

ORDINANCE NO. 1136

AN ORDINANCE.

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

Section 1. Definitions. In this ordinance the following words, terms, and phrases wherever used in said ordinance shall have the meaning respectively ascribed to them in this section, unless the context indicates a contrary meaning:

"Unlawful Act", an act contrary to a law of the State of Alabama or the City of Prichard punishable by fine or imprisonment, or both;

"City", The City of Prichard and its police jurisdiction;

"Street", any public street or public avenue, public road or public alley or sidewalk of the City;

"Unlawful Assembly", an assembly which is unlawful according to the Common Law of England, or Section 407, Title 14, Code of Alabama of 1940, as amended, or any other Alabama Act or Statute;

"Police Officer", any member of the Police Department of the City or any member of the Fire Department of the City engaged in assisting policemen in law enforcement, or any other person who at the request of an officer of the City or of a policeman is engaged in assisting policemen in law enforcement.

Section 2. If two or more persons meet together in any street or public place to commit a breach of the peace or to do any unlawful act, each of them shall, on conviction, be punished as herein provided...

Section 3. If three or more persons meet together in any street or public place upon a common cause to violate an ordinance of the City and make advances toward the violation thereof they shall be deemed guilty of a riot and, on conviction, shall be punished as provided herein.

Section 4. 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 ordinances of the City.

Section 5. It shall be unlawful for any person or number of persons to stand, loiter, walk or run upon any street so as to obstruct free passage thereon; and it shall be unlawful for any person to stand or loiter upon any street after having been requested by any police officer to move on. It shall be unlawful for any person participating in any demonstration to lie prone on any street or in any public place unless he does so because of sickness or physical incapacity.

Section 6. It shall be unlawful for any person participating in any demonstration on any street or public place to shout, sing or engage in any boisterous conduct in such manner as to disturb the peace and tranquility of the community.

Section 7. Those who participate in any demonstration on any sidewalk shall be spaced a distance of not less than ten feet apart; and not more than six persons shall demonstrate at any one time before the same place of business or public facility.

Section 8. Where there is an unlawful assembly on any street or in any public place, it shall be the duty of the police officer present to command the persons comprising such unlawful assembly to disperse and retire peacefully to their respective abodes and businesses. If there be more than one such police officer present, the command shall be given by the superior officer or by one or more persons deputized by him to give the command. In no case shall it be necessary to use any set or particular form or words in ordering the dispersion of any unlawful assembly. Nor shall such command be necessary where the person in order to give it would necessarily be put in imminent danger of loss of life or great bodily harm, or where such unlawful assembly or riot is engaged in the commission or perpetration of a felony, or in assaulting or attacking any police officer, or is otherwise engaged in actual violence to any person or property.

Section 9. Any person comprising a part of any unlawful assembly on any street or in any public place, who, after being duly commanded to disperse as hereinabove provided, willfully and intentionally fails to do so shall, upon conviction, be punished as hereinafter provided.

Section 10. Any person who unlawfully assaults or throws any missile against or at any police officer shall, upon conviction, be punished as hereinafter provided.

Section 11. When any missile is thrown from an assembly at any police officer, it shall forthwith be the duty of every person in the assembly from which the missile is thrown, immediately to disperse or retire therefrom, without awaiting any order to do so; and any person, who, knowing that a missile has been thrown from any such assembly, fails, without lawful excuse, to retire immediately from such assembly shall, upon conviction, be punished as hereinafter provided in this ordinance.

Section 12. Whenever the Chief of Police has good reason to believe that an unlawful assembly, on a street or in a public place is in progress, or is planned to be held, it shall be lawful for the Chief of Police, if he has good reason to believe that it is necessary to prevent a breach of the peace, a disorder or a riot, to prohibit for the time being persons

from occupying or passing on any street, or public place where such breach of the peace, disorder or riot is threatened or is believed by the Chief of Police likely to occur, and to otherwise regulate passage or occupancy upon such street and place. In the absence of the Chief of Police from the Police Headquarters, the officer in command of said headquarters, in the absence of the Chief of Police, shall have all authority conferred by any section of this ordinance on the Chief of Police. In order to be absent within the meaning of this ordinance it shall not be necessary that the chief of Police be absent from the City or that he be off duty. If he is not physically present in said headquarters then that officer in command of said headquarters while the Chief of Police is not present therein shall have all authority conferred by this ordinance on the Chief of Police.

The Chief of Police, or in his absence the officer mentioned in the next foregoing sentence, may deputize any member of the Police Department to impose the prohibitions or regulations upon occupying or passing on streets or public places hereinabove provided for. Any person after being duly informed of such prohibition or regulation who willfully and intentionally, without lawful excuse, attempts to go after being warned not to do so or who remains on any such street or public place and fails to depart after being warned to do so, shall, upon conviction, be punished as hereinafter provided in this ordinance.

Section 13. The Chief of Police may, if he deems it advisable, prescribe a reasonable distance in the vicinity of any jail or other place where prisoners are held within which persons shall not come without the permission of the officer in charge of such jail or place; and any person who knowingly and willfully, without lawful excuse, coming within such limits without the aforesaid permission and refusing to retire after being ordered to do so by a police officer of the city of Prichard, shall, upon conviction, be punished as hereinafter provided in this ordinance.

Section 14. It shall be unlawful for any person to take part in or otherwise participate in any demonstration within any public building.

Section 15. This ordinance shall apply within the City of Prichard and the police jurisdiction thereof.

Section 16. This ordinance shall not be construed to repeal any ordinance of the City or to authorize or permit any act prohibited by the laws of the State of Alabama or of the City of Prichard.

Section 17. Any person who violates any provision of this ordinance or does any act made unlawful hereunder or fails to perform any duty or do any act required by this ordinance shall, upon conviction, be punished by a fine of not exceeding \$100.00 or by imprisonment in the city jail or at hard labor for the City for not exceeding six months or by both such fine and imprisonment.

Section 18. Should any provision of this ordinance be held invalid it shall not affect the validity of the remaining provisions.

Section 19. This ordinance shall take effect upon its adoption and publication.

Adopted this 20th day of May, 1963.

APPROVED:

V. O. Capps /s/
Mayor

ATTEST:

Berniece H. Centanne /s/
City Clerk