

CHAPTER 98: PUBLIC DEMONSTRATIONS

Section

Parades

- 98.01 Title
- 98.02 Definitions
- 98.03 Compliance
- 98.04 Public conduct during parades
- 98.05 Exceptions
- 98.06 Permit required
- 98.07 Application for permit
- 98.08 Standards for issuance
- 98.09 Notice of rejection
- 98.10 Appeal procedure
- 98.11 Alternative permit
- 98.12 Notice to town; other officials
- 98.13 Contents
- 98.14 Revocation

Picketing and Demonstrations

- 98.25 Limited to certain locations
- 98.26 Marching; numbers restricted
- 98.27 Pickets limited to one business per block
- 98.28 Regulation of signs; placards
- 98.29 Notice to Chief of Police
- 98.30 Dispersal required if ordered by police

- 98.99 Penalty

PARADES**§ 98.01 TITLE.**

This subchapter shall be known and may be cited as the Parade Regulations of the town.
(1993 Code, § 62-131)

§ 98.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARADE. Any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the town.

PARADE PERMIT. A permit as required by this subchapter.
(1993 Code, § 62-132)

§ 98.03 COMPLIANCE.

A permittee under this subchapter shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairperson or other person heading or leading that activity shall carry the parade permit upon his or her person during the conduct of the parade.
(1993 Code, § 62-134)

Statutory references:

Mass gatherings, see G.S. §§ 130A-251 et seq.

Regulation of motor vehicles in parades, see G.S. § 20-169

§ 98.04 PUBLIC CONDUCT DURING PARADES.

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

(B) *Driving through parades.* No driver of a vehicle shall drive between the vehicles or persons comprising a parade when those vehicles or persons are in motion and are conspicuously designated as a parade unless so directed by a competent official.

(C) *Parking on parade route.* The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to that effect, and it shall be unlawful

for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this subchapter.
(1993 Code, § 62-135) Penalty, see § 98.99

§ 98.05 EXCEPTIONS.

This subchapter shall not apply to:

(A) Funeral processions;

(B) Students going to and from school classes or participating in educational activities, providing conduct is under the immediate direction and supervision of the proper school authorities; or

(C) A governmental agency acting within the scope of its functions.
(1993 Code, § 62-136)

§ 98.06 PERMIT REQUIRED.

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the Chief of Police (or other appropriate official or body).
(1993 Code, § 62-137) Penalty, see § 98.99

§ 98.07 APPLICATION FOR PERMIT.

(A) A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by that officer.

(B) An application for a parade permit shall be filed with the Chief of Police not less than 30 days nor more than 60 days before the date on which it is proposed to conduct the parade.

(C) The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct that 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 heads of that organization;

(3) The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;

(4) The date when the parade is to be conducted;

Enfield - General Regulations

- (5) The route to be traveled, the starting point and the termination point;
 - (6) The approximate number of persons who, and animals and vehicles which, will constitute the parade; the type of animals; and a description of the vehicles;
 - (7) The hours when the parade will start and terminate;
 - (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (9) The location by streets of any assembly areas for the parade;
 - (10) The time at which units of the parade will begin to assemble at any assembly area;
 - (11) The interval of space to be maintained between units of the parade;
 - (12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his or her behalf; and
 - (13) Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- (D) The Chief of Police, where good cause is shown therefor, shall have the authority to consider any application under this section which is filed less than 30 days before the date the parade is proposed to be conducted.
- (E) The designated fee shall be paid at the time of filing the application for a parade permit.
(1993 Code, § 62-138)

§ 98.08 STANDARDS FOR ISSUANCE.

The Chief of Police shall issue a permit as provided for under this section when, from a consideration of the application and from any other information as may otherwise be obtained, he or she finds that:

- (A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (B) The conduct of the parade will not require the diversion of so great a number of police officers of the town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the town;

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the town other than that to be occupied by the proposed line of march and areas contiguous thereto;

(D) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to those assembly areas;

(E) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire;

(F) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(G) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; and/or

(H) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.
(1993 Code, § 62-158)

§ 98.09 NOTICE OF REJECTION.

The Chief of Police shall act upon the application for a parade permit within five working days after the filing thereof. If the Chief of Police disapproves the application, he or she shall mail to the applicant, within ten days after the date upon which the application was filed, a notice of his or her action stating the reasons for his or her denial of the permit.
(1993 Code, § 62-159)

§ 98.10 APPEAL PROCEDURE.

Any person aggrieved shall have the right to appeal the denial of the parade permit to the Board of Commissioners. The appeal shall be taken within ten days after notice. The Board of Commissioners shall act upon the appeal within ten days after its receipt.
(1993 Code, § 62-160)

§ 98.11 ALTERNATIVE PERMIT.

(A) The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant.

Enfield - General Regulations

(B) An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police.

(C) An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this subchapter.
(1993 Code, § 62-161)

§ 98.12 NOTICE TO TOWN, OTHER OFFICIALS.

Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

(A) The Mayor;

(B) The Town Administrator;

(C) The Fire Chief; and

(D) Director of Public Works and Utilities.
(1993 Code, § 62-162)

§ 98.13 CONTENTS.

Each parade permit shall state the following information:

(A) Starting time;

(B) Minimum speed;

(C) Maximum speed;

(D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the streets to be traversed that may be occupied by the parade;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Any other information as the Chief of Police shall find necessary to the enforcement of this subchapter.
(1993 Code, § 62-163)

§ 98.14 REVOCATION.

The Chief of Police shall have the authority to revoke a parade permit issued under this section upon application of the standards for issuance as set forth in § 98.09.
(1993 Code, § 62-164)

PICKETING AND DEMONSTRATIONS

§ 98.25 LIMITED TO CERTAIN LOCATIONS.

Picketing and demonstrations shall be conducted only on public sidewalks maintained by the town, and only the outside five feet of those sidewalks next to the curb shall be used by the pickets or demonstrators. No picketing or demonstrating shall be conducted on the remaining portion of the sidewalks or on that portion of the streets used primarily for vehicular traffic.
(1993 Code, § 62-181)

§ 98.26 MARCHING; NUMBERS RESTRICTED.

The marching of pickets and demonstrators shall be in single file and they shall be spaced a distance of not less than 15 feet apart, and not more than six pickets shall picket or demonstrate before any given place of business or public facility. No vehicle or animal shall be used in any picket or demonstrating line, and all pickets or demonstrators shall be afoot and shall be in continuous motion.
(1993 Code, § 62-183)

§ 98.27 PICKETS LIMITED TO ONE BUSINESS PER BLOCK.

Pickets or demonstrators promoting the same objective may picket or demonstrate in front of only one place of business or public facility within a town block at any one time. The term ***BLOCK*** as used in this section shall mean that portion of a street lying between intersections.
(1993 Code, § 62-183)

§ 98.28 REGULATION OF SIGNS, PLACARDS.

Pickets or demonstrators shall carry only cardboard or paper placards or signs and the words used thereon shall not be defamatory in nature and shall not be so that they would tend to produce violence. No metal or wood may be attached to those placards or signs and the placards or signs shall not be more than 24 inches in length and not more than 24 inches in width. No picket or demonstrator or person supervising or accompanying the picket or demonstrator shall make any statement, remark or verbal

utterance to any person traveling on the sidewalks or streets of the town. Any message that the picket or demonstrator wishes to convey to the public must be printed or in writing on placards or signs as described in this section.

(1993 Code, § 62-184)

§ 98.29 NOTICE TO CHIEF OF POLICE.

The Chief of Police of the town is to be given at least 24 hours' notice by any person planning to picket or demonstrate. This notice shall include the name of the organization planning to picket and also shall include the names of the places of business or public facilities which will be picketed and the hours that the picketing or demonstrating will be conducted.

(1993 Code, § 62-185)

Statutory reference:

Picketing and parading, see G.S. § 14-225.1

§ 98.30 DISPERSAL REQUIRED IF ORDERED BY POLICE.

Whenever the free passage of any street or sidewalk in the town shall be obstructed by a crowd, the persons composing that crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer as provided in this section.

(1993 Code, § 62-186) Penalty, see § 98.99

§ 98.99 PENALTY.

Violation of any of the provisions of this chapter shall constitute a misdemeanor, and shall be punishable in accordance with § 10.99.

(1993 Code, § 62-133)