

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. - ~~PARADES, PICKET LINES AND GROUP~~ DEMONSTRATIONS<sup>14</sup>

**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 Aarticle, 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 in a public place ~~together or concert of action between or among two (2) or more persons~~ for the purpose of displaying sentiment for or against a person or cause, including 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.~~

~~*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.~~

~~\_\_\_\_\_ *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 Aarticle.

The provisions of this Aarticle 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~~ 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. — ~~Carrying Prohibition of firearms and dangerous~~ of weapons.

The following acts or activities, when performed or undertaken in conjunction with or ~~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 parade, picket line or 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.~~

~~are hereby prohibited and declared unlawful: the~~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 carrying on or about the person of, 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, or any weapon or article, including but not limited to blackjacks, nightsticks or dangerous~~nightsticks, ~~dangerous~~ chemicals, 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~~ 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.; G.S. § 14-277.2

~~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~~. 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, ~~in his absence, his~~ designee is authorized to issue permits as required in this ~~Division~~, and in the issuance thereof ~~he the manager~~ shall:

- (1) Require a written application for the permit to be filed not less than ~~three (3) days, excluding Saturdays, Sundays and holidays, forty-eight (48) hours~~ in advance of such ~~parade, picket line or 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, ~~purpose, and expected~~ 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 ~~or designee~~ 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 ~~or designee~~, 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 forty-eight (48) hours~~ before the ~~date time~~ 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 one or more~~ person(s) in charge of the activity. At least one of sSuch person(s) shall be required to accompany the parade, picket line or Group Demonstration and shall carry such permit with him them at that time. Such permit shall not be valid in the possession of any other person(s).
- (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 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 to avoid the serious obstruction or impediment of public travel or public business~~ required in order to ensure the public health, safety, and welfare.
- (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~~Issue such permit ~~unless denying the permit is allowed 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~~ in accordance with Sec. 22-149.

(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~~Grounds for Rejecting or Revoking a Permit.

The city manager ~~or designee shall may refuse to issue or may~~ revoke any permit granted for a ~~parade, picket line or G~~group ~~D~~demonstration for any of the following ~~causes, 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.