

ORDINANCE NO. 1135

AN ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD, ALABAMA, AS FOLLOWS:

Section 1. Short Title. This Ordinance shall be known and may be cited as the "Parade Ordinance of the City of Prichard."

Section 2. Definitions.

- (1) "City Clerk" is the City Clerk of the City of Prichard.
- (2) "City" is the City of Prichard.
- (3) "Parade" is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the City.
- (4) "Parade Permit" is a permit as required by this Ordinance.
- (5) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (6) "City Council" is the City Council of the City of Prichard.

Section 3. Permit Required. No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the City Council.

- (1) Exceptions. This Ordinance shall not apply to:
 - (a) funeral processions;
 - (b) students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;
 - (c) a governmental agency acting within the scope of its functions.

Section 4. Application. A person seeking issuance of a parade permit shall file an application with the City Clerk on forms provided by the City Clerk.

- (1) Filing Period. An application for a parade permit shall be filed with the City Clerk not less than seven (7) days nor more than thirty (30) days before the date on which it is proposed to conduct the parade.
- (2) Contents. The application for a parade permit shall set forth the following information:
 - (a) The name, address and telephone number of the person seeking to conduct such parade;
 - (b) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
 - (c) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
 - (d) The date when the parade is to be conducted;
 - (e) The route to be traveled, the starting point and the termination point;
 - (f) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles;
 - (g) The hours when such parade will start and terminate;
 - (h) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (i) The location by streets of any assembly areas for such parade;
 - (j) The time at which units of the parade will begin to assemble at any such assembly area or areas;
 - (k) The interval of space to be maintained between units of such parade;

- (1) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the City Clerk a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
- (m) Any additional information which the City Clerk shall find reasonably necessary to a fair determination as to whether a permit should issue.
- (3) Late Applications. The City Council, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than seven (7) days before the date such parade is proposed to be conducted.
- (4) Fee. There shall be paid at the time of filing the application for a parade permit a fee of \$5.00

Section 5. Standards for Issuance. The City Council shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the City;
- (3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of such parade will not interfere with the movement of fire-fighting equipment enroute to a fire;

- (6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- (7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;
- (8) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

Section 6. Notice of Rejection. The City Council shall act upon the application for a parade permit within three (3) days after the filing thereof. If the City Council disapproves the application, the City Clerk shall mail to the applicant within four (4) days after the date upon which the application was filed, a notice of the City Council's action, stating the reasons for denial of the permit.

Section 7. Alternative Permit. The Council, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three (3) days after notice of the action of the City Council, file a written notice of acceptance with the City Council. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this Ordinance.

Section 8. Notice to City and Other Officials. Immediately upon the issuance of a parade permit, the City Clerk shall send a copy thereof to the following:

- (1) The Chief of Police
- (2) The City Attorney
- (3) The Fire Chief
- (4) The General Manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.

Section 9. Contents of Permit. Each parade permit shall state the following information:

- (1) Starting time;
- (2) Minimum speed;
- (3) Maximum speed;
- (4) Maximum interval of space to be maintained between the units of the parade;

- (5) The portions of the streets to be traversed that may be occupied by the parade;
- (6) The maximum length of the parade in miles or fractions thereof;
- (7) Such other information as the City Council shall find necessary to the enforcement of this Ordinance.

Section 10. Duties of Permittee. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

- (1) Possession of Permit. The parade chairman or other person heading leading such activity shall carry the parade permit upon his person during the conduct of the parade.

Section 11. Public Conduct During Parades.

- (1) Interference. No person shall unreasonably hamper, obstruct, or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.
- (2) Driving Through Parades. No driver of a vehicle, street car or trackless trolley shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (3) Parking on Parade Route. The City Council shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The City Council shall cause the Chief of Police to post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

Section 12. Revocation of Permit. The City Council shall have the authority to revoke a parade permit issued hereunder upon failure of the applicants to comply with the standards for issuance and provisions herein set forth.

Section 13. Penalties. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not more than One Hundred (\$100.00) Dollars, and may, in addition, be sentenced to jail or hard labor for the City of Prichard for a period not to exceed six (6) months.

Section 14. Separability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provisions and such holding shall not affect the validity of the remaining portions hereof.

Section 15. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The repeal provided in this section shall not affect any offense or act committed before the adoption and publication of this ordinance.

Adopted this 20th day of May, 1968.

APPROVED:

W O Capp
Mayor

ATTEST:

Bessie H. Guttman
City Clerk