

## ARTICLE V. - PARADES, PICKET LINES AND GROUP DEMONSTRATIONS

### DIVISION 1. - GENERALLY

#### Sec. 22-121. - 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 means that portion of any street lying between its intersections with other streets.~~

~~Group demonstration means any assembly together or concert of action between or among two (2) or more persons for the purpose of protesting any matter or of making known any position or promotion of such persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention to such assembly.~~

~~Parade means any assemblage of two (2) or more persons participating in or operating any vehicle in any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks or other public grounds or places.~~

Person ~~means~~ – any person, firm, corporation, partnership, association or other organization, whether formal or informal.

~~Picket line means any two (2) or more persons formed together for the purpose of making known any position or promotion of such persons, or of or on behalf of any organization or class of persons.~~

Demonstration, Picket Line, or Picketing – shall refer to the non-commercial expression protected by the First Amendment to the United States Constitution, such as picketing, marches, speechmaking, vigils, walks, etc. conducted in public areas or parks. The conduct of the expression has the effect, intent, or propensity to attract a group of on-lookers. A Demonstration does not include casual activity which does not have the effect, intent, or propensity to attract on-lookers.

Community Event – any Organized Activity designated by the Salisbury City Council as such based on a petition by the Organized Activity organizer or sponsor.

Fees – cost paid by the organizer or sponsor for application, use of City of Salisbury services, and other city incurred expenses to hold organized activities.

General Events – organized activities that have a stationary footprint not requiring temporary right-of-way closure often involving sound amplification, food, beverage, merchandise, or other forms of entertainment. Examples include festivals, markets, and ceremonies.

Neighborhood Events – small-scale organized activities that close local-service residential right-of-ways. These gatherings are initiated by local residents and are intended only for the neighborhood residents and their guests and may be held on public areas.

Organized Activity – an activity or event defined herein as a General Event, Neighborhood Event, Special Event, or Parades, Races, and Walks but not meeting the definition of a Public Street Festival.

Organizer or Sponsor – shall mean the person who organizes, conducts, or intends to conduct a general, neighborhood, special, or parade, race or walk event or Demonstration and is responsibly under a permit for ensuring the activity will be conducted in accordance with these regulations.

Parks – publically maintained recreation or park facility

Parades, Races, and Walks – organized activities following a set course that involve full or partial right-of way -closure with 10 or more persons and/or three or more vehicles in participation.

Public Area –streets, sidewalks, alleys, lanes, walkways, highways, right of way, greenways, plazas, or squares owned or maintained by any governmental entity.

Public Street Festival – are Organized Events held by restaurants, food service establishment, business, winery and any other for-profit organizations where alcoholic beverages are sold and are regulated under section 22-151 or section 22-152.

Special Event – refers to a sports event, pageant, celebration, historic reenactment, carnival, music festival, and other entertainments, exhibitions, dramatic presentations, fairs, festivals, block parties, parades, or similar activities conducted in public areas which (i) are engaged in by ten (10) or more people and (ii) are not Demonstrations. The term Special Event shall be construed to include a Community Event or private organization celebration or sponsored event that is held in or on public areas that may require temporary right-of-way closure.

Spontaneous Demonstrations – Events defined as a Demonstrations, Picket Line, or Picketing and are organized or occur with short time period planning or preparation by the Organizer or Sponsor.

Temporary Right-of-Way Closures – Closing or restricting vehicle or foot traffic by blocking customary use of any public street or sidewalk for any reason other than an Organized Activity or Demonstration as defined herein.

(Code 1977, § 24-81)

Sec. 22-122. - Exceptions to article.

The provisions of this article shall not apply to:

- (1) Funeral processions.
- (2) Students going to or from school classes or participating in educational or recreational activity where such activity is under the supervision and direction of proper school authorities.
- (3) Any governmental agency acting within the scope of its functions.
- (4) Spontaneous Demonstrations lasting less than twenty four hours.

(Code 1977, § 24-90)

Sec. 22-123. - Penalty for violation of article.

The violation of any provision of this article shall constitute a general misdemeanor, punishable as provided by law.

(Code 1977, § 24-91)

Sec. 22-124. - Police supervision.

The conduct of any ~~parade, picket line~~ Organized Activity or ~~group demonstration~~ Demonstration as defined above shall be at all times under the supervision and control of the police department of the city.

(Code 1977, § 24-88)

Cross reference— Police, Ch. 20.

Sec. 22-125. - Interference prohibited.

No unauthorized person shall hamper, obstruct, impede or interfere with any Organized Activity or ~~parade, picket line or group demonstration~~ Demonstration being conducted under authority of a permit duly issued by the city manager.

(Code 1977, § 24-87)

Sec. 22-126. - Carrying of weapons.

The following acts or activities, when performed or undertaken in conjunction with or as a part of any ~~parade, picket line or group~~ Organized Activity or ~~demonstration~~ Demonstration, are hereby prohibited and declared unlawful: the carrying

on or about the person of any firearm or any weapon or article, including but not limited to blackjacks, nightsticks or dangerous chemicals, which by its use might constitute a dangerous or deadly weapon. This section shall not apply to law enforcement officers and official military personnel when lawfully acting within the scope of their official duties.

(Code 1977, § 24-85)

Cross reference— Offenses, Ch. 15.

Sec. 22-127. – Demonstrating or Picketing.

Demonstrating, Picket lines and Picketing shall be subject to the following ~~additional~~ regulations:

- (1) Demonstrating or Picketing may be conducted only on the sidewalks or other city-owned areas normally used or reserved for pedestrian movement and may not be conducted on the portion of a street used primarily for vehicular traffic. The term "city-owned areas" as used in this section includes easements and rights-of-way.
- (2) Not more than ten (10) pickets promoting the same objective shall be permitted to use either of the two (2) sidewalks or city-owned areas within four hundred (400) feet of street length at any one (1) time.
- (3) Demonstrators or Pickets may carry written or printed placards or signs not exceeding two (2) feet in width and two (2) feet in length promoting the objective for which the Demonstration or picketing is done.
- (4) Demonstrators or Pickets must march in single file and not abreast and must not march closer together than fifteen (15) feet, except in passing one another.
- (5) Demonstrations or Picketing done contrary to the provisions of this section shall be unlawful.
- (6) Spontaneous Demonstrations may be held for up to twenty-four hours before a permit application and issuance by the city manager as defined in this chapter is required.

(Code 1977, § 24-89)

Secs. 22-128—22-145. - Reserved.

DIVISION 2. - PERMIT

Sec. 22-146. - Required.

~~It shall be unlawful for any person to organize, conduct or participate in any picket line or group demonstration in or upon any street, sidewalk, alley or other public place within the city unless a permit therefor has been issued by the city manager or, in his absence, his designee, in accordance with the provisions of this division.~~

Organized Activities or Demonstrations as defined herein shall be held only pursuant to a permit issued by the City of Salisbury with the exception of events of fewer than ten (10) people or which does not occur on Public Areas or Parks. Any such Organized Event or Demonstration that does not meet the requirements of a permit may be conducted within the requirements set forth in the Salisbury City Code and does not reasonably interfere with other Organized Events or Demonstrations scheduled or taking place concurrently. Whenever these regulations specify that a particular use or activity be conducted only pursuant to a permit, such permit is required for the activity or use to be lawful.

Organized Activities that meet the definition of Public Street Festival shall be regulated and issued a permit under the provisions of section 22-151 and section 22-152.

Any Sponsor of an Organized Activity or Demonstration may petition City Council to designate the event as a Community Event. City Council may designate an Organized Activity or Demonstration as a Community Event when the event serves to promote neighborhood or community vibrancy or history. City Council may place requirements or restrictions deemed necessary in addition to any permit requirements for the Organized Activity or Demonstration.

(Code 1977, § 24-82)

Sec. 22-147. - Issuance.

The city manager or, ~~in his absence,~~ his designee is authorized to issue permits as required in this division, and in the issuance thereof he shall:

- (1) Require a written application for the permit to be filed ~~not less than three (3) days~~ based on a schedule established and published by the city manager, ~~excluding Saturdays, Sundays and holidays,~~ in advance of such Organized Activity or Demonstration ~~parade, picket line or group demonstration~~. Such application shall be on a form prescribed by the city manager, shall be signed by the applicant, and shall require that the applicant show the proposed time, place, purpose, size and proposed route of such ~~parade, picket line or group demonstration~~ Organized Activity or Demonstration. If the Organized Activity or Demonstration ~~parade, picket line or group demonstration~~ is proposed to be conducted for, on behalf of, or by an organization, the city manager shall require that the applicant provide the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization. The city manager, where good cause is shown therefor, shall have the authority to consider any application under this section which is filed less than the number of ~~three (3) days~~ prescribed in the schedule established by the city manager before the date such Organized Activity or Demonstration ~~parade, picket line or group demonstration~~ is proposed to be conducted.
- (2) Require that the application for a permit shall specify and the permit shall designate the person in charge of the activity. Such person shall be required to accompany the Organized Activity or Demonstration ~~parade, picket line or group demonstration~~ and shall carry such permit with him at that time. Such permit shall not be valid in the possession of any other person.
- (3) Have the authority to specify the starting time, duration, speed of travel and space between persons or vehicles in the Organized Activity or Demonstration ~~parade, picket line or group demonstration~~, and may prescribe the portions or areas of streets, alleys, sidewalks or other public places to be used in such a way as to avoid the serious obstruction or impediment of public travel or public business.
- (4) ~~If an Organizer or Sponsor petitions City Council to designate an event as a Community Event, such petition must be made to City Council 30 days prior to the permit application schedule deadlines determined by the city manager.~~
- (5) Require any additional information which the city manager shall find reasonably necessary to make a fair determination as to whether or not a permit should issue ~~and what city services will be required to hold the event which the Organizer or Sponsor shall reimburse the city for providing.~~
- (6) Refuse to issue such permit when the activity or purpose stated in the application would violate any ordinance of the city or statute of the state, when the proposed Organized Activity or Demonstration ~~parade, picket line or group demonstration~~ would conflict with another such activity previously scheduled, when it is determined that the activity will substantially interrupt the safe and orderly movement of other traffic contiguous to its route, when the safety and welfare of the general public is jeopardized, or when application for such permit is improperly made, false information given thereon, or false information given on a previous application. ~~Failure to pay fees and costs may be a grounds for refusal to issue the permit.~~
- (7) Require any organizer or sponsor of an organized event reimburse any expenses incurred by the City to hold such event. City Council, upon designation of an Organized Event as a Community Event, may waive all or part of any expense or fees.

(Code 1977, § 24-83)

Sec. 22-148. - Fee.

There shall be paid, at the time of filing the application for a permit required in this division, a fee ~~of twenty-five dollars (\$25.00)~~ based on a schedule determined by the city manager. Any Organized Activity not designated a Community Event shall pay all reasonable costs for services provided by any city department.

(Code 1977, § 24-84; Ord. No. 1999-46, § 8, 6-15-99)

Sec. 22-149. - Revocation.

The city manager shall revoke any permit granted for a parade, picket line or group demonstration for any of the following causes:

- (1) The violation by any participant of section 22-126.
- (2) The failure to comply with the terms and conditions of the permit.
- (3) Giving false information on the permit application.
- (4) Failure to pay fees or costs

(Code 1977, § 24-86)

#### ARTICLE VI. - PUBLIC STREET FESTIVALS AND SPECIAL EVENTS WITHIN THE MUNICIPAL SERVICE DISTRICT

##### Sec. 22-150. - Definitions.

For purposes of this section, the following terms shall have the meaning indicated:

Food service establishment means an establishment engaged in the business of regularly selling food, customarily, but not exclusively, to be eaten on the premises, including businesses that are commonly referred to as restaurants, cafes, grills and other establishments that have a food counter where food is sold.

Malt beverage means beer, lager, malt liquor, ale, porter, or any other brewed or fermented beverage containing at least one-half of one (.5) percent and not more than fifteen (15) percent alcohol by volume.

Open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container.

Unfortified wine means wine that has an alcoholic content produced only by natural fermentation by the addition of pure cane, beet, or dextrose sugar, and that has an alcoholic content of not more than seventeen (17) percent alcohol by volume.

Winery means an establishment regularly engaged in the manufacture, sale or marketing of wine.

(Ord. No. 2008-48, § 1, 9-16-08)

##### Sec. 22-151. - Allowance of Public Street Festival ~~or special event~~ upon issuance of a permit.

Public Street Festivals. Upon issuance of a permit by the Salisbury Police Department, community organizations, arts groups, and other nonprofit organizations may hold a Public Street Festival within public rights-of-way and on city owned property as designated in a "Public Street Festival Permit."

Public Street Festival ~~Special~~ events. Upon issuance of a permit by the Salisbury Police Department, restaurants, food service establishment, business, winery and any other for-profit organizations may hold a Public Street Festival ~~special~~ event within public rights-of-way and on city owned property as designated in a "Public Street Festival ~~special~~-event permit."

Applications may be approved by the Salisbury Police Department upon meeting the following requirements:

- (1) A written application for a Public Street Festival ~~or special event permit~~, including street closures, must be submitted to the Salisbury Police Department at least ~~thirty (30)~~ one hundred twenty (120) days prior to the proposed Public Street Festival ~~event~~ and pay a fee of \$150. Any application received less than (120) one hundred twenty days in advance of the proposed Public Street Festival shall pay a late fee of an additional \$100. A detailed site map indicating, at a minimum, the stage area, concessions, tables and seating area, parking areas and locations where the road may be blocked off shall also be required. A copy of the application and permit shall be submitted and retained by the office of the city clerk.
- (2) A statement of the applicant's intent whether to serve or to allow the consumption of beer and wine. If serving alcoholic beverages, a copy of the applicant's ABC permit demonstrating that the applicant is properly licensed to allow the consumption of beer and wine within the plan-defined area, and a verified statement by the applicant that (i) its ABC permit is in good standing and (ii) the applicant has not been cited for any violation of its ABC permit for the premises within the previous three-year period. If the applicant has been cited, the

applicant must provide a statement describing the circumstances for which it was cited and describing what, if any, penalty was imposed for the incident; and

- (3) The applicant's plan must also indicate that festival area must be maintained, and all debris or refuse removed from the area, at regular intervals during the business day so as to maintain an orderly appearance and to prevent the attraction of vermin, insects, or other pests to the area. The plan must also indicate that the applicant must maintain an unobstructed path for pedestrian travel on the sidewalk at least five (5) feet wide at all times and that the applicant agrees to remove all obstructions and additions to the festival area immediately upon completion of the festival in order to open the streets to public use as soon as possible; and
- (4) The applicant agrees that at no time would anyone be allowed to block access to a fire hydrant in street festival area.
- (5) The applicant, or an authorized officer or member if the applicant is not an individual, must sign an agreement to indemnify and hold the City of Salisbury harmless from any and all claims of property damage, personal injury or death arising from or related to the provision of outdoor table service at the establishment; and
- (6) Certificate of insurance indicating that the applicant has, or will have, in place for the duration of the permit period, liability insurance with a minimum limit of one million dollars (\$1,000,000.00) for the premises and all activities conducted thereon.
- (7) Require any Organizer or Sponsor of a Public Street Festival reimburse any expenses incurred by the City to hold such event.

In the review of street festival permit requests, the police department shall be guided by the following considerations:

- (1) The number of permits issued and the area or areas for which such permits are issued in relation to crowd density, traffic control, the ability to protect persons and property, fire prevention and control, general safety and availability of city assets and resources to ensure the reasonable protection of the general public.
- (2) In those instances in which the police chief, or designee, considers city resources to be insufficient to meet the above considerations, the police chief, or designee, may require the applicant for such permit to provide, at the applicant's expense, adequate and qualified security personnel for the duration of the permit.
- (3) The police chief, or designee, shall have the authority to designate the boundaries of any Public Street Festival ~~or special event~~ area. To accommodate such an event, the police chief, or designee, is further authorized to temporarily close any public streets, sidewalks or other city owned areas within the boundaries of any proposed Public Street Festival ~~or special event~~. Where such streets, sidewalks, or other city owned areas are temporarily closed, they shall be for the general use of the public.

(Ord. No. 2008-48, § 1, 9-16-08; Ord. No. 2013-34, § 1, 8-6-13)

#### Sec. 22-152. - Sale of alcoholic beverages permitted at Public Street Festivals.

It shall be lawful for a Public Street Festival permittee to serve or sell malt beverages and unfortified wine where the boundaries of the area in which such beverages is clearly delineated, where access to such area is restricted to persons who shall be at least twenty-one (21) years of age and where the following requirements are met:

All applicable health and ABC laws are complied with;

- (1) The contents of beer bottles, cans, wine bottles or any other unopened container shall be poured into appropriate plastic cups or plastic glasses;
- (2) One (1) or more representative of the organization selling alcoholic beverages under an appropriately issued special one-time ABC permit has been certified by the North Carolina ABC board's "Be a Responsible Seller" program;
- (3) All empty bottles and cans shall be handled in such a way as to not be broken or left on city property; and
- (4) The permittee shall be required to maintain proper decorum and order and leaving the area in a clean condition.

(Ord. No. 2008-48, § 1, 9-16-08)

Sec. 22-153. - Sale of alcoholic beverages permitted at special events.

It shall be lawful for a **Public Street Festival** ~~special-event~~ permittee to serve or sell malt beverages and unfortified wine where the boundaries of the area in which such beverages is clearly delineated, where access to such area is restricted to persons who shall be at least twenty-one (21) years of age and where the following requirements are met:

All applicable health and ABC laws are complied with;

- (1) All malt beverages or unfortified wines must be sold in, and consumed from, its original container;
- (2) All empty bottles and cans shall be handled in such a way as to not be broken or left on city property; and
- (3) The permittee shall be required to maintain proper decorum and order and leaving the area in a clean condition.

(Ord. No. 2008-48, § 1, 9-16-08)

Sec. 22-154. - Firearms.

Except for sworn certified law enforcement personnel, the possession of firearms in the Public Street Festival ~~or special-event~~ area is prohibited.

(Ord. No. 2008-48, § 1, 9-16-08)

Sec. 22-155. - Signs for street festivals.

Promotional signage for Public Street Festivals ~~or special-events~~ shall comply with the provisions of Chapter 12, Signs, of the Salisbury Land Development Ordinance.

(Ord. No. 2008-48, § 1, 9-16-08)