

ARTICLE V. - PARADES, PICKET LINES AND GROUP DEMONSTRATIONS

Footnotes:

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Cross reference— Motor vehicles and traffic, Ch. 13; offenses, Ch. 15.

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.

(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.

(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 or group demonstration 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 parade, picket line or group 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 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. - Picketing.

Picket lines and picketing shall be subject to the following additional regulations:

- (1) 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) 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 picketing is done.
- (4) 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) Picketing done contrary to the provisions of this section shall be unlawful.

(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 parade, 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.

(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, excluding Saturdays, Sundays and holidays, in advance of such 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. If the 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 three (3) days before the date such 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 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 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) 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.
- (5) 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 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.

(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).

(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.

(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."

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 special event within public rights-of-way and on city owned property as designated in a "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) days prior to the event. 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.

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 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)

Sec. 22-156. - Penalty—Conflict.

Any violation of this article shall constitute a misdemeanor, punishable as provided in North Carolina General Statutes Section 14-4. A first violation of a public street festival or special event permit issued pursuant to this article shall result in the issuance of a written warning to the permittee. A second violation within one year of the first shall result in an immediate revocation of the Permit and a sixty-day ban on future permits. Additionally, a violation of any of the provisions of this article shall subject the offender to a civil penalty of up to five hundred dollars (\$500.00). If a person fails to pay this penalty within ten (10) days after being cited for a violation, the City of Salisbury may seek to enforce this section through any appropriate equitable action. Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense. The City of Salisbury may seek to enforce this article by using any one, or a combination, of the foregoing remedies.

In the event of a conflict between the provisions of this article and any other city ordinance, the provisions of this article shall control. The enactment of this article, however, shall not result in any change of the general applicability of any other city ordinance.

(Ord. No. 2008-48, § 1, 9-16-08)