

STATE OF ALABAMA
COUNTY OF DEKALB
CITY OF FORT PAYNE



ORDINANCE NO. 95-22
(AS AMENDED BY ORDINANCE NO. 98-11)

AN ORDINANCE REQUIRING THE ISSUANCE OF PERMITS FOR
DEMONSTRATIONS, SPECIAL EVENTS, PARADES AND RUNS

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL AS THE GOVERNING BODY OF THE CITY OF FORT PAYNE, ALABAMA AS FOLLOWS:

SECTION 1. **Short Title.** This ordinance shall be known and may be cited as the "Demonstration, Special Events, and Parade Ordinance of the City of Fort Payne".

SECTION 2. **Definitions.** The following words, for the purpose of this ordinance, shall have the following meanings:

- A. **PARADE:** Any meeting, parade, demonstration, exhibition, festival, homecoming, assembly or other such event to be held in or upon any street, park or other public place in City of Fort Payne.
- B. **CITY:** The City of Fort Payne.
- C. **CITY-OWNED PROPERTY:** Property owned by the City which includes but is not limited to public buildings, developed parking malls, plazas, walks, municipal parks, public roads, bridges, streets or other public thoroughfares maintained by the City of Fort Payne for the passage of foot or vehicular traffic.
- D. **MAYOR AND COUNCIL:** The Mayor and City Council of the City of Fort Payne.
- E. **CITY CLERK:** The City Clerk of the City of Fort Payne.
- F. **CHIEF OF POLICE:** The Chief of Police for the City of Fort Payne.
- G. **PARADE PERMIT:** A permit as required by this ordinance.
- H. **PERSON:** Shall include a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a human being.
- I. **DEMONSTRATION:** Any demonstration, picketing, pamphlet-teering, leafleting, parade or other event organized or held for political, religious or other First Amendment related purposes involving two (2) or more persons acting in concert.
- J. **SPECIAL EVENT:** Any parade, festival, display or other event other than a demonstration or run, held for the purpose of amusement, education or entertainment of the participants or the public or to publicize or aid an organization or commemorate an event or occasion.
- K. **RUN:** Any foot race, walk, bicycle race or other race organized to follow a predetermined course.

- L. TRAFFIC COORDINATOR: A municipal police officer designated by the Chief of Police to be the Traffic Coordinator for the City.

SECTION 3. **Purposes.**

- A. The City recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.
- B. The City passes this ordinance to regulate the time, place and manner of parades.
- C. The City passes this ordinance in the interest of all its citizens' public safety, health, welfare, comfort and convenience.
- D. The City has limited resources and passes this ordinance so that it may properly allocate those resources among its citizens.
- E. The purpose of this ordinance is to promote order, safety and tranquility in the streets of the City.
- F. This ordinance is passed to help minimize traffic and business interruptions during parades.

SECTION 4. **Permit Required.**

- A. It shall be unlawful for any person to organize or hold, assist in organizing or holding, or to take part or participate in any demonstration, special event or run:
 - 1. On the streets or other public ways of the City used for vehicular traffic unless a permit therefor has been obtained from the City Clerk or his designated representative after approval by the Mayor and City Council;
 - 2. On City-owned property as defined herein, unless a permit therefor has been obtained from the City Clerk or his designated representative after authorization by the Mayor and City Council;
or
- B. It shall be unlawful to use any street, public way or other public property for such demonstration, special event or run other than those streets, public ways or public property set out in the permit; and it shall be unlawful to conduct such demonstration, special event or run other than on the date and during the times as set out in the permit.

SECTION 5. **Application.**

- A. Any person seeking issuance of a parade permit shall file an application with the City Clerk on forms provided by the City Clerk. The City Clerk shall place the request for a parade permit on the agenda of the next meeting of the Mayor and City Council for action by it in the normal course of business.
- B. The application for a parade permit shall be filed in writing with the City Clerk not less than twenty-one (21) days prior to the contemplated parade or five (5) days prior to any regularly scheduled called meeting of the Mayor and City Council. No permit shall be granted sooner than one hundred eighty (180) days prior to the contemplated parade. A copy of the application shall be given to the Chief of Police who shall investigate and make a report to the Mayor and City Council.
- 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 a parade or of the organization and its responsible heads;

2. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
 3. The date when the parade is to be conducted;
 4. The route to be traveled, the starting point, and the termination point;
 5. The approximate number of persons who, and animals which, will constitute such parade; the type of animals and description of the vehicles;
 6. The hours when the parade will begin and end;
 7. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 8. The location by streets of any assembly area(s);
 9. The time at which units of the parade will begin to assemble at any assembly area(s);
 10. The interval of space to be maintained between units of the parade;
 11. If the parade is to be held on behalf of any person other than the applicant, the authorization of that person; and
 12. Whether the applicant has been convicted for the violation of the City parade ordinance of the City of Fort Payne.
- D. The Mayor and City Council shall decide whether to grant the application for a permit. The Mayor and City Council may consult with the Chief of Police in making their decision.
- E. The Mayor and City Council, in cooperation with the Chief of Police, shall have the authority to designate the starting point, route, terminal point, or other time, place and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace or order.

SECTION 6. Standards of Issuance.

- A. The Mayor and City Council shall issue a parade permit upon consideration of the application and other information obtained when they find that:
1. The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;
 2. The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire or ambulance services;
 3. The parade is scheduled to move expeditiously from its origin to its termination and without unreasonable delay;
 4. The applicant has satisfied the bond requirement; and
 5. No other permit has been granted for the same day.
- B. A permit shall be granted to the first person properly applying under the requirements of this ordinance.

- C. No permit shall be granted for a parade except those restricted to the following time: No earlier than One-half (½) hour after sunrise and no later than 7 p.m. prevailing time.
- D. No permit shall be granted to any person until the applicant has posted in advance a One Hundred Dollar (\$100) bond to cover the reasonable expenses incurred in the clean up efforts after the parade.
- E. The City Clerk shall notify the applicant within five (5) days after the action of the Mayor and City Council whether the permit has been granted or denied if the permit has been denied, the City Clerk shall set forth the reasons why the Mayor and City Council denied the permit.
- F. Denial or Modification.
 - 1. During times of great public crisis, where, because of natural or other disaster, epidemic disease, rioting, violent civil disorder, or threatened imminent lawless action constituting a substantial and present danger to the lives, safety and health of the citizens of the City, public safety officials of the City cannot maintain public order or afford adequate protection for the lives, safety, health, welfare or property of the general public in or near the area in which demonstration, special event or run is proposed, or within the City in general, the Chief of Police or City Clerk may deny such permit, or may modify, alter or restrict the route of the demonstration, special event or run in a manner which will enable public safety officials to adequately protect the lives, safety, health, welfare or property of the general public. In no instance shall a permit be denied based solely on the subject matter of the demonstration.
 - 2. The Chief of Police, the City Clerk or their designated representative may deny a permit, or modify, alter or restrict the location, route or time of the demonstration, special event or run if, prior to making application, a permit has previously been applied for or granted for another demonstration, special event or run at substantially the same time and/or location, or if the number or size of scheduled events would cause the city to be, by reason thereof, without sufficient police manpower to adequately protect the lives, safety, health, welfare or property of the general public.
 - 3. Any denial or relocation, and the reasons therefor, shall be issued in writing to the applicant at the earlier of the following:
 - a. Ten (10) days after the application is submitted; or
 - b. Forty-eight (48) hours prior to the time requested for a demonstration, seven (7) days prior to the time requested for a special event, or twenty-five (25) days prior to the time requested for a run.
- G. Appeal. If the person organizing or holding a demonstration, special event or run shall be denied a permit for any of the reasons cited in this article, or the written notice of the City Clerk, the person or entity shall have an appeal to the Municipal Judge, provided such appeal is made in writing at least thirty-six (36) hours prior to the time requested for a demonstration, five (5) days prior to the time requested for a special event, or twenty (20) days prior to the time requested for a run. On receiving the appeal, the Municipal Judge shall within forty-eight (48) hours hold a hearing on the appeal and render an opinion.
- H. In computing any period of time set out in this ordinance, no Saturdays, Sundays or holidays are to be computed in the time period.

SECTION 7. Contents of Permit. Each parade permit shall state the following:

- A. Assembly and disassembly time and place;

- B. Starting time;
- C. The route and the portions of the streets to be traversed that may be occupied by the parade;
- D. Minimum speed;
- E. Maximum speed;
- F. Interval of space between parade units;
- G. The maximum length of the parade in miles or fractions thereof;
- H. Other information as the Mayor and City Council in cooperation with the Chief of Police shall find necessary to the enforcement of this ordinance.

SECTION 8. Duties of Permittee.

- A. A permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and ordinances.
- B. The permittee shall advise parade participants of such permit requirements.
- C. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade.
- D. All permittees who hold a parade permit that includes animals shall be responsible for the clean-up after the animals immediately after the parade.
- E. The applicant shall assure the Mayor and City Council that neither the parade nor the assembly point will interfere with or unreasonably obstruct the response capabilities of the fire fighting equipment and other emergency response vehicles.

SECTION 9. Revocation of Permit.

- A. The Mayor and City Council or their designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that:
 - 1. Applicant materially misrepresented facts or information in the application; and/or
 - 2. Applicant failed to meet the standards for issuance set forth herein.
- B. The Mayor and City Council or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if:
 - 1. A public emergency arises requiring such revocation to protect the safety of persons or property; or
 - 2. Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants, occurs.

SECTION 10. Exclusions. The provisions of this article shall not be construed to apply to vehicular funeral processions, students going to and from school or classes, educational activities, any activity under the direct control of the City Board of Education, or sponsored by the City of Fort Payne or any of its departments.

SECTION 11. Waiver of Liability.

- A. The person organizing or holding a run shall obtain a written waiver of liability from each participant releasing the City, its agents, servants and employees, from any liability arising out of said participation. This release may be contained in a general release on the application form for the run.
- B. The person organizing or holding a special event or run shall, prior to the date of the scheduled event, provide to the City a hold-harmless agreement.

SECTION 12. Demonstrations at the City Jail.

- A. It shall be unlawful for more than ten (10) persons to participate in any demonstration within the curtilage of the Fort Payne City Jail. The curtilage shall include the area surrounding the jail, up to and abutting those public sidewalks surrounding the jail, and shall include those parking areas, sidewalks and other public spaces established to serve the jail facilities.
- B. The Chief of Police, if he reasonably believes a threat to the security of the City Jail is present, may order any such demonstrators to move or disperse; and it shall be unlawful to refuse to obey such order.

SECTION 13. Residential Picketing Prohibited. No person, firm or corporation shall engage in picketing or any similar or related activity before or about the residence or dwelling of any individual in the City or its police jurisdiction.

SECTION 14. Notice to City Officials. Immediately upon the issuance of a parade permit, the City Clerk shall send a copy of the permit to the following:

- A. The Mayor;
- B. The City Council;
- C. The City Attorney;
- D. The Fire Chief;
- E. The Chief of Police;
- F. The DeKalb Ambulance Service;
- G. The DeKalb County Sheriff;
- H. The Municipal Judge;
- I. The City Prosecutor; and
- J. The Court Clerk.

SECTION 15. Violation and Penalty.

- A. It shall be unlawful for any person to parade, demonstrate, have a a festival, special event or run without first having obtained a permit as required by this ordinance.
- B. It shall be unlawful for any person to participate in a parade on the streets of the City for which a permit has not been granted.
- C. It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.
- D. Any person violating the provisions of any section of this ordinance shall, upon conviction, may be sentenced to up to six (6) months in the City Jail, fined not more than \$500 or both.

SECTION 16. Severability. That each and every provision of this ordinance is hereby declared to

be an independent provision and the holding of any provision hereof to be void and invalid shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might have been held invalid.

SECTION 17. **Effective Date.** This Ordinance shall become effective upon its adoption and publication.

DONE this the 24th day of October, 1995.

CITY OF FORT PAYNE BY:

/s/ J. David Stout

J. David Stout

Mayor

ATTEST:

/s/ James C. McGee

James C. McGee

City Clerk