

**AN ORDINANCE AMENDING THE
CITY OF REIDSVILLE CODE OF ORDINANCES
CHAPTER 11, OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE III, PARADES AND STREET EVENTS
SECTIONS 11-40 THROUGH 11-47**

WHEREAS, the City of Reidsville continues to undertake measures designed to provide economic revitalization, beautification, safety and welfare for individual citizens and businesses, and a sense of community peace and tranquility; and

WHEREAS, the City has studied its current policies and Ordinance regarding parades and “street” events toward providing for the aforementioned continued economic revitalization, beautification, safety and welfare of individual citizens and businesses, and a sense of community peace and tranquility; and

WHEREAS, the City is always mindful of rights of citizens to assemble and participate in free speech, and intends to ensure that any regulation or the use of public property is narrowly tailored to serve a legitimate public interest to balance the same with the peace, tranquility, health, safety, and welfare of its citizens, and the conservation of City resources; and

WHEREAS, the City enjoys ownership of numerous parcels of property upon which special events are most appropriate; and

WHEREAS, the City wishes for its citizens to enjoy the use of its facilities including its parks, recreational areas, and other properties owned by the City; and

WHEREAS, the City believes in conservation of City resources both manpower and facility use-wise; and

WHEREAS, it is believed that closing of City streets should be reserved only for permitted parades and extraordinarily large community-wide events accommodating the expectation of more attendees and needed parking than can be accommodated by the utilization of other City-owned properties; and

WHEREAS, it is anticipated that some special events may grow, or diminish, in number of attendees from year to year and may need to be located at various venues to accommodate the special event while also protecting the peace, tranquility, health, safety and welfare of citizens and code-compliant businesses, and conservation of City resources;

NOW, THEREFORE, be it hereby Ordained by the City Council of the City of Reidsville that Article III of its Code of Ordinances, Sections 11-40 through 11-47 be and are hereby amended to read:

“ARTICLE III. PARADES AND SPECIAL EVENTS”

Sec. 11-40. Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

CITY MANAGER: Shall include the City Manager and his or her designee.

PARADE: Any assemblage of ten (10) or more persons participating in any organized march, ceremony, or procession of any kind, in or upon any street, sidewalk, or other public place owned or under the control of the City.

PERMIT: A written authorization as required by this Article.

SPECIAL EVENT: Any planned or organized event intended to attract and/or assemble ten (10) or more persons on City-owned property, or within State or City Rights of Way, for festivals, celebrations, concerts, shows, exhibitions, or similar occurrences.

TECHNICAL REVIEW COMMITTEE (TRC): A group which provides recommendations to the City Manager regarding parades and special events.

VENUES: Those streets and properties either owned by the City or for which the City has joint use or potential joint use suitable for the assembly of citizens for parades and/or special events. A current listing, updated at least annually, of all City Venues shall be maintained in the office of the City Clerk for inspection by any citizen.

(Ord. of 8-2-00)

Sec. 11-41. Permit required.

(a) No person shall engage in, participate in, aid, form, or start, any parade or special event unless a permit shall have been obtained from the City Manager, and provided, further, that no person may conduct or otherwise participate in any parade or special event between 10:30 p.m. and 6:00 a.m.

(b) This section shall not apply to:

- (1) Funeral processions supervised by a licensed mortuary.
- (2) Any governmental agency acting within the scope of its function.
- (3) Picketing on the sidewalks.
- (4) Temporary closing of streets by a department of the City for activities related to maintenance, repair, construction, alteration or other official duties of such department.

(Ord. of 8-2-00)

Sec. 11-42. Same--Application.

An individual seeking issuance of a Permit shall file an Application with the City Manager on forms provided by the City.

(1) *Filing period:* An Application for a Permit shall be filed with the City Manager at least thirty (30) days and no more than one hundred eighty (180) days prior to the time at which it is proposed to conduct the parade or special event. The application will be forwarded to the City's Technical Review Committee (TRC). Within five (5) business days, the TRC will forward its recommendation to the City Manager, who will review the recommendation and notify the application of his or her decision within four (4) business days. The City Manager shall not approve any Application for a Permit when the City Manager finds that there is a conflict in both schedule and location (venue) with some other event for which a Permit has been previously granted or when two events overlap in time and feasible City manpower/large equipment is not available.

(2) *Contents:* The Application for a Permit shall set forth the following information:

- a. The name, address, telephone number and email address of the individual seeking to conduct such parade or special event.
- b. If the parade or special event is proposed to be conducted for, on behalf of, or by, an Organization: the name, address, telephone number and email address of the headquarters of the organization, and of the authorized and responsible heads of such organization.
- c. The name, address, telephone and email address of the person to be in charge of the parade or special event and who will accompany it and carry the Permit at all times.
- d. The date on which the parade or special event is to be conducted and the hours that such parade or special event will start and terminate.
- e. If the proposed activity is a parade, then the proposed route to be traveled for the parade, the starting point, and the termination point. If the proposed activity is to be a special event, then the proposed, or requested, location and time of such special event. For either activity, the Applicant shall include a statement as to whether the parade or special event is proposed to occupy all or any portion of the width of any street within the City.
- f. The approximate number of persons who, and animals and vehicles which, will constitute such parade or special event; the general type of animals and general description of the vehicles.
- g. If the parade or special event is designed to be held by, or on behalf of, or for, any

individual or entity other than the Applicant, the Applicant for such Permit shall file with the City Manager a written document from the person or entity proposing to hold the parade or special event, authorizing the Applicant to apply for the Permit in the person's or entity's behalf.

h. The location by address or commonly known name of any assembly area that the Applicant proposes as the venue together with a description of the activities planned during the event, including, but not limited to, a description of any sound amplification equipment that will be used during the assembly.

(Ord. of 8-2-00)

Sec. 11-43. Same--Requirements for issuance.

Within ten (10) business days after the filing thereof, the City Manager shall issue a Permit as provided in this Section if:

(1) The Applicant for the Permit has agreed to abide by the standards set forth in this Article which are necessary measures to promote the health, safety, and welfare of the community;

(2) The location proposed for the event appears to be a proper venue taking into consideration the number of expected participants, the type of event, any resources requested of the City, the volume of sound, the length of the proposed event, the anticipated parking needed; and, the venue can be used for such an event so that the reasonable expectations of residents and businesses can be balanced against the reasonable needs of the Applicant. All efforts will be made to direct applicants to City-owned venues, including parks, parking lots, etc., when possible with a listing of such venues made available with the application.

(3) No other parade or special event has previously been issued a Permit for the same date and location as requested in the Application. If two or more Applications request the same date for a parade or special event, the City Manager shall consider the Applications in the order they were filed. No applications will be approved that overlap previously approved applications in time, location and manpower required;

(4) The proposed parade or special event does not conflict with the temporary closing of streets by a department of the City for activities related to maintenance, repair, construction, alteration or other official duties of such department; and

(5) The time, route, or size of the proposed parade or special event will not disrupt the use of a public vehicular street ordinarily subject to significant congestion or traffic, unless reasonable provision can be made by the City for the safe and orderly movement of vehicular and pedestrian traffic along alternate routes during the proposed parade or special event.

(6) The conduct of the parade or special event will not require the diversion of so great a

number of City Police Officers to properly police the parade or special event and the areas contiguous thereto, as to prevent normal police protection in the City. If the event is longer in duration than one hour or requires more than two officers in attendance, the applicant **may** incur fees associated with his or her event based on overtime costs by City employees. Applicants should also be aware that a delay in start time that causes said street events to go past the time allotted may lead to additional personnel-related costs incurred by the City.

(Ord. of 8-2-00)

Sec. 11-44. Same--Denial of permit request; alternative permit; appeal.

(a) If the City Manager disapproves the Application, he or she shall notify the Applicant of the decision, stating the reasons for the denial of the Permit. Upon the denial of an Application for a Permit made pursuant to this Article, the Applicant may appeal to the City Council within two (2) business days from the date notice of the denial is mailed to the Applicant by first-class mail to the address of the Applicant on the Application. In the case of a denial, a courtesy call or email can be sent to the applicant if a telephone number/email address is provided at time of application. Appeal may be made by filing an Appeal Letter with the City Manager who shall set the appeal for hearing by the City Council within seven (7) business days from the filing of the appeal.

(b) The City Manager, in approving an Application for a Permit, may authorize the parade or special event at a date, time, route or location different from that proposed by the Applicant. The City Manager shall state the reasons for the issuance of the alternative Permit location based on the criteria listed in Section 11-43(2). An Applicant desiring to accept a Permit for a place and/or time differing from that proposed shall, within five days of the issuance of the Permit, file a written notice of acceptance of the same with the City Manager. Appeal of location may be made by filing an Appeal Letter with the City Manager who shall set the appeal for hearing by the City Council within seven (7) business days from the filing of the appeal.

(Ord. of 8-2-00)

Sec. 11-45. Standards applicable to parades and special events.

(a) No firearms or dangerous weapons of any kind, as defined in this subsection, may be possessed, either exposed or concealed, by any participant in the parade or special event, any person affiliated with and present at the parade or special event, or any person upon any street, sidewalk, or other public place within five hundred (500) feet of the parade or special event, except as permitted in this subsection. For the purpose of the section, the term "dangerous weapon" shall be defined as any device designed or capable of being used to inflict serious injury upon person or property including, but not limited to, firearms, knives of any kind or any type having a blade in excess of three (3) inches in length, razors and razor blades, metallic knuckles, clubs, blackjacks and night sticks, thrown rocks, bottles or bricks, and dynamite cartridges, bombs, grenades, mines, or other powerful explosives. This restriction 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, National Guard, and color guards of officially recognized veteran's organizations.
 - (3) Students of military science in an accredited high school or college program.
- (b) No hand-carried signs or posters transported in any parade or special event shall be of greater density than eight-ply three hundredths (0.030) thickness cardboard. No support for such sign or poster shall be of a metallic substance or thicker than one (1) inch.
- (c) The person designated by the Applicant as the person responsible for the physical conduct of the parade or special event shall be physically present and accept responsibility for compliance with any and all terms of the Permit as set forth in Section 11-46.
- (d) The Applicant shall file with the City Manager a waiver signed by the Applicant releasing and saving the City and its employees harmless for any claims, actions, and lawsuits, arising out of the conduct of the parade or special event, excepting injuries or damages proximately caused by the City.
- (e) Every parade shall follow the route designated and approved by the City Manager, and every special event shall remain in the parameters designated and approved by the City Manager.
- (f) No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or special event, or with any person, vehicle, or animal participating or used in a parade or special event.
- (g) No child under the age of four (4) shall be permitted to participate in a parade or special event without being accompanied by an adult who will be responsible for such child.
- (h) Those high school and college marching bands and drill teams accredited by the state department of education are permitted to carry such flags, instruments, batons, etc. that are customary in carrying out their respective functions.
- (i) No vicious animal, whether leashed or unleashed, shall be allowed to participate in or proceed along the route of a parade or in a special event.
- (j) The person designated in the Application as responsible for the physical conduct of the parade or special event shall be responsible for ensuring that any booths, stands, or other equipment used in the parade or special event participants are removed from the area within a reasonable amount of time.

(Ord. of 8-2-00)

Sec. 11-46. Responsibility of participants and person in charge.

(a) Participants in a parade or special event are required to abide by this Article and the terms of the Permit issued pursuant to this Article. Willful violation thereof will constitute a violation of this Article and is punishable as provided by law.

(b) The person designated in the Application as responsible for the physical conduct of the parade or special event shall be responsible for monitoring the conduct of the participants in the parade or special event.

(Ord. of 8-2-00)

Sec. 11-47. Revocation of permit.

The City Manager or his/her designated agent may revoke any Permit granted for a parade or special event if:

(1) Any participant in a parade or special event violates the standards for the conduct of parades or special events set out herein; or

(2) Any participant in a parade or special event fails to comply with the formation, terms, or conditions set out in the Application and Permit, or fails to comply with the terms of this Section.”

(Ord. of 8-2-00)

This the 14th day of June, 2016.

CITY OF REIDSVILLE:

John M. “Jay” Donecker, Mayor

ATTEST:

Angela G. Stadler, CMC/NCCMC, City Clerk

APPROVED AS TO FORM:

William F. McLeod, Jr., City Attorney