

# Parades and Demonstrations

Chapter. 22

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### **Sec. 22-91. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dangerous weapon* means any device designed or capable of being used to inflict serious injury upon persons or property, including, but not limited to, firearms, knives of any kind or any type having a blade in excess of three inches in length, razors and razor blades, metallic knuckles, clubs, blackjacks and nightsticks, dynamite cartridges, bombs, grenades, mines and other powerful explosives, and loaded canes.

*Parade* means any parade, march, ceremony, pageant, or procession of any kind moving in or upon any public street, way, highway, road, parkway, or sidewalk or other public place owned or under the control of the town, except funeral processions supervised by a licensed mortuary.

*Parade permit* means a written authorization as required by this article.

*Person* means any person, firm, partnership, association, corporation, company, or organization of any kind.

*Town* means the Town of Dobson, North Carolina.

*Town manager* means the person selected and appointed by the board of commissioners to fill the position of town manager for the town.

*Waiver agreement* means an agreement to be signed by the applicant and filed with the chief of police. The waiver releases and saves harmless the town and its employees for any claims, actions, and lawsuits arising out of the conduct of the parade, excepting injuries or damages proximately caused by the town.

*Working day* means a weekday, Monday through Friday inclusive, does not include weekends (Saturday or Sunday) and does not include any day that town hall is closed to the public for holidays, inclement weather or the like.

(Ord. of 1-1-2008, § 5.22)

### **Sec. 22-92. - Permit required.**

No person shall engage or participate in, aid, form, or start any parade unless a parade permit shall have been obtained from the chief of police, provided that no person may conduct or otherwise participate in any parade except between the hours of 9:00 a.m. and 9:00 p.m.

(Ord. of 1-1-2008, § 5.23)

### **Sec. 22-93. - Application.**

(a)

*To be filed with chief of police.* A person seeking the issuance of a parade permit shall file a written application with the chief of police.

(b)

*Filing period.* An application for a parade permit shall be filed with the chief of police not less than 30 working days before the date on which the parade is to be conducted.

(c)

*Fee.* A nonrefundable fee of \$10.00 shall be paid by the person applying for the parade permit at the time of application to cover expenses incidental to processing of the application.

(d)

*Contents.* The application shall be signed by the applicant and notarized, and shall include, but not be limited to, the following:

(1)

The name, address and telephone number of the person seeking to conduct the parade.

(2)

If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization.

(3)

The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

(4)

- (5) The date when the parade is to be conducted.
- (6) The route to be traveled, the starting point, and the termination point.
- (7) The approximate number of persons, animals, and vehicles participating in the parade, the type of animals and a description of the vehicles.
- (8) The hours when the parade will start and terminate.
- (9) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
- (10) The location by streets of any assembly areas for the parade.
- (11) The time when units of the parade will begin to assemble at any such assembly area.
- (12) If the parade is to be sponsored by, or on behalf of any person other than the applicant, the applicant for such permit shall file with the application, a written authorization from the person proposing to hold the parade authorizing the applicant to apply for the permit on his behalf.
- (13) The person to be in charge of the activity and, who will accompany it, shall carry the permit at all times.
- (e) Any additional information which the town manager shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- (e) Failure to comply with the requirements as set forth in this article and in the permit shall result in the permit being deemed null and void and immediate revocation by the chief of police or his designee.

*(Ord. of 1-1-2008, § 5.23-1)*

**Sec. 22-94. - Issuance; revocation.**

- (a) The chief of police shall issue a permit for the proposed parade unless he finds that:
  - (1) The safe conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
  - (2) The conduct of the parade will require the diversion of so great a number of law enforcement personnel of the town to properly police the line of movement of the parade and of contiguous areas that adequate police protection cannot be provided to the remainder of the town;
  - (3) The conduct of the parade will require the diversion of so great a number of ambulances and rescue units that adequate ambulance and rescue service

to portions of the town and contiguous areas not occupied by the parade will be impeded;

(4)

The concentration of persons, animals, and vehicles at assembly points of the parade will substantially interfere with adequate police and fire protection of, or ambulance and rescue service to, areas contiguous to such assembly areas;

(5)

The parade is to be held for the primary purpose of advertising a product, goods, or an event, and is designed to be held primarily for private profit or gain; or

(6)

The conduct of the parade will interfere with the movement of firefighting equipment to such an extent that adequate fire protection cannot be provided to the town.

(b)

Upon issuance of a parade permit, a copy shall be sent to the town manager and the fire chief. The police chief and town manager shall have the authority to revoke a parade permit issued hereunder upon violation of the standards for issuance as herein set forth.

*(Ord. of 1-1-2008, § 5.24)*

#### **Sec. 22-95. - Notice of action on permit application; appeal procedure.**

(a)

The chief of police shall act upon the application as expeditiously as reasonably possible, and within five business days, notifying the applicant in writing of his decision. The notice shall also inform the applicant of the appeal procedure available under subsection (b) of this section and the conference available under [section 22-96](#) for an alternative permit.

(b)

Any person aggrieved shall have the right to appeal the denial of a parade permit to the town board, and the town board shall hear the appeal at its first regularly scheduled meeting after receipt of the appeal.

*(Ord. of 1-1-2008, § 5.25)*

#### **Sec. 22-96. - Alternative permit.**

If the town manager denies an application for a parade permit based upon one or more of the findings prescribed in [section 22-95](#), the town manager or his designee shall, upon the request of the applicant, confer with applicant for the purpose of trying to negotiate modifications to the planned parade that will eliminate the objections found under [section 22-95](#). The town manager is authorized to grant an alternative permit specifying a date, time, or route different from that contained in the application. The alternative permit is valid only upon the filing by the applicant with the town manager or his designee written acceptance of the alternative permit. An alternative permit is void if not accepted in the manner prescribed in this section within three working days after its issuance. An alternative permit shall conform to the requirements of and shall have the effect of a parade permit under this article.

(Ord. of 1-1-2008, § 5.25-1)

**Sec. 22-97. - Duties of permittee.**

A permittee hereunder shall comply with all permit directions and conditions, and with applicable laws and ordinances.

(Ord. of 1-1-2008, § 5.26)

**Sec. 22-98. - Duty of responsible person.**

The person designated in the application as responsible for the physical conduct of the parade shall be responsible for monitoring the conduct of the participants in the parade. Upon actual notice of any violation, given to the responsible person by a law enforcement officer on the scene of said parade, such person shall make immediate bona fide attempts to correct the violation. It shall be unlawful for such responsible person to refuse to make such bona fide attempts to correct the violation.

(Ord. of 1-1-2008, § 5.26-1)

**Sec. 22-99. - Conduct during the parade.**

(a)

*Interference.* No person shall unreasonably hamper, obstruct, or impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in the parade.

(b)

*Driving through parades.* No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c)

*Restricted parking along parade route.* The town manager 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 of a parade. The town manager shall cause signs to be posted to this effect, and it shall be unlawful for any person to park or leave unattended, any vehicle in violation thereof.

(Ord. of 1-1-2008, § 5.27)

**Sec. 22-100. - Dangerous weapons prohibited; exceptions.**

No dangerous weapon of any kind, may be possessed either exposed or concealed by any participant in the parade, or by any person affiliated with and present at the parade, or any person upon any street, sidewalk or other public place within 500 feet of the parade. This section shall not apply to the following persons while acting lawfully and within the scope of their duties and authority:

(1)

Law enforcement officers.

(2)

Officers and soldiers of the armed forces, militia, and national guard.

(3)

Students of military science in an accredited program.

(4)

Park rangers and animal control officers.

*(Ord. of 1-1-2008, § 5.27-1)*

### **Sec. 22-101. - Hand-carried sign restrictions.**

No sign or poster carried by hand in the parade shall be of greater density than eight-ply 0.03 thickness cardboard. No support for such sign or poster shall be of a metallic substance nor thicker than one by three-fourth inches.

*(Ord. of 1-1-2008, § 5.27-2)*

### **Sec. 22-102. - Parade route.**

Every parade shall follow the route designated and approved by the town manager and prescribed on the parade permit.

*(Ord. of 1-1-2008, § 5.28)*

### **Sec. 22-103. - Exceptions.**

This article shall not apply to:

(1)

Funeral processions;

(2)

Any governmental agency acting within the scope of its functions.

*(Prior Code, § 5.30)*

### **Secs. 22-104—22-123. - Reserved.**