

Ordinance No. _____

AN ORDINANCE TO PROVIDE FOR ORDER, SAFETY, AND TRANQUILITY IN THE STREETS OF THE TOWN OF NEW TAZEWell DURING PARADES.

SECTION 1. Definitions. The following words, for the purpose of this ordinance, shall have the following meanings:

(1) "Parade" is 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 New Tazewell.

(2) "Town" is the Town of New Tazewell.

(3) "Board of mayor and aldermen" is the board of mayor and aldermen of New Tazewell.

(4) "Town Recorder" is the town recorder of New Tazewell.

(5) "Chief of police" is the chief of police of New Tazewell.

(6) "Parade permit" is a permit as required by this chapter.

(7) "Person" is any person, firm, group, partnership, association, corporation, company, or organization of any kind.

Section 2. Purposes. (1) The Town of New Tazewell 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.

(2) The town passes this ordinance to regulate the time, place, and manner of parades.

(3) The town passes this ordinance in the interest of all its citizens' public safety, health, welfare, comfort, and convenience.

(4) The Town of New Tazewell has limited resources and passes this ordinance so that it may properly allocate these resources among its citizens.

(5) The purpose of this ordinance is to promote order, safety, and tranquility in the streets of the town.

(6) This ordinance is passed to help minimize traffic and business interruptions during parades.

Section 3. Permit. (1) No person shall parade unless a parade permit has been obtained from the board of mayor and aldermen. Any parade held without the proper permit shall be unlawful.

(2) This ordinance shall not apply to funeral processions, students going to and from school classes or participation in educational activities or other school activities such as sports events, providing that such conduct is under the immediate direction and supervision of the proper school authorities and a governmental agency acting within the scope of its functions and in events sponsored by the town.

Section 4. Application. (1) Any person seeking issuance of a parade permit shall file an application with the town recorder on forms provided by the town recorder. The town recorder shall place the request for a parade permit on the agenda of the next meeting of the board of

mayor and aldermen for action by it in the normal course of business.

(2) The application for a parade permit shall be filed in writing with the town recorder not less than thirty (30) days prior to the contemplated parade or five (5) days prior to any regularly scheduled called meeting of the board of mayor and aldermen. 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 board of mayor and aldermen.

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

- (a) The name, address and telephone number of the person seeking to conduct a parade or of the organization and its responsible heads;
- (b) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
- (c) The date when the parade is to be conducted;
- (d) The route to be traveled, the starting point, and the termination point;
- (e) The approximate number of persons who and animals which, will constitute such parade; the type of animal and description of the vehicles;
- (f) The hours when the parade will begin and end;
- (g) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- (h) The location by streets of any assembly area(s);
- (i) The time at which units of the parade will begin to assemble at any assembly area(s);
- (j) The interval of space to be maintained between units of the parade; and
- (k) If the parade is to be held on behalf of any person other than the applicant, the authorization of that person;
- (l) Whether the applicant has been convicted for the violation of the town parade ordinance of the Town of New Tazewell.

(4) The board of mayor and aldermen shall decide whether to grant the application for a permit. The board of mayor and aldermen may consult with the chief of police in making their decision.

(5) The board of mayor and aldermen 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 interruptions, public safety, health, welfare, convenience, peace, or order.

Section 5. Standards for issuance. (1) The mayor and board of aldermen shall issue a parade permit upon consideration of the application and other information obtained when they find that:

- (a) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;
- (b) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire, or ambulance services;
- (c) The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay;
- (d) The applicant has satisfied the bond requirement; and
- (e) No other permit has been granted for the same day.

(2) A permit shall be granted to the first person properly applying under the requirements of this chapter.

(3) No permit shall be granted for a parade except those restricted to the following time: No earlier than 11:00 a.m. and no later than 12:00 midnight prevailing time.

(4) No permit shall be granted to any person until the applicant has posted in advance a two hundred fifty (\$250.00) bond to cover the reasonable expenses incurred in the clean up efforts after the parade. The mayor and board of aldermen may waive this fee upon application of a certified non profit organization.

(5) The town recorder shall notify the applicant within five (5) days after the action of the board of mayor and aldermen whether the permit has been granted or denied. If the permit has been denied, the town recorder shall set forth the reasons why the board of mayor and aldermen denied the permit.

(6) In computing any period of time set out in this chapter, no Saturdays, Sundays, or holidays are to be computed in the time period.

Section 6. Contents of permit. Each parade permit shall state the following:

- (1) Assembly and disassembly time and place;
- (2) Starting time;
- (3) The route and the portions of the streets to be traversed that may be occupied by the parade;
- (4) Minimum speed;
- (5) Maximum speed;
- (6) Interval of space between parade units;
- (7) The maximum length of the parade in miles or fractions thereof;
- (8) Other information as the board of mayor and aldermen in cooperation with the chief

of police shall find necessary to the enforcement of this chapter.

Section 7. Duties of permittee. (1) A permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and chapters.

(2) The permittee shall advise parade participants of such permit requirements.

(3) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade.

(4) All permittees who hold a parade permit that includes animals shall be responsible for the clean up after the animals immediately after the parade.

(5) The applicant shall assure the board 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 8. Revocation of permit. (1) The board of mayor and aldermen 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:

(a) Applicant materially misrepresented facts or information in the application; and/or

(b) Applicant failed to meet the standards for issuance set forth herein.

(2) The board of mayor and aldermen or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if:

(a) A public emergency arises requiring such revocation to protect the safety of persons or property; or

(b) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants, occurs.

Section 9. Notice to city officials. Immediately upon the issuance of a parade permit, the town recorder shall send a copy of the permit to the following:

(1) The mayor;

(2) The city attorney;

(3) The fire chief;

(4) The ambulance authority; and

(5) The chief of police.

Section 10. Violation and penalty. (1) It shall be unlawful for any person to parade without first having obtained a permit as required by this chapter.

(2) It shall be unlawful for any person to participate in a parade on the streets of New Tazewell for which a permit has not been granted.

(3) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

(4) Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each violation.

This Ordinance shall be effective from and after its adoption.

Date of 1st Reading: _____

Date of 2nd Reading: _____

Attest:

Recorder:

Mayor

Approved as to form: City Attorney