

ORDINANCE NO.: 2070

**PARADE PERMIT ORDINANCE OF
THE CITY OF PRICHARD, ALABAMA**

Section 1. Soliciting Persons to Engage in Unauthorized Parades, Processions, Etc. It shall be unlawful for anyone publicly to solicit persons to gather at any place for the purpose of engaging in a parade, procession or other public demonstration on the streets unless a permit for such parade, procession or other public demonstration has been previously secured as required by this ordinance or other ordinances of the city.

Section 2. Definitions. The following definitions shall apply for purposes herein.

- (a) Parade – A public procession including but not limited to caravans, cavalcades, honorary marches, motorcades, stream of marchers, walk of marchers, bands, and floats. ALL PARADES SHALL BE LIMITED TO A MAXIMUM OF FORTY (40) UNITS.
- (b) Floats – A decorated platform used to carry an exhibit in a parade, whether built or mounted on a vehicle or towed behind one.
- (c) Unit – For the purposes of this Ordinance, the following shall be considered a unit:
 - 1. Floats – Each float is one (1) unit.
 - 2. Tandem Floats — each float connected or joined to another float will count as an additional unit.
 - 3. Bands, Flag Corps, and JROTC - One (1) unit unless split., then each section is a unit.
 - 4. Auto Clubs - each vehicle is one (1) unit.
 - 5. Shriner's Keystone Kops and Clown Motorcycles - Up to four (4) motors shall be considered one (1) unit. Clown motorcycles shall not pass floats or bands.
 - 6. Other vehicles - Unless attached to a float, each vehicle not specifically mentioned herein shall be one (1) unit.
 - 7. Animals - each large animal (i.e. elephants) or each group of 5 smaller animals (i.e. 5 horses) shall be one (1) unit and any additional sheriff's posse other than the Prichard Auxiliary Mounted Police Posse or Mobile County Sheriff's Posse shall be one (1) unit.
 - 8. Miscellaneous Pedestrians – Each group of twenty (20), or any portion thereof, shall be one (1) unit.
 - 9. Dance Troupe – A group of 5 or more people dancing together in the parade under a unified theme. Each dance troupe shall be (1) unit, unless split., then each section is a unit.
 - 10. Color Guards – other than the primary one leading the parade shall be one (1) unit.

Section 3. Parade Permits. No person shall engage in, participate in, aid, form or start any parade or other public demonstration on the streets of the City of Prichard, unless a parade permit shall have been obtained from the police department.

Section 4. Application. A person seeking issuance of a parade permit shall file an application therefor with the police chief on forms provided by him that have been approved by the governing body of the City of Prichard.

Section 5. Application; Filing Period. An application for a parade permit shall be filed with the police department not less than ten (10) days nor more than thirty (30) days before the date on which it is proposed to conduct the parade.

Section 6. Application Contents. The application for a parade permit shall contain a form entitled "*Acknowledgment of Reception of Additional Rules, Regulations and Addendums*," which must be signed by the applicant prior to consideration of the application. Furthermore, 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 a 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 areas;
- (k) The interval of space to be maintained between units of such parade;
- (l) 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 police department a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf; and
- (m) Any additional information which the police department shall find reasonably necessary to a fair determination as to whether a permit should be issued.

Section 7. Late applications. The Mayor where good cause is shown therefor, shall have the authority to consider any application under the provisions of this article which is filed less than ten (10) days before the date such parade is proposed to be conducted.

Section 8. Permit Fee. There shall be paid at the time of filing the application for a parade permit, a nonrefundable fee in accordance with the following schedule:

- (a) For all parades other than Mardi Gras parades — Seventy-Five Dollars (\$ 75.00) per escorted unit, as prescribed by the Police Chief (Note: Minimum of Two (2) Escorts);
- (b) For all Mardi Gras parades (parades to be held between January 1 of each year and the day commonly known as Ash Wednesday — One Thousand and Five Hundred Dollars (\$ 1,500.00) per organization.

Section 9. Permits - Standards for Issuance. The police department shall issue a permit as provided for under the provisions of this Ordinance when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

- (a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) The conduct of such parade will not interfere with the movement of firefighting equipment in route to a fire;
- (f) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- (g) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (h) 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 10. Action by Police Department; Notice of Denial. The police department shall act upon the application for a parade permit within five (5) days after the filing thereof. If the police department disapproves the application, the police chief shall mail to the applicant within six (6) days after the date upon which the application was filed a notice of the police department's action, stating the reasons for denial of the permit.

Section 11. Alternative Permit. The police department, 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 alternative permit shall, within three (3) days after notice of the action of the police department, file a written notice of acceptance with the police chief. An alternative parade permit shall conform to the requirements of and shall have the effect of a parade permit under this article.

Section 12. Notice of Issuance to City and Other Officials. Immediately upon the issuance of a parade permit, the police chief shall send a copy thereof to the following:

- (a) The city clerk;
- (b) The city attorney;
- (c) The city council;
- (d) The council attorney;
- (e) The fire chief;

Section 13. Contents of Permit. Each parade permit shall state the following information:

- (a) Starting time;
- (b) Maximum speed;
- (c) Maximum interval of space to be maintained between the units of the parade
- (d) The portions of the streets to be traversed that may be occupied by the parade
- (e) The maximum length of the parade in miles or fractions thereof;
- (f) Such other information as the police department shall find necessary to the enforcement of this article.

Section 14. Duties of Permittee; Possession of Permit. A permittee under the provisions of this Ordinance shall comply with all Permit directions and conditions and with all applicable laws and ordinances. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

Section 15. Duties of Permittee; Possession of Permit. Permittee, as a condition to the issuance of permit, shall execute any applicable insurance and hold harmless agreements with the City of Prichard prior to the issuance of a permit. For which, Permittee, among other provisions and recitals, shall indemnify and otherwise hold harmless the City, its affiliates, its elected officials, officers, employees, and volunteers against all claims, damages or liability arising out of or in connection with the activities permitted by or related to the issuance of said permit.

Section 16. Repealer. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

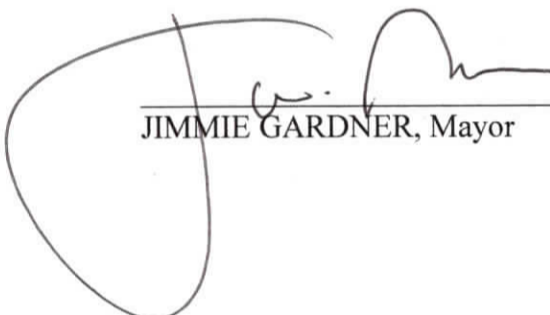
Section 17. Severability. Should any part, section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

Section 18. Effective Date. This Ordinance Shall be effective immediately upon its adoption and publication as required by law.

ADOPTED this the 11th day of April 2019.


DERRICK GRIFFIN, Council President

APPROVED this the 11th day of April 2019.


JIMMIE GARDNER, Mayor

ATTEST:


KIM GREEN, City Clerk