

CHAPTER 40: PARADES, EVENTS, BLOCK PARTIES, PERFORMANCES, FILMING AND PICKETING

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Section 40-1. Title of Article

This article shall be known as the Parade, Event, Block Party, Performance, Filming and Picketing Regulation Ordinance of the Town of Hemingway.

Section 40-2. Enforcement of other laws

Nothing contained in this article shall prohibit the authority of any officer to arrest a person engaged in any act or activity under this article, if the conduct of such person violates the laws of the state, provisions of this Code, or other ordinances of the town, or unreasonably obstructs the public streets and sidewalks of the town, or if such person engaged in acts that cause or would tend to cause a breach of the peace.

Section 40-3. 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:

Block party means a private outdoor gathering on a public street which involves the closure of a street and may include live or taped music and the distribution of food and beverages.

Event means any festival, concert, or other announced public gathering upon any public street, right-of-way, or property of the town.

Filming means any filming of movies, commercials, documentaries and other motion pictures, video projects, or commercial photographs upon any public street, right-of-way, or property of the town.

Parade means any parade, march, foot race, bicycle race, ceremony pageant or procession of any kind moving upon any public street or sidewalk of the town which does not comply with normal traffic regulations.

Performance means any public presentation, exhibition, fireworks display or appearance upon any public street, right-of-way, plaza, or property of the town.

Picketing and pickets include demonstrating and demonstrators, or any other related First Amendment activity.

Section 40-4. Permit Required; exceptions.

- a) No person shall engage or participate in, aid, form or start any parade, event, block party, performance or filming unless a permit is obtained from the town.
- b) This section shall not apply to the following:
 - 1) Funeral processions supervised by a licensed mortuary.
 - 2) Picketing as permitted by town ordinance.
 - 3) A parade, event or performance that is under the control of the town administrator for the use of other town buildings.

Section 40-5. Application for permit

- a) *Generally.* A person seeking the issuance of a parade, block party, performance or filing permit shall file an application at the Town Hall. Upon receipt of the application, the town official shall notify the appropriate members. The following departments are listed for internal distribution for approval:

- 1) Police department
 - 2) Town Administrator
 - 3) Town Council
- b) *Filing period/ processing fee.* An application for any permit required by this section shall be made to the Town Hall, accompanied by a nonrefundable processing fee in accordance with the schedule of permit fees as fixed from time to time by the town, as set forth and contained in the town clerk's official record of utility rates, deposits and miscellaneous fees and charges for the town. However, where good cause is shown, the town administrator or his designee, shall have the authority to waive the processing fee for small events. The application shall be filed not less than thirty (30) days before the date on which the parade, event, block party, performance or filing is to be conducted for events expecting attendance less than two hundred (200). An application for a for event held for two (2) or more days or attendance greater than two hundred (200) shall be filed not less than thirty (30) days before the first date of the proposed activity. However, where good cause is shown, the town administrator or his designee, shall have the authority to consider any application which is filed less than fifteen (15) days before the date sought.
- c) *Contents.* The application shall be signed by the applicant, and shall include but not limited to the following:
- 1) The name, address and telephone number of the person seeking to conduct such parade, event, block party, performance or filming;
 - 2) The name address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;
 - 3) The date when the proposed parade, event, block party, performance or filming is to be conducted;
 - 4) The route to be traveled, the starting point and the termination point, or the area sought to be used or closed off for the parade, event, block party, performance, or filming;
 - 5) The approximate number of persons, animals and vehicles participating and types of animals and a description of the vehicles;
 - 6) The time when the parade, event, block party, performance or filming will start and terminate;
 - 7) The location, by streets, of any assembly area and the time of such assembly of parades;
 - 8) Provisions of sanitation facilities, crowd, noise and traffic control and parking;
 - 9) A description of food and beverages to be sold or distributed, no beverages containing alcohol;
 - 10) The individuals or entity that will benefit if revenue is anticipated to be generated by the activity.

Section 40-6. Issuance of permit; conditions.

- A) *Criteria for issuance.* The town shall issue a permit for a proposed parade, event, block party, performance or filming unless it is determined that:
- 1) The conduct of the parade, event, block party, performance or filming will require the diversion of so great a number of police officers of the town to properly police the line of movement and of contiguous areas that adequate police protection cannot be provided to the remainder of the town.
 - 2) The conduct of the parade, event, block party, performance or filming will substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
 - 3) The concentration of person, animals, equipment or vehicles at assembly points or other areas will substantially interfere with adequate fire and police protection of, or ambulance service to, areas near such areas, or will hinder the movement of firefighting equipment.
 - 4) The conduct of the parade, event, block party, performance or filming is reasonably likely to result in violence in persons or property, causing serious harm to the public.
 - 5) The parade, event, block party, performance is to be held for the primary purpose of advertising a product, goods or services and is designed to be held primarily for profit.
 - 6) The route has been requested and is designed to be held primarily for profit.
- B) *Liability insurance.* The town administrator will require proof of public liability insurance in an amount equal to the town's liability under the Government Tor Claims Act of the state and require the execution of a hold harmless agreement to indemnify the town in the event is held liable for any injuries or damage as a result of the event.
- C) *Notification of town agencies of issuance of permit.* Upon issuance of a permit, a copy shall be sent to the police chief, town administrator, council and any other department affected.
- D) *Compliance with other laws.* The granting of any permit required by this article shall not eliminate:
- 1) Requirements of any business license or any other permits which may be prescribed by any other federal, state, or local statutes, ordinances, rules, or regulations;
 - 2) Compliance with any other applicable federal, state, or local statutes, ordinances, rules, or regulations; or

- 3) Compliance with regulations regarding the concentration of persons, animals, equipment or vehicles at assembly points or other areas which substantially damages planting or landscaping on public or private property. Adequate cleanup and sanitation must be provided.

The town administrator is authorized to develop rules and regulations in order to further the purposes of this article.

Section 40-7. Notice of action on application.

The town shall act upon the application for a permit required by this article as expeditiously as possible, notifying the applicant by mail of the decision. If the application is disapproved, the reasons therefore shall be sent out in writing.

Section 40-8. Approval of permit under alternate date, time, or conditions.

The town administrator, in denying an application for a permit under this article, shall be empowered to authorize the conduct of the parade, event, block party, performance or filming on a date, at a time, or over a route and under different conditions from that requested by the applicant.

Section 40-9. Appeal from denial.

In the event of the application for a permit under this article, the applicant shall have the right to appeal to town council. The appeal shall be perfected by giving notice thereof to the mayor within forty-eight (48) hours after notice of the denial of the permit. The town council shall act upon this appeal with reasonable promptness under the circumstances.

Section 40-10. Duties of permittee.

- a) *Generally.* A permittee under this article shall comply with all permit directions and conditions.
- b) *Display or carrying permit.* The applicant, individual, or any representative of the organization shall display the permit or carry it upon his person during the parade, event, block party, performance, or filming.
- c) *Special events vendor's business license requirement.* Permittee of events that feature businesses or organizations providing goods or services for compensation shall notify all special event vendors of the required business license for the duration of the event. Vendors should contact town hall regarding the required business license and payment must be made to the town.
- d) *General liability insurance.* The applicant must submit a certificate of insurance providing proof of a commercial general liability insurance policy or its equivalent, written on an occurrence based for bodily injury, personal injury, property damage and product liability, with a minimum of \$1,000,000 per occurrence. Name the Town of Hemingway as an additional insured on the policy and where the applicant's insurance is identified as primary and noncontributory.

Section 40-11. Public conduct.

- a) *Interference.* No person shall unreasonably hamper, obstruct, impede, or interfere with any parade, event, block party, performance, or filming, or with any person vehicle or animal participating or used in the event.
- b) *Driving through parade or event.* No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles are in motion and are conspicuously designated as a parade, nor shall a driver drive around or through any event or a properly designated or barricaded area.
- c) *Parking on parade route or event location.* The town shall have the authority to prohibit or restrict the parking of vehicles along a street or area properly designated or posted for a parade, event, performance, or filming, and it shall be unlawful for any person to park or leave unattended any vehicles in violation thereof.
- d) *Glass containers.* No glass bottle, container or can may be sold or distributed on the public right-of-way and no patron may carry a glass bottle, container or can on the public right-of-way during a parade, event, performance, or filming. It shall be unlawful for any vendor to sell beverages in glass containers for off-premises consumption at parades or events.

40-12. Payment of costs of services and equipment provided by the town.

- a) The town administrator may impose reasonable fees and requirements upon the applicant as necessary to cover the cost of public services and equipment provided by the town for the event. The applicant or sponsor shall be responsible for cleanup after the event. A bond may be required.
- b) Town council may sponsor or co-sponsor a special event. Sponsored or co-sponsored events are events the town council has determined to be in the general interest to the public and advance the promotion of the community. The town may provide financial and in-kind support to these events.
- c) Town sponsored or co-sponsored events will be determined at the recommendation of the town administrator, pursuant to approval of town council, during the annual budgeting process.

40-13. Violations; penalties.

- a) Anyone who attempts to organize a parade, event, block party, performance or filming or knowingly participates or aids and abets in the staging of the parade, event, block party, performance or filming shall be in violation of this article and shall be guilty of a misdemeanor and upon conviction thereof shall be subject to punishment.
- b) Should the chairman and/or the person seeking the application fail to comply with the terms and conditions of the application and permit, such person or persons shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the same punishment set forth in subsection (a) of this section.
- c) Anyone participating in a parade that knowingly and willfully violates the provisions and conditions of the application and shall permit shall also be guilty of a misdemeanor and upon conviction shall be subject to the same punishment as specified in subsection (a) of this section.
- d) Nothing herein contained shall in any way alter, amend, abridge, or change the duty and right of town to arrest and punish anyone charged with disorderly conduct.

40-14. Picketing

- a) *Conduct of picketing; penalty.* Peaceful picketing in the furtherance of a lawful purpose shall be allowed in the town without a permit being required, provided the picketing is done under the following conditions:
 - 1) Picketing may be conducted only on the sidewalks or other town-owned areas or right-of-way normally used or reserved for pedestrian movement and may not be conducted on the portion of the street used primarily for vehicular traffic.
 - 2) Such pickets may carry written or printed placard or signs, provided the placards and staffs or poles to which they are attached do not interfere with the free use of the sidewalk by other pedestrians. Such placards, with reasonable use, shall be deemed to comply if they do not exceed twenty (20) inches by (30) inches or six hundred (600) square inches. Such staffs and poles, with reasonable use, shall be deemed to comply if they are made of wood, do not exceed forty (40) inches in length, are not more than one inch diameter, and are blunt at each end. Placards, staffs, and poles exceeding these dimensions and staffs and poles having pointed ends, are presume threats to safety.
 - 3) Such pickets must march single file and not congregate so as to block the sidewalk or any driveway.
 - 4) If pickets promoting different objectives desired to use the same sidewalk within a block for picketing, the chief of police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis, but each group shall be permitted to picket subject to the provisions of this section in alternating four-hour time periods.
 - 5) The term "block" as used in this section, shall mean each side of a street lying between street intersections.
- b) *Interference with pickets.* It shall be unlawful for any person to physically interfere with such pickets in the use of the sidewalk or address profane, indecent, abusive, or threatening language to or at such pickets or other to breach the peace.
- c) *Crowd dispersal.* The chief of police of the town may, in the event of the assemblage of persons in such number as to tend to intimidate pickets pursuing their lawful objective through numbers along or through use of inflammatory words, direct the dispersal of persons so assembled.

Mayor John Michael Collins

Attest: _____
Samantha Lewis, Clerk

Date