

ARTICLE II. PARADES, PICKETING, GROUP DEMONSTRATIONS AND SPECIAL EVENTS*

***Cross references:** Streets and sidewalks, ch. 32.

State law references: Authority to regulate parades, G.S. 20-169.

Sec. 26-41. 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:

Festival and *special event* mean any program or period of festive activities, cultural events or entertainment marked by ceremonies or a gathering of the public to celebrate an event, holiday or special activity.

Group demonstration means any assembly together or concert of action between two or more persons for the purpose of protesting any matter or making known any position or thought of the group or of attracting attention to the demonstration.

Parade means any parade, march, ceremony, show, exhibition or procession of any kind in or on the public streets, sidewalks or parks or other public places.

Picket line means any persons formed together for the purpose of making known any position, or promotion of such persons, or on behalf of any organization.

(Code 1985, § 130.01; Ord. No. 1997-48, 10-21-1997)

Cross references: Definitions generally, § 1-2.

Sec. 26-42. Permit and licenses required; exceptions.

(a) *Permit.*

(1) No parade, picket line, festival, special event or group demonstration shall be permitted on the sidewalks or streets of the city unless a permit therefore has been issued by the city. However, nothing in this section shall be construed to prevent the peaceful assembly of any group for orderly expression or communication between those assembled.

(2) This article shall not apply to the following:

a. Funeral processions.

b. Students going to and from school classes or participating in educational activities where such activity is under the immediate supervision and direction of proper school authorities.

c. A governmental agency acting within the scope of its functions.

(b) *License.* Any parade, picket line, festival, special event or group demonstration that has received a permit under this section and has vendors selling merchandise, food or drink, or charging a fee for service, shall pay a \$50.00 fee to the city for a blanket business privilege license for all vendors at the event. This license fee shall not apply to those events sponsored by a civic or charitable organization or group.

(Code 1985, § 130.02; Ord. No. 1997-48, 10-21-1997; Ord. No. 2008-36, 8-5-08)

Sec. 26-43. Issuance of permit; appeals.

(a) The chief of police, or in his absence the next highest ranking officer of the police department, is authorized to issue permits required by this article, and in the issuance thereof shall do the following:

(1) *Application for permit.* The chief of police shall require a written application therefore to be filed at least **15 Calendar Days** in advance of a parade, picket line, group demonstration, festival or special event, on a form prescribed by the police department and which shall require the application to be signed by the person filing such application. The applicant shall therein state the proposed place, time, purpose and size of the parade, picket line or group demonstration, and whether or not any minors below the age of 18 years shall participate.

(2) *Denial of permit.* The chief of police shall refuse to issue a permit when the activity or purpose stated in the application would violate any provision of this Code or other ordinance of the city or statute of the state, or when the activity or purpose would endanger the public health or safety or hinder or prevent the orderly movement of pedestrian or vehicular traffic on the sidewalks or streets of the city.

(3) *Participation of minors.* The chief of police shall specify in the permit whether or not minors below the age of 18 years will be permitted to participate. The chief of police, or in his absence the next highest ranking police officer of the city on duty, shall pass on whether or not minors below the age of 18 years shall be permitted to participate in the parade, picket line or group demonstration, and shall base his determination on whether or not the purpose or time or place of the participation will be detrimental to or endanger the health, welfare or safety of the minors.

(4) *Restrictions in permit.* The permit may set the starting time and duration of the parade, demonstration or picket line and may set the speed of its travel, the space between persons or vehicles, the portions or areas of the streets and sidewalks to be used, the length of the parade, group or line, and such other requirements as the chief of police or other designated officer may include in the permit for the control of free movement of traffic on the streets and sidewalks, or for the health, safety and property rights of the participants and general public. Failure to comply with the requirements as set forth in the permit shall be unlawful.

(5) *Person in charge.* The applicant for the permit shall specify, and the permit shall designate, the person in charge of the parade, group demonstration or picket line. The person in charge shall accompany the parade, demonstration or picket line and shall carry the permit with him at that time.

(b) The chief of police or other designated officer, in considering the issuance of a permit under this article, shall, among other considerations provided, consider and find as a requisite for issuance that:

(1) The activity will not require excessive diversion of police from other necessary duties.

(2) The activity will not interfere with the right of property owners in the area to enjoy peaceful occupancy and use of their property.

(3) The activity can be conducted without unreasonable interference with normal vehicular or pedestrian traffic in the area and will not prevent normal police or fire protection to the public and will not be likely to cause injury to persons or property or provoke disorderly conduct or create a public disturbance.

(c) Any person aggrieved by the denial of a permit as provided in this section shall have a right of appeal to the council, but such appeal notice must be given within five days thereafter. The appeal on such notice will be heard by the council at its next regular meeting or at any special meeting that may be called for such purpose.

(d) The Chief of Police or his designee will determine if off duty officers are needed for an event for street closures, detours, general security and safety in the streets and highways of the City of Sanford. That security must be coordinated by the Sanford Police Department. The expense of providing off-duty officers for the event is the responsibility of the Event Organizer(s). The event organizer(s) will be required to reimburse the City of Sanford for any salaries and other expenses with may occur during the event.
(Code 1985, §§ 130.03, 130.04)

Sec. 26-44. Interference with permitted activities.

When a permit has been issued by the city pursuant to this article, no person shall hamper, obstruct, impede or interfere with such permitted activity or any person participating therein. The police department is authorized to establish lines for separation of the general public from such activity, and it shall be unlawful to violate any provision of this section or to cross those lines.

(Code 1985, § 130.05)

Sec. 26-45. Authority to limit activities in congested areas.

(a) Any picket line or group demonstration proposed to be held in any area subject to normally heavy pedestrian or vehicular traffic may be limited in the permit issued to a concentration of not more than six persons participating within any designated area of the street or sidewalk. The officer issuing the permit may specify a larger number in the designated area where in his judgment conditions permit a higher concentration.

(b) A designated area is defined as the entire width of the street or sidewalk within a distance measured along its length for 100 feet.

(Code 1985, § 130.06)

Sec. 26-46. Prohibited activities.

In any parade, picket line or group demonstration, it shall be unlawful to do as follows:

(1) For any minor below the age of 18 years to participate or be allowed to participate, or for any person to encourage, lead or allow a minor to so participate, unless a permit therefore has been issued. Such persons shall be guilty of a violation of this section.

(2) For any person to lead, guide, participate in or in any way support or encourage a parade, picket line or group demonstration when a minor below the age of 18 years is participating therein, unless a permit for such participation by the minor has been issued.

(3) For any parent to knowingly permit any minor child of such parent under 18 years of age to participate in the parade, picket line or group demonstration, unless a permit for participation by the minor has been issued.

(4) To cause, participate in, lead or encourage any parade, picket line or group demonstration to deviate in any manner from the authority therefore specified in the permit.

(5) To have a parade, picket line or group demonstration within any public building or structure.

(Code 1985, § 130.07)

Sec. 26-47. Revocation of permit.

Upon violation of the terms of the permit or any provision of this article by those participating in an activity for which a permit has been issued pursuant to this article, the chief of police or such officer of the police force as may then be in charge is authorized to then revoke the permit and command those participating to disperse. It shall be unlawful for any person to fail to obey the command promptly.

(Code 1985, § 130.08)

Sec. 26-48. Enforcement of provisions regarding minors.

When any minor below the age of 18 years is arrested for any violation of this article, the police department shall mail to the parents or guardian of the minor, by United States mail, a notice of the arrest, setting forth the date and hour of the arrest and the nature of the charges arising by virtue of the violation, or shall cause such notice to be delivered in person to the parents or guardian. Upon any subsequent arrest and conviction of the minor for a violation of this article and on the arrest of the parent or guardian for permitting participation and violation by the minor, then the mailing or service of notice may be introduced into evidence at the trial of the parent or guardian and shall be prima facie evidence of prior knowledge on the part of the parent or guardian that the minor might so violate the provisions of this article.

(Code 1985, § 130.09)

Sec. 26-49. Authorizing the closing of streets and parking places for parades, festivals and special events.

(a) *Street closing.* When an application for permit for a parade, festival, special event, group demonstration or picket line has been received in accordance with section 26-43, the city council may temporarily close the streets for a stated period of time by resolution so stating the streets to be closed and the time during which the streets are closed.

(b) *Parking regulated.* In said resolution, the city council may also temporarily close on-street parking places and prohibit parking thereon so that vehicles will not interfere with the parade, special event, festival, group demonstration or picket line.

(c) *Towing vehicles.* Once the city council has closed the parking spaces for a specified period of time, and signs are posted along the route giving notice that the parking places are so closed, vehicles parked in violation of this ordinance are subject to being towed away at the owners' expense.

(Ord. No. 2008-13, 3-18-08)

Cross references: Streets and Sidewalks, Ch. 32; Traffic, Ch. 36.

Secs. 26-50--26-70. Reserved.