

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 20,  
ARTICLE VI, BY AMENDING SEC. 20-171 TO 184, TO THE CODE OF ORDINANCES OF THE CITY OF  
GRAHAM, NORTH CAROLINA FOR PARADES, DEMONSTRATIONS AND STREET EVENTS**

The City Council of the City of Graham, North Carolina, does ORDAIN:

**Sec. 1.** That the Code of Ordinances, City of Graham, North Carolina, is hereby amended by amending sections numbered 20-171 to 184 which said section is to read as follows:

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**Sec. 20-171. – PURPOSE; SPECIAL EVENTS COMMITTEE ESTABLISHED**

- (a) Pursuant to the authority granted to the City of Graham by the General Statutes of North Carolina and its general police powers, the City has adopted the following sections in order to provide for the public health, safety, and general welfare in the City, to ensure the free and safe passage of pedestrians and vehicles on the public rights-of-way, and to ensure the safe and unimpaired use and enjoyment of public property in places open to the general public and otherwise to regulate and control the time, place, and manner of activities that would otherwise threaten or impair the public health, safety, and welfare in the City while also encouraging the exercise of the rights to free speech and assembly in the City.
- (b) The city manager shall establish a special events committee from City staff to determine whether or not proposed Parades and Street Events meet the standards established herein as well as all other applicable regulations within the City of Graham and to issue Permits where authorized by this Article. The committee shall designate an employee who shall serve as the point of contact for receiving Parade and Street Event Permit applications and be the conduit for communications with the committee and City Council.

**Sec. 20-172. – PARADE PERMIT REQUIRED**

- (a) The term Parade as used in this section is defined as an assemblage of ten or more persons, or three or more vehicles, participating in any march, ceremony, show, exhibition, or in any procession, promotion, or objection of any kind in or upon the public streets, alleys, parks, or other public grounds in any manner; provided, the term shall not include:
  - (1) “Demonstrations,” etc. as defined in section 20-178;
  - (2) Funeral processions;
  - (3) Any governmental agency acting within the scope of its functions;
  - (4) Bands or marching groups proceeding to an assembly point for participation in a Parade; or
  - (5) Footraces and bicycle races.
- (b) No Parade shall be conducted on the public ways of this city and no person shall inaugurate, promote, or participate in any such Parade unless the Parade is conducted in conformity

with the requirements set out herein and unless a Permit has been obtained from the special events committee. A Parade Permit shall not be required for any Parade consisting of fewer than ten persons or three vehicles.

- (c) It shall be unlawful for any person to conduct or participate in a Parade except in conformance with the provisions of this Article.

#### **Sec. 20-173. – PROCEDURES FOR OBTAINING PERMIT**

- (a) A person seeking issuance of a Parade Permit shall file an application with the special events committee on forms provided by such committee not less than fourteen (14) days nor more than three hundred sixty-five (365) days before the proposed Parade date. The application for a Parade Permit shall set forth the following information:

- (1) The name(s), if any, of the individual, organization(s), group(s) and/or individual(s) sponsoring or proposing the Parade, unless the individual, organization, or group indicates that it wishes to remain anonymous, in which case no name is required;
- (2) Contact information for the applicant;
- (3) The location or locations in the City where the Parade is proposed to take place;
- (4) The date and hours for which Permit is sought;
- (5) The name of the person(s) and/or organization(s) applying for the Permit;
- (6) Whether or not persons below the age of 18 years are expected to participate;
- (7) The person or persons to be in charge of the activity and who will accompany it and carry the Permit at all times;
- (8) Contact information for the organization(s), group(s) and/or individuals sponsoring or proposing the Parade, the Permit applicant, and the person to be in charge of the activity;
- (9) The approximate number of persons and vehicles expected to participate in the Parade and the types of vehicles expected to participate;
- (10) The dimensions of any floats or other traveling displays; and
- (11) Any additional, content neutral information which the special events committee finds reasonably necessary to a fair determination as to whether a Permit should issue.

- (b) Subject to the requirements of Section 20-183 regarding street closures, to the extent street closure is required or requested for the Parade, upon receipt of an application properly completed and timely filed as hereinabove set out, the special events committee shall review the application as promptly as reasonably possible and shall issue a Permit consistent with the standards of conduct prescribed herein containing all the information stated on the application, noting where modifications or requirements have been made, and signed by the issuing employee. Such Permit shall be issued or denied no later than 4 days before the proposed event.
- (c) The issued Permit may prescribe reasonable requirements necessary for the control and free movement of pedestrian and vehicular traffic, including emergency services, to protect the safety and property rights of participants and of the general public. The City may assign police officials to be present during the Parade to further designate (reasonably expand or limit) permitted area(s) in furtherance of the ordinance and to protect public safety and order. The special events committee may prescribe reasonable requirements for, or place reasonable conditions on, the permitted Parade activity, to include modifying times, places and routes, in the following instances:
  - (1) When adequate provision cannot be made for the safe and orderly movement of the Parade and for other traffic, pedestrian or vehicular, contiguous to its route;
  - (2) When the Parade cannot be held without unreasonable interference with the provision of or unreasonable diversion of normal police or fire protection or emergency services to the public;
  - (3) The Parade cannot be held without unreasonable interference with the right of property owners in the area to enjoy peaceful and lawful use and occupancy of their property;
  - (4) The Parade will require the closing of, or unreasonably restrict the flow of vehicular traffic along a highway under the control of the State. If this is the case, the applicant should obtain permission from appropriate State officials prior to making reapplication for a Parade Permit; or
  - (5) The Parade conflicts with other previously scheduled events or activities.

#### **Sec. 20-174. – STANDARDS FOR CONDUCT OF PARADES**

The following standards shall apply to all Parades conducted in the City:

- (a) No Parade or part thereof may be conducted on the streets of the City between the weekday hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. unless otherwise expressly authorized by the City Council upon circumstances warranting different hours.

- (b) Every Parade shall follow a route approved by the special events committee. The special events committee shall approve no route which is incompatible with the preservation of public health, safety and welfare, nor upon streets with average traffic counts in excess of 10,000 cars per day unless expressly authorized by the City Council.
- (c) No one participating in a Parade or proceeding along the route of a Parade shall distribute therefrom any candy, cigarettes, prizes, or favors of any kind.
- (d) No vicious animal whether leashed or unleashed shall participate in or proceed along the route of a Parade.

**Sec. 20-175. – REVOCATION OF PERMIT.**

The committee's designated employee may revoke any Permit granted for a Parade if:

- (a) Any participant violates the standards for the conduct of Parades set out herein; or
- (b) Any participant in a Parade fails to comply with the formation, terms, and conditions set out in the application and Permit or fails to comply with the terms of this section.

**Sec. 20-176. – APPEAL.**

Any person not satisfied with a Parade, Demonstration, or Road Closure Permit, or otherwise unsatisfied or aggrieved by action taken pursuant to this Article may file a written “notice of appeal” with the city manager no later than five (5) business days from the issuance of such Permit or other action taken pursuant to this Article. Such written notice shall identify the person filing the appeal and shall specify with particularity the facts and basis for the appeal. The City Manager shall forward the appeal to the City Council at the next scheduled City Council meeting should time permit prior to the requested event.

**Sec. 20-177 – INTERFERENCE PROHIBITED**

No person shall hamper, obstruct, impede, or interfere with any Parade being conducted under authority of a lawfully issued Permit. No driver of any vehicle shall drive between the vehicles or persons comprising a Parade when such vehicles or persons are in motion and identifiable as a Parade under this Article.

**Sec. 20-178 – DEMONSTRATIONS DEFINED.**

The terms Demonstrate, Demonstration, and Demonstrating, as used herein are deemed to include conduct by “Demonstrators,” *i.e.*, persons participating in pre-planned gathering[s] of ten (10) or more persons, not constituting a parade, convened for a common purpose, including but not limited to a protest, picket, march, rally, public exhibition, or assembly, in or upon the public streets, alleys, parks, or other public grounds that has a tendency to

interfere with the normal flow or regulation of pedestrian or vehicular traffic upon the public rights-of-way within the City or that interferes with or has a tendency to interfere with the normal use and enjoyment of any public property in a place open to the general public.

**Sec. 20-179 - DEMONSTRATIONS PERMITTED; PERMIT FREE and SPONTANEOUS GATHERING ZONES; WHEN PERMIT IS/IS NOT REQUIRED.**

- (a) Peaceful Demonstrating is permitted in the City provided the same is done in accordance with this Article. Public assembly and Demonstrating in the City shall not be prohibited or prevented based on political, social, or religious grounds or based upon the subject-matter or content of the views expressed.
- (b) Except as provided in this subsection, no Demonstrating may be conducted in the public ways of the City and no person may participate in the same unless a Demonstration Permit ("Permit") has been obtained. A Demonstration Permit is not required:
  - (1) except as provided in subsection (d), in any Permit Free or Spontaneous Gathering zone designated by the City or other governmental agency;
  - (2) for Demonstrations involving less than one hundred (100) people conducted within the fire limits of Downtown Graham, as defined in § 6-31 of the Code of Ordinances; or
  - (3) for Demonstrations involving less than seventy-five (75) people conducted outside the fire limits of Downtown Graham; or
  - (4) for Demonstrations convened and conducted in response to breaking news within the previous 36 hours, the group size limitations provided herein shall not apply.
- (c) A Demonstration Permit is required for any Demonstration that:
  - (1) would require deviation from the Standards of Conduct for Demonstration Activities set forth within this Article, such as for the closure of streets to vehicular traffic or the use of a sound magnification or amplification device;
  - (2) would involve one hundred (100) or more persons within the fire limits of Downtown Graham;
  - (3) would involve seventy-five (75) or more persons outside the fire limits of Downtown Graham;
  - (4) the Demonstration organizers request the presence of police or medical personnel;

- (5) the Demonstration will involve the use of sound amplification or magnification equipment as described in Section 20-184;
  - (6) the Demonstration organizers desire to erect temporary structures as part of the Demonstration; or
  - (7) seeks the closure of any public street, subject to the additional requirements under subsection (e) of this Section.
- (d) Except during the time that the City Council is in session, one-half hour before the City Council is in session, and one-half hour after the City Council session has been concluded,
- a Demonstration Permit Free and Spontaneous Gathering zone is hereby established on the Highway 87 lawn of the City Municipal Building.
- (e) **Demonstration Permit for Demonstrations Requiring Street Closure:** Where a Demonstration requests or requires the closure of any public street, a Demonstration Permit is required. In addition, prior to submitting the Demonstration Permit application described in paragraph (f) of this section, the person(s) applying for the Demonstration Permit must obtain a Road Closure Permit from the City Council and attach the City Council's Road Closure Permit to the Demonstration Permit application. Except as otherwise provided by the laws of this State or the United States, only the City Council may authorize the closure of any public street for a Demonstration in accordance with the provisions of Section 20-183.
- (f) **Demonstration Permit:** Where a Demonstration Permit is required, a person seeking issuance of a Demonstration Permit shall file a written Permit application with the Chief of Police or his/her designated representative not less than seventy-two (72) hours in advance of such Demonstration. Counter-Demonstrators are subject to the same Demonstration Permit requirements as Demonstrators, and do not fall within the scope of the Demonstrator's application, unless specially acknowledged and authorized in the Police Chief's written Permit. The application for a Permit shall be on a form prescribed by the Chief and available for download from the Police Department's website, be signed by the applicant(s), and include the following information:
- (1) The name of the individual, organization, or group sponsoring the Demonstration or proposing to Demonstrate, unless the individual or group indicates that it intends to Demonstrate anonymously, in which case no name is required;
  - (2) The contact information for the applicant;
  - (3) The location or locations in the City where the Demonstration proposes to assemble and demonstrate;

- (4) Whether any deviations, suspensions, or modifications from the City's Standards of Conduct for Demonstration Activities is requested;
  - (5) The date or dates on which the Demonstration is to occur and planned duration (the "Noticed Period");
  - (6) The total number of people anticipated to participate in the Demonstration;
  - (7) Whether the presence of Counter-Demonstrators is anticipated;
  - (8) The name of the person and organization and applying for the Demonstration Permit, unless the person or organization indicates that it intends to apply anonymously, in which case no name is required;
  - (9) Whether persons below the age of eighteen (18) years are expected to participate;
  - (10) Whether any sound magnification device will be used during the Demonstration;
  - (11) Telephone contact information for one or more persons organizing or otherwise in charge of the Demonstration so as facilitate communication with the Police Department during the Demonstration in furtherance of public safety; and
  - (12) If applicable, documentation showing the City Council's authorization of road closures for the Demonstration.
- (g) Within forty-eight (48) hours of receiving a properly completed Demonstration Permit application, the Chief of Police or his/her designated representative shall review the application and, absent grounds to deny the application as specified in this subsection, shall issue a Demonstration Permit signed by the issuing employee. Upon the earlier of the expiration of the Noticed Period or cessation of the Demonstration for more than three (3) hours, the Demonstration Permit expires. Before resumption of Demonstrating, a new Demonstration Permit must be obtained. The Chief of Police or his/her designated representative shall not consider the content of speech in determining whether a Permit will be issued. The Chief of Police or his/her designated representative may deny or revoke a Permit application including the application for a Permit to use sound magnification or amplification equipment, or an issued Permit on any of the following grounds:
- (1) The application for a Permit, including any attachments or required additional submissions, is not fully completed and executed;
  - (2) The application for a Permit contains a material falsehood or misrepresentation;
  - (3) The applicant is legally incompetent to contract or to sue and be sued;
  - (4) The applicant has on prior occasions damaged City property and has not paid in full for such damage or has other outstanding and unpaid debts to the City;
  - (5) A fully executed application for Permit for the same time and place was received prior to the applicant's application, and a Permit has been or will be granted to the prior applicant(s) authorizing uses or activities which do not reasonably permit

additional or multiple occupancy of the area where the Demonstration is to take place;

- (6) The Demonstration intended by the applicant would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place;
- (7) The Demonstration intended by the applicant is prohibited by law;
- (8) Whether the scope of the Demonstration intended by the applicant would present an unreasonable danger to the health, safety, or welfare of the applicant or individuals in the area or areas where the Demonstration is to take place;
- (9) Whether the applicant has made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior Permits issued to or on behalf of the applicant.

In denying a Permit application or revoking a previously issued Permit, the Chief of Police or his/her designated representative shall immediately notify the applicant or Permit holder of the reason(s) for such denial or revocation.

- (h) Any issued Demonstration Permit may prescribe reasonable requirements or conditions necessary for the control and free movement of pedestrian and vehicular traffic, including emergency services, and to protect the safety and property rights of participants, including Counter-Demonstrators, and of the general public. The City reserves the right and authority to have police officials on the scene to further designate (reasonably expand or limit) Permitted area(s) in furtherance of the ordinance as reasonably necessary for public safety.

- (1) The Chief of Police may set the starting time, duration, and space between groups; may prescribe the portions or areas of streets, sidewalks or other public places to be used, and may impose such other reasonable requirements as the Chief may prescribe for the control and free movement of pedestrian or vehicular traffic or for the health, safety, and property rights of the participants and the general public, to include the ability of first responders to be able to respond to emergencies.

- (2) Where a Demonstration Permit applicant seeks a Demonstration Permit for a location subject to a City of Graham Recreation and Parks Department (GRPD) facility rental policy, which would interfere with the renters' exclusive use of the location, the Chief of Police, or designated representative, will attempt to facilitate a compromise. Should compromise not be reached, preference shall be given to the person or group first in time to rent the facility or submit a Demonstration Permit application.

- (i) The failure to obtain a Demonstration Permit where required by this Section shall be punishable as a Class 3 misdemeanor.

## **Sec. 20-180 – STANDARDS OF CONDUCT FOR DEMONSTRATION ACTIVITIES.**

All Demonstrating and Counter-Demonstrating activities within the City shall adhere to the following standards:



- (a) Demonstrating shall not impede the flow of vehicular traffic on the public ways or portions of the public ways used primarily for vehicular parking. This requirement does not apply to Demonstrations proceeding on the portion of the public ways used for vehicular traffic pursuant to a Road Closure Permit.
- (b) It is unlawful for any person to engage in Demonstrating before or about the residence or dwelling of any individual.
- (c) Demonstrators may carry handheld written or printed placards or signs not exceeding thirty-six (36) inches provided the words used would not tend to incite or produce imminent lawless or violent action when the words are likely to produce such action, or otherwise communicate a threat punishable under N.C.G.S. § 14-277.1.
- (d) The Chief of Police or the Chief's designated agent(s) may in their discretion on an equitable basis allocate space and considerations for Counter-Demonstrators, to include requiring physical separation between Demonstrators and Counter-Demonstrators. The potential or expected presence of Counter-Demonstrators shall not constitute grounds for denial of a Permit application.
- (e) Demonstrations shall be restricted to the use of the outermost half of the sidewalk or other public way nearest the street and shall not at any time nor in any way obstruct, interfere with, or block: persons entering or exiting from vehicles; persons crossing streets or otherwise using the public way; the entrance or exit to any building or access to property abutting the street or sidewalk; a driveway serving any building or abutting property; a temporary encroachment pursuant to Article VII; or pedestrian or vehicular traffic.
- (f) No person observing, engaging in, or assisting in Demonstrating shall bring to or allow to remain in the immediate area of Demonstrating any vicious animal.
- (g) It is unlawful to apply graffiti or paint to, damage, threaten damage to, or deface public property as part of a Demonstration.
- (h) It is unlawful to apply graffiti or paint, damage, threaten damage to, or deface private property as part of a Demonstration, absent the express permission of the private property owner.
- (i) It is unlawful to interfere with the use or enjoyment of public spaces that have been lawfully reserved for purposes unrelated to the Demonstration activity.
- (j) It is unlawful as part of Demonstration activities to intentionally interfere with or address speech to a bridal, marriage, funeral, or other ceremonies or celebrations being conducted in a manner that tends to incite or produce imminent lawless or violent action when the speech is likely to produce such action, or otherwise communicate a threat punishable under N.C.G.S. § 14-277.1.
- (k) During any declared state of emergency by a governing authority due to a pandemic or epidemic, Demonstrators shall abide by all health and safety requirements applicable to social or other gatherings.

- (l) A violation of the requirements imposed by this Section shall be punishable as a Class 3 misdemeanor.

**Sec. 20-181 – INTERFERENCE WITH DEMONSTRATIONS PROHIBITED; POLICE AUTHORITY TO DISPERSE CROWDS; FAILURE TO LEAVE WHEN ORDERED DECLARED OFFENSE.**

- (a) It shall be unlawful for any person to physically interfere with Demonstrations in the use of the streets, sidewalks, or other public places, or to address at a Demonstration or Demonstrator speech that tends to incite or produce imminent lawless or violent action when the speech is likely to produce such action, or to otherwise communicate a threat punishable under N.C.G.S. § 14-277.1.
- (b) Whenever the free passage of any street or sidewalk in the City shall be unreasonably obstructed by a crowd, whether or not the crowd assembles as a result of or in connection with Demonstrating, the persons composing such crowd shall disperse, move, or move on so the street or sidewalk is no longer obstructed when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse, move, or move on when so directed by a police officer as provided herein or by N.C.G.S. § 14-288.5.
- (c) A violation of this Section shall be punishable as a Class 3 misdemeanor.

**Sec. 20-182 – PROHIBITION OF FIREARMS AND DANGEROUS WEAPONS.**

- (a) It shall be unlawful for any person to possess on or about his person or vehicle any firearm or dangerous weapon of any kind, as defined below, whether exposed or concealed, while participating in any Parade or any Demonstration.
- (b) It shall be unlawful for any person present at any Parade or Demonstration or any person upon any street, sidewalk, alley or other public property within five hundred (500) feet of any Parade or Demonstration, to possess on or about his person or vehicle any firearm or dangerous weapon of any kind, as defined below, whether exposed or concealed.
- (c) For purposes of this Article, 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: firearms, airguns, BB guns, pellet guns, knives, swords, razors, or other sharp objects with a blade more than three (3) inches in length, metallic knuckles, clubs, blackjacks, nightsticks, dynamite cartridges, bombs, grenades, explosives, molotov cocktails, and sword canes.
- (d) This section shall not apply to the following persons while acting lawfully and within the scope of their duties and authority:

- (1) Law enforcement officers and emergency personnel; and

- (2) Officers and soldiers of the armed forces and national guard.
- (e) A violation of this Section shall be punishable as a Class 3 misdemeanor.

**Sec. 20-183 – STREET EVENTS AND CLOSURE OF CITY STREETS.**

- (a) The term “Street Event” shall include all organized activity that utilizes or impedes City streets, parking lots, greenways, or public rights-of-way such that the planned closure of one or more streets, parking lots, greenways, or public rights-of-way to all vehicular traffic is requested or is reasonably necessary to assure the safety and convenience of participants and the public based on the time, location or route, and size of the Event. Street Events include, but are not limited to the following:
  - (1) Neighborhood Block Parties: Organized small-scale activity that closes a small, defined number of blocks on a local-service, residential street. These small-scale gatherings are initiated by and are intended to attract only residents who live on or in close proximity to the street being closed. They are not intended for the general public.
  - (2) Footraces or Bicycle Races: Organized activity involving running, biking, walking or other means of transportation, involving three or more participants and utilizing a fixed course that involves the use or obstruction of City rights-of-way, City sidewalks, and greenways.
  - (3) General Events: All organized activity, not constituting a Parade, that has an identifiable location and/or route exclusively or primarily taking place on the portion of one or more public streets, parking lots, greenways, or rights-of-way that is primarily used for vehicular traffic for a specific duration of time. Examples include: festivals, performances, markets, parties, tournaments, rallies, Demonstrations, and other similar events.
- (b) Applicants for Road Closure Permits are required to provide a certificate of insurance listing the City of Graham as “additionally insured” and show documentation of comprehensive general liability insurance of at least one million dollars (\$1,000,000).
- (c) It shall be unlawful for any person to conduct or participate in any Street Event except in conformance with the provisions of this Section and unless a Road Closure Permit has been obtained from the City Council. A violation of this Section shall be punishable as a Class 3 misdemeanor.
- (d) Applications for Road Closure Permits shall be made to the City Council on a form supplied by the Council no less than fourteen (14) days prior to the Event. It is encouraged, but not

required, that applications for Road Closure Permits be submitted to the City Council on the prescribed form thirty (30) or more days prior to the Event. The applicant must submit the documentation described in (b) with the Road Closure Permit application. The Road Closure Permit application shall be deemed incomplete if the applicant fails to secure and submit documentation of the required insurance. The City Council shall review a properly completed Road Closure Permit application as soon as reasonably possible and, absent grounds to deny the application as specified in this subsection, issue the Road Closure Permit signed by a member of the City Council. Such Road Closure Permit shall be issued no later than four (4) days before the Event is scheduled to take place. The applicant shall be notified of the date and time at which the City Council will meet and review the application and be invited to attend the meeting to receive the City Council's decision. If the application is denied, the City Council shall inform the applicant of the reason(s) for such denial and allow the applicant to appeal the denial at that meeting. If the applicant does not attend the meeting and the application is denied, the City Council shall notify the applicant of the denial and the reason(s) therefor immediately following the conclusion of the meeting. The City Council may not consider the content of speech in determining whether to authorize the closure of any public street. A Road Closure Permit may be denied by the City Council based upon only the following criteria:

- (1) The application for a Road Closure Permit, including any attachments or required additional submissions or documentation, is not fully completed and executed;
- (2) The timing of the Event and whether Permit applications for Events have already been submitted for the same date, time, and location that do not reasonably permit the additional occupancy of the later-in-time applicant's desired Event if the earlier applicant's application is approved;
- (3) The location of the Event and whether closing the road(s) requested materially inhibits the flow of traffic and unreasonably threatens public safety based on traffic counts of the road(s) sought to be closed;
- (4) Whether the Event and activities would be in compliance with other applicable laws;
- (5) Whether the level of public resources required to support the Event have been or reasonably will be secured by the event organizer prior to the start of the Event based on the size, time, and location of the Event;
- (6) Whether the Event is sponsored or co-sponsored by a City Department; and
- (7) Whether the Event would be likely to unreasonably disrupt or interfere with the rights of owners and occupiers of property abutting those portions of the street sought to be closed or persons having a right of ingress and egress from abutting property to the portions of the street sought to be closed.

**Sec. 20-184 – SOUND MAGNIFICATION AND SOUND PERMITS**

- (a) Sound magnification devices on the public ways of this City shall not be used unless a permit has been obtained, except in a manner consistent with this section. Sound permits may be issued in connection with permits for a Parade, Demonstration, or Street Event
- (b) Except for permitted devices, it shall be unlawful for any Demonstration, Parade, or Street Event to use or operate on or over any street within the City any sound magnification device including, but not limited to, any radio, phonograph, speaker, mechanical loudspeaker, amplifier, siren, public address system, bullhorn, or other similar mechanical device to produce, amplify, intensify, or reproduce sound at a level of volume greater than sixty (60) dB(A) measured from a distance of fifty (50) or more feet from the location from which the sound is emanating when such sound tends to cause an unreasonable disturbance to the peace, health, safety, or welfare of people in the vicinity or the community.
- (c) Reasonable restrictions may be placed on the volume of loudspeakers or other mechanical sound-magnifying devices used pursuant to any permit. Such restrictions shall not be based on the content of the speech to be emitted by the sound magnification device.
- (d) Any such operation of a sound magnification device shall be unlawful unless such loudspeaker or other mechanical sound-magnifying device shall be equipped with a meter by which the power output can be registered and determined, so that the volume may be limited in accordance with the restrictions hereinbefore specified.
- (e) No such equipment or device shall be used or operated on the streets of the City during the period between sunset and 9:00 a.m. Further, no such equipment or device shall be operated to produce magnified sounds along that portion of any street within the block where there is located any school, institution of learning, house of worship, or court, while the same are in session, or where any hospital, funeral home, or undertaking establishment is located, or where a funeral is being conducted at any place.
- (f) A violation of this Section shall be punishable as a Class 3 misdemeanor.

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**Sec. 2.** That this Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law and all ordinances in conflict herewith are hereby repealed.

This the \_\_\_\_ day of \_\_\_\_\_ 2023.

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Jennifer Talley, Mayor

ATTEST:

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Renee M. Ward, City Clerk