FILED in Avery County,
on Jun 19 2003 at 11:52:51 AM
by: Tamela T. Baker
Register of Deeds
BOOK 367 PAGE 2157

County of Avery

Ordinance for Parades, Demonstrations and Street Events
(Article 1100)

√ Nancy Cook

1100: This ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A (counties authority)

1100.1 - **Permits Required**

(a) The term "parade" as used in this section is defined as an assemblage of One or more "persons" participating in or operating any vehicle 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. Pickets, etc., as defined below;
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 county 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 Sheriff's Department.

1100.2: **Procedures For Obtaining Permit**

(a) Applications for a parade permit shall be made in writing at least seventy-two (72) hours and not more than one hundred eighty (180) days before the time at which the parade be scheduled to begin and shall contain the following information:

(1) The name, if any, of the organization or group sponsoring or proposing parade;
(2) The location or locations in the county where the parade is proposed to take place;
(3) The date and hours for which permit is sought;
(4) The name of the person applying for the permit;
(5) Whether or not persons below the age of eighteen (18) years are expected to participate; and
(6) The person or persons to be in charge of the activity and who will accompany it and carry permit at all times.

(b) Upon receipt of an application properly completed and timely filed as hereinabove set out, the designated officer shall immediately issue a permit consistent with the standards prescribed herein. The permit shall contain all information stated on the application and shall be signed by the issuing officer.
(c) Participants in a parade are required to abide by the terms of the parade permit. Willful violation thereof is unlawful.
(d) Fee for permits is as follows:

(1) One parade per year: free
(2) 2nd – 5th parade during the year: $100 per parade
(3) 6th – 10th parade during the year: $250 per parade
(4) 11th and over during the year: $500 per parade

(e) Permits shall be issued by the Sheriff's Department. It will be the Sheriff's Department option as to whether or not to be on site during the parade.

1100.3: **Standards for Conduct of Parades**

The following standards shall apply to all parades conducted in the county:

(a) No parade or part thereof may be conducted on the streets of the county prior to 9:00 a.m. or after 9:00 p.m.
(b) Every parade shall follow a route approved by the County Manager. The County Manager shall approve no route, which is incompatible with the preservation of public health, safety and welfare. The County Manager's disapproval of a route may be appealed to the County Commission.
(c) No vicious animal whether leashed or unleashed shall participate in or Proceed along the route of a parade.

1104.4: **Revocation of Permit**

The Sheriff's Department or his designated agent may revoke any permit granted for a parade if:

(a) Any person violates the standards for the conduct of paraded 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.

1100.5: **Picketing Defined**

The terms picket, pickets and picketing as used herein are deemed to include "demonstrators," persons participating in vigils and any action primarily

promoting or objecting to a policy upon those portions of the public ways not used primarily for vehicular parking and moving traffic and not constituting a parade.

1100.6: **Picketing Permitted; Notice of Intent and Receipt Required**

Peaceful picketing shall be permitted in the county provided the same is done Under the following conditions:

(a) No picketing shall be conducted on the public ways of the county and no Person shall participate in the same unless notice of intent to picket has been given to the Sheriff's Department or his designated representative, and unless a receipt of such notice has been issued.

(b) Notice of intent to picket shall be given in writing and shall contain the following information,

(1) The name, if any, of the organization or group sponsoring or proposing To picket;
(2) The location or locations in the county where the pickets propose to assembly and demonstrate;
(3) The date on which the picketing is to occur:
(4) The name of the person and organization giving notice of intent to picket;
(5) Whether or not persons below the age of eighteen (18) years are expected To participate;
(6) The approximate number of people in participation;
(7) The person or persons to be in charge of the activity and who will accompany it and carry any receipt of notice at all times.

(c) The fee schedule for picketing is as follows:

(1) One picket (8 hours): Free (per calendar year)
(2) 2nd and 5th picket by the same person(s)/group: $100 per ticket
(3) 6th and 10th picket by the same person(s)/group: $250 per ticket
(4) 11th and more pickets by the same person(s)/group: $500 per picket

(d) Picketing shall be conducted only on sidewalks state right of way or county Owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on a portion of any street used primarily for vehicular traffic.

(e) Picketers shall observe the right of non-picketers to utilize the public rights-of way for passage on foot and shall at all times keep the public rights-of way free and clear for utilization by other pedestrian movement.

(f) It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual.

(g) Upon the giving of notice of intent to picket, properly completed as hereinabove set out, the designated officer (Sheriff's Department) shall immediately issue a receipt of notice. The receipt shall contain all information stated in the notice.

(h) Picketers shall maintain a distance of 200 feet any entrance of businesses or privately owned facilities. Picketers shall maintain a distance of 150 feet from any county or state owned buildings or facilities.

1100.7: **Standards of Conduct For Picketing Activities**

(a) Picketing shall be conducted only on portions of the public ways not used primarily for vehicular parking or moving traffic.
(b) Picketers may carry written or printed placards or signs not exceeding twenty-four (24) inches promoting the objective for which picketing is done provided the words used would not tend to incite violence.
(c) Picket/demonstration material must be covered to and from protest site.
(d) Picketers must, if marching, march in single file, not abreast, and may not march closer together than fifteen (15) feet, except in passing one another. Pickets not marching shall remain at least fifteen (15) feet apart. Whenever the free passage of any street or other public area in the county shall be obstructed by picketers or a crowd, persons picketing or the crowd shall disperse or move along when directed to do so by a law enforcement officer of the county.
(e) No one will be allowed to reconvene after dispersement of the Demonstration. A parade demonstration and street event permit will be required for each day of the event.
(f) If pickets promoting different objectives, causes, actions or policies desire to use a sidewalk that is already used for picketing, the Sheriff's Department shall allot a number of pickets promoting each objective, to use such sidewalk, on an equitable basis, proportionate to the number of objectives being promoted.
(g) Pickets 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 anyway 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; or pedestrian or vehicular traffic.
(h) No person observing, engaging in, or assisting in picketing shall bring to or Allow to remain in the immediate area of picketing any vicious animal.

(i) It shall be unlawful for anyone to picket without filing a notice as required herein or without being issued a receipt of such notice.
(j) On site protection by the Sheriff's Department is solely at the discretion of the Sheriff and is not a requirement of this ordinance.
(k) The provisions of 1100.5 – 1100.7 are mandatory, and not merely directory, failure to comply with the provisions of these sections is hereby declared to be unlawful and punishable as provided by law.

1100.8: **Interference With Pickets 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 pickets in the use of the sidewalk or to address profane, indecent, abusive, or threatening language to or at those picketers which would tend to provoke the picketers or others to a breach of the peace.
(b) The law enforcement officers of the county may, in the event of the assemblage of persons in such numbers as to tend to intimidate pickets pursuing their lawful objective through numbers alone or through use of inflammatory words, direct the dispersal of persons so assembled and may arrest any person who fails to absent himself from the place of such assemblage when so directed by the police.
(c) Whenever the free passage of any street or sidewalk in the county shall be obstructed by a crowd, whether or not the crowd assembles as a result of or in connection with picketing, the person or persons composing such crowd shall disperse or move on when directed to do so by a law enforcement officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a law enforcement officer as herein provided.

1100.9: **Violations of this Ordinance Punishable**

(a) Any violation of any provisions of this ordinance shall constitute a class three Misdemeanor pursuant to G.S. 14-4 and shall subject the violator to a fine not to exceed $500.00. Enforcement shall be administered through the issuance of a citation on the North Carolina Uniform Citation Form (AOC-CR-501).

(b) In addition to criminal sanctions as set forth in (a), or in lieu therefore, the violation of this ordinance shall subject the violator(s) to a civil penalty as set forth herein.

(c) The violators shall be issued a written notice of violation and penalty which shall require payment to be made to the County Manager within 72 hours of receipt of notice by the violator. Notice of the civil penalty and violation shall

be delivered in person to the violator or mailed by certified mail, return receipt requested, to the violator's last known address.

(d) Upon the violator's failure to pay the required amount within the designated 72 hour period, the enforcement officer acting through the County Attorney may institute a civil action in the nature of debt to recover such amount.

(e) It is the express intent of this section to be in addition to or in the alternative to the alternative to the criminal penalties stated herein.

(f) Violation of the ordinance shall subject the violator to a civil penalty not to exceed $1000.00, the specific amount to be determined by the enforcing officer taking into consideration the nature and severity of the offense and prior violations.

Adopted this 19th day of May, 2003.

Kenny R Poteat

Kenny Poteat, Chairman
Avery County Board of Commissioners

ATTEST: Nancy H. Cook

Nancy H. Cook, Clerk to the Board

AVERY CO. N. C. } OFFICE OF REGISTER OF DEEDS
Filed for registration at 11:52 o'clock A M.
on the 19th day of June 20 03
and registered in this office in book 367
at page 2157
Reg. of Deeds Tamela T. Baker by Kimberly D. Laws · Deputy