categorical prohibition on political organizations participating in the parade is not unconstitutional, but it may be difficult to apply in practice.

Noting these considerations relating to free speech and other communities’ approaches, the Department believes the Commission has two (2) principal options to consider in this regard. These options include the following:

1. Eliminate the parade from the Celebrate Wildwood Event.
2. Allow all political organizations, politicians, and candidates to participate, but prohibit the distribution of flyers, handbills, and other promotional materials from all parade entrants. Consequently, parade entrants could only hand out beads, candy, or other confection items.

Certainly, the simplest approach is to eliminate the parade and not have to be concerned about free speech issues, offensive messages by certain organizations, etc. However, the parade has been a staple of the event, since its reintroduction many years ago. Accordingly, the Department believes the parade should be open to any participant that is willing to comply with the registration process and the safety rules to participate. The addition of political organizations, politicians, and candidates may lead to greater crowds in the end, versus reducing them. The Department does believe the placement of these individuals and organizations in the parade is important to ensure that conflicts are minimized, but all would be allowed to participate. If the Commission concurs with this approach, the Department would prepare a short list of additional safety considerations to be added to the parade information that is provided to all applicants and participants in this regard.

If you should have any questions or comments in this regard, please feel free to contact the Department of Planning at (636) 458-0440. A presentation is planned on this information at tonight's meeting. Thank you for your review of this information and input on the same.