

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE V, OF THE CODE OF THE CITY
OF SALISBURY, RELATING TO DEMONSTRATIONS

Be it ordained by the City Council of the City of Salisbury, North Carolina, as follows:

SECTION 1. That Section 22, Article V, of the Code of the City of Salisbury be amended to delete the stricken language and add the underlined language as follows:

ARTICLE V. - DEMONSTRATIONS

Cross reference— Motor vehicles and traffic, Ch. 13; Noise, Ch. 14; 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:

Demonstration means any assembly in a public place for the purpose of displaying sentiment for or against a person or cause, including protesting.

Group Demonstration means any demonstration, as defined herein, involving ten (10) or more people. Group Demonstrations require a permit pursuant to Division 2 of this Article except where exempt from permitting requirements.

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

(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. 22-125. - Interference prohibited.

No person shall hamper, obstruct, impede, or interfere with any Group Demonstration or other Demonstration conducted pursuant to this Article, with any Public Street Festivals or

Special Events conducted pursuant to a permit issued under Article VI of this Chapter, or with any other event being conducted under authority of a permit duly issued by the city manager or designee.

Demonstrations and Group Demonstrations shall be conducted on portions of public property not used primarily for vehicular parking or moving traffic, unless a permit has been issued permitting a Demonstration in that area, and shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public streets or sidewalks.

(Code 1977, § 24-87)

Sec. 22-126. – Prohibition of firearms and dangerous weapons.

It shall be unlawful for any person to possess any firearm or dangerous weapon of any kind, as defined below, whether exposed or concealed, as a part of any Group Demonstration or other Demonstration conducted pursuant to this Article (whether permitted or not), or of any Public Street Festivals or Special Events conducted pursuant to a permit issued under Article VI of this Chapter, or of any other event conducted pursuant to a permit duly issued by the city manager or designee.

The term *dangerous weapon* shall be defined as any device or substance designed or capable of being used to inflict serious injury to any person or property, including, but not limited to, any firearm, airgun, BB gun, pellet gun, knife or razor with a blade longer than three (3) inches in length, metallic knuckles, blackjacks, nightsticks, dangerous chemical which by its use might constitute a dangerous or deadly weapon, open flames larger than a standard candle, or other incendiary devices of any type.

This section shall not apply to a person exempted by the provisions of G.S. § 14-269(b) or to persons authorized by state or federal law to carry dangerous weapons in the performance of their official duties.

(Code 1977, § 24-85)

Cross reference— Offenses, Ch. 15.; G.S. § 14-277.2

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 Group Demonstration in or upon any public place within the city unless a permit therefor has been issued by the city manager or designee in accordance with the provisions of this Division. This permit requirement shall not apply for Group Demonstrations that are unplanned and are not expected to last more than twelve (12) hours, or for Demonstrations involving less than ten (10)

people. An unplanned Group Demonstration or a Demonstration involving less than ten (10) people may apply for a permit but is not required to do so.

(Code 1977, § 24-82)

Sec. 22-147. - Issuance.

The city manager or designee is authorized to issue permits as required in this Division, and in the issuance thereof the manager shall:

- (1) Require a written application for the permit to be filed not less than forty-eight (48) hours in advance of such Group Demonstration. Such application shall be on a form prescribed by the city manager or designee, shall be signed by the applicant, and shall require that the applicant show the proposed time, place, and expected size of such Group Demonstration. If the Group Demonstration is proposed to be conducted for, on behalf of, or by an organization, the city manager or designee shall require that the applicant provide the name, address, and telephone number of the organization and of the authorized and responsible heads of such organization. The city manager or designee, where good cause is shown therefor, shall have the authority to consider any application under this section which is filed less than forty-eight (48) hours before the time such Group Demonstration is proposed to be conducted.
- (2) Require that the application for a permit specify and the permit designate one or more person(s) in charge of the activity. At least one of such person(s) shall accompany the Group Demonstration and shall carry such permit with them at that time. Such permit shall not be valid in the possession of any other person(s).
- (3) Have the authority to place reasonable conditions on the permit related to the time, place, or manner of the Group Demonstration where such conditions are directly related to and are required in order to ensure the public health, safety, and welfare.
- (5) Issue such permit unless denying the permit is allowed in accordance with Sec. 22-149.

(Code 1977, § 24-83)

Sec. 22-149. – Grounds for Rejecting or Revoking a Permit.

The city manager or designee may refuse to issue or may revoke any permit granted for a Group Demonstration for any of the following reasons, and none other, which decision shall be in writing and shall state the reason(s) for rejecting the permit application or revoking the permit:

- (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) An application for a Group Demonstration has already been received for the same time and place requested, in which case an alternative time or place shall be offered.

- (5) It reasonably appears that the Group Demonstration, due to its stated time, location, or size, will present a threat to the public safety, health, or welfare, in which case alternatives shall be offered.
- (6) It reasonably appears that the activity or purpose stated in the application would be a violation of local, state, or federal law.
- (7) There is no person in charge identified on the application or there is otherwise no person willing to accept responsibility for complying with the provisions of this Article or of any permit issued by the city manager or designee.

(Code 1977, § 24-86)

Sec. 22-150. – Appeal of a Decision to Reject or Revoke a Permit.

The decision of the city manager's designee to reject or revoke a permit may be appealed by providing written notice to the city manager or designee within seven (7) days of the issuance of the decision to reject a permit application or revoke a permit. The decision of the city manager, including the initial decision to reject or revoke a permit where the city manager makes that determination, may be appealed to the city council by providing written notice to the city manager within seven (7) days of the issuance of the decision by the city manager.

SECTION 2. That all ordinances, or the parts of ordinances in conflict with this ordinance, are hereby repealed to the extent of such conflict.

SECTION 3. That this Ordinance shall be effective upon adoption by the City of Salisbury from and after its passage.