

**AN ORDINANCE TO ADOPT A NEW CHAPTER 95 OF THE
ROXBORO CODE OF ORDINANCES**

THE CITY COUNCIL OF THE CITY OF ROXBORO ORDAINS:

Chapter 95, "Group Demonstrations and Special Events," of the Roxboro City Code is hereby repealed and replaced with a new Chapter 95 that reads as follows:

**CHAPTER 95: PICKETS, PARADES, PUBLIC ASSEMBLIES,
AND SPECIAL EVENTS**

Article I. Pickets, Parades, and Public Assemblies.

SECTION 95.01 Definitions.

The following words, terms or phrases, when used in this Article, shall have the meanings ascribed to them in this Section except where the context clearly indicates a different meaning.

- (a) *Appeals official* means the City manager, or his designee who shall be an assistant City manager.
- (b) *Athletic Event* means any event involving the conduct of exercises, sports or games.
- (c) *Business Days* means those days in which City offices are open for conducting City business.
- (d) *Chief of Police* means the Chief of Police of the City of Roxboro, or his designee.
- (e) *Festival* means a concert, fair, exhibition, promotion, community event, block party, or similar event.
- (f) *Parade* means any athletic event, ceremony, pageant, march, picket, procession, motorcade or other similar activity consisting of persons, animals, vehicles or things, or a combination thereof proceeding along any sidewalk or along the traveled portion of any street within the City in such a manner as to interfere with the normal flow of vehicular or pedestrian traffic upon such sidewalk or street, and which activity is intended, in whole or in part, to exercise freedom protected under the First Amendment of the United States Constitution. A procession in which individuals move single-file along a sidewalk shall not be regarded as interfering with the normal flow of pedestrian traffic along such sidewalk.

- (g) *Parade/assembly permit* means a permit as required by this Article in order to conduct a parade or public street or sidewalk assembly regulated by this Article.
- (h) *Picket* or picketing means the stationing of one or more persons by standing, walking, lying, sitting, kneeling, bending, or in any other similar manner, at a particular place within the City with the purpose of persuading or otherwise influencing another person's actions or conduct or of apprising the public of any opinion or message, excluding purely casual, random, or other everyday forms of communication or conduct.
- (i) *Public assembly* means (i) any festival held generally in one location upon any sidewalk or upon the traveled portion of any street within the City in such a manner as to interfere with the normal flow of vehicular or pedestrian traffic upon such sidewalk or street, and which activity is intended, in whole or in part, to exercise freedom protected under the First Amendment of the United States Constitution or (ii) any organized company of persons, or a picket, for a common purpose as a result of prior planning that is collected together generally in one location upon any sidewalk or upon the traveled portion of any street within the City in such a manner as to interfere with the normal flow of vehicular or pedestrian traffic upon such sidewalk or street, and which activity is intended, in whole or in part, to exercise freedom protected under the First Amendment of the United States Constitution. For purposes of this definition, the phrase "held generally in one location" or "collected together generally in one location" means that such festival or activity is conducted generally in a fixed area as opposed to proceeding along the street or sidewalk in such a manner as to constitute a parade. A festival or other organized company of persons or a picket in which the participants do not obstruct or occupy more than one-half of a sidewalk, such that other pedestrians may use the sidewalk for its intended purpose, shall not be regarded as interfering with the normal flow of pedestrian traffic along such sidewalk.
- (j) *Sidewalk* means that portion of the street right-of-way that is designated for the use of pedestrians and that is paved.
- (k) *Street* means any place or way set aside or open to the general public for purposes of vehicular traffic, including any curb, berm, shoulder, right-of-way, or median strip, but not including the sidewalk.

SECTION 95.02. Regulations for Pickets and Picketing

- (a) For purposes of this Section, the following definitions shall apply:

- (i) *Private residence* means a single-family dwelling, duplex, or multi-family dwelling within the City;
 - (ii) *Directed, focused, or targeted at* means that a particular private residence is being made the sole object of picketing, and the picketing takes place solely on that portion of the street or sidewalk that abuts on the property upon which the targeted residence is located or solely on that portion of any street or sidewalk that abuts on property within fifty feet (measured from the lot line) of the property upon which the particular private residence is located, except the sidewalk on the opposite side of the street from the targeted residence.
- (b) It shall be unlawful for any person to engage in picketing that is directed, focused, or targeted at a particular private residence.
 - (c) It shall be unlawful for any person participating in any picket to carry or possess any staff or pole for purposes of displaying any sign, poster, flag, banner, plaque or notice unless the staff or pole (i) is made of corrugated material, plastic, or wood (and not made of metal or metal alloy); (ii) is less than 41 inches in length; (iii) is one-fourth inch (1/4") or less in thickness and two inches (2") or less in width, or if not generally rectangular in shape, does not exceed three-fourths inch (3/4") in its thickest dimension; and (iv) is blunt at both ends.
 - (d) It shall be unlawful for any person participating in any picket to carry or possess any sign, poster, flag, banner, plaque or notice, whether or not mounted on a length of material as specified in paragraph (c) of this Section, unless such sign, poster, flag, banner, plaque, or notice is constructed or made of a cloth, paper, cardboard, rubber, or plastic material.
 - (e) Picketers, pickets, and picketing shall be subject to all other applicable local, state and federal laws.
 - (f) Picketers, pickets, and picketing shall not take place in any street or road used by vehicular traffic, any highway, road or street median, or any "safety zone" as defined in N.C. Gen. Stat § 20-4.01 (39), unless a parade or public assembly permit has been obtained under section 95.03 below.
 - (g) A picket or picketing that is not prohibited by this Section and that otherwise fits the definition of a parade or public assembly shall be subject to the regulations for parades and public assemblies in Sections 95.03 through 95.15 of this Chapter.

SECTION 95.03 Permit Required for Parades and Public Assemblies.

(a) No parade or public assembly is permitted unless a permit has been first obtained from the Chief of Police allowing the parade or public assembly pursuant to this Article.

(b) A person seeking to obtain a parade/assembly permit shall file an application with the Chief of Police on forms provided by such official.

(c) A person seeking to obtain a parade/ assembly permit which requires a street closing or otherwise requires police officers to stop or reroute vehicular traffic upon any street because the participants will not comply with normal traffic regulations or controls shall file an application with the Chief of Police at least 72 hours before the time for which the parade or public assembly is proposed to commence. A person seeking to obtain a permit for any other parade or public assembly shall file an application with the Chief of Police at least 48 hours before the time for which the parade or public assembly is proposed to commence. Notwithstanding the preceding sentences, the Chief of Police shall consider an application for a parade/assembly permit which is filed within any shorter time-frames from those prescribed above where the purpose of the parade or public assembly is a spontaneous response to a current event, or where other good and compelling causes are shown.

(d) The application for a parade/assembly permit shall include the following:

- (1) The name, address, and telephone number (and pager number, facsimile number, and email address, if available) of the person seeking to conduct the parade or public assembly, and the name, address, and telephone number (and facsimile number and email address, if available) of the organization with which the person is affiliated or on whose behalf the person is applying to conduct the parade or public assembly (collectively “Applicant”);
- (2) The name, address, and telephone number (and pager number, facsimile number, and email address, if available) for an individual who shall be designated as the “responsible planner and on-site manager” of the parade or public assembly;
- (3) The requested date, time, place, and route (from starting point to ending point) of the parade or public assembly, including the location where and time when the parade or public assembly will assemble and disband, and any requested sidewalk or street closings;
- (4) The anticipated number of persons, vehicles, and things that will constitute the parade or public assembly (including the basis on which this estimate is made), and a description of the vehicles and things that will be part of the parade or public assembly;

- (5) A list of the number and type of animals that will be part of the parade or public assembly;
 - (6) A description of the extent to which the parade or public assembly will occupy all or a portion of any street or sidewalk;
 - (7) A general description of the activities planned during the parade or public assembly, including whether any alcoholic beverages will be sold or consumed;
 - (8) A general description of any recording equipment and sound amplification equipment, along with a general description of the size and composition of any banners, signs, flags, or other attention-getting devices to be used in connection with the parade or public assembly;
 - (9) Arrangements for additional police protection, and/or additional emergency medical services, and/or liability insurance, if required under Section 95.04;
 - (10) The approximate number of anticipated spectators of the parade or public assembly; and
 - (11) Any additional information, attachments and submissions that are requested on the application form.
- (e) A parade/assembly permit issued under this Chapter shall include the information set out in paragraph (d) of this Section, which information shall constitute conditions of the permit to the extent such information sets out the time, place, and manner of the parade or public assembly.

SECTION 95.04 **Police Protection.**

(a) The Chief of Police shall determine whether and to what extent additional police protection (including additional emergency medical services) may reasonably be necessary for the parade or public assembly for traffic control and public health and safety. The Chief of Police shall make this determination based on an objective consideration of the following factors (and in no case upon the speech content of the proposed parade or public assembly or upon any anticipated public reaction to such speech content):

- (1) The size, location, duration, time and date, composition, format, configuration, and number of anticipated participants in and anticipated spectators of the proposed parade or public assembly;

- (2) The expected sale of goods or services at the proposed parade or public assembly, including alcoholic beverages if applicable;
- (3) The extent to which the parade or public assembly requires the closing of any street or sidewalk or portion thereof, taking into account the general traffic conditions in the area and existing traffic control devices;
- (4) The need to detour, reroute, or otherwise preempt normal vehicular or pedestrian traffic upon any street or sidewalk or portion thereof to accommodate the proposed parade or public assembly;
- (5) The anticipated weather conditions at the time of the proposed parade or public assembly; and
- (6) The extent to which the proposed parade or public assembly is reasonably likely to require emergency medical services or police protection in areas contiguous to or in the surrounding vicinity of the proposed parade or public assembly.

(b) Regularly scheduled on-duty police officers of the City will police the parade or public assembly if the use of these resources would not impair or disrupt ordinary police services throughout the City or otherwise compromise the public's health or safety. However, if additional police officers or additional emergency medical services are deemed necessary by the Chief of Police for the proposed parade or public assembly in light of his/her objective assessment of the factors in paragraph (a) of this Section, the Chief of Police shall inform the applicant for the parade/assembly permit of (i) the number of additional police officers and/or additional emergency medical personnel needed for the event, (ii) the time-period when those services will be needed, and (iii) the specific reasons for why the additional police protection and/or emergency medical services are deemed necessary. The applicant then shall have the duty to hire and pay for the additional police protection and/or additional emergency medical services, or reimburse the City for the actual costs of providing those additional services, and that duty or the obligation to reimburse the City shall become part of the conditions of the parade/assembly permit.

(c) Persons engaging in parades or public assemblies conducted solely and entirely for the purpose of freedoms protected under the First Amendment are not required to pay for the additional police protection or additional emergency medical services set out in paragraph (b) of this Section, or to provide the insurance set out in paragraph (e) of this Section.

(d) Notwithstanding the foregoing, the City may provide the additional police and/or emergency medical services required by paragraph (b) of this Section at no cost, or at a reduced cost, to the applicant should the City desire to provide such support to the parade or public assembly.

(e) The applicant for any parade or public assembly that requires the hiring of and paying for additional police protection and/or additional emergency medical services under paragraph (b) of this Section shall, as part of the conditions of the parade/assembly permit:

- (1) Obtain a comprehensive general liability insurance policy or comparable liability insurance policy that names the City as an additional insured and that has property damage coverage of at least \$50,000 for each occurrence and bodily injury or death coverage of at least \$100,000 for each person and of at least \$300,000 for each occurrence;
- (2) Agree to indemnify the City against any additional or uncovered third-party claims against the City arising out of the event; and
- (3) Agree to reimburse the City for any damage to City property.

SECTION 95.05. Permitting Criteria

(a) The Chief of Police shall issue a parade/public assembly permit when, from a consideration of the application and from such other information as may otherwise be obtained, he/she makes all of the following findings:

- (1) The conduct of the parade or public assembly will not substantially or unnecessarily interfere with the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location; and, if such interference is likely to occur, that there are available at the time of the parade or public assembly sufficient police resources to mitigate the interference;
- (2) There will be available at the time of the parade or public assembly a sufficient number of police officers and traffic control aids to police and protect participants and non-participants at the parade or public assembly and in areas contiguous to the event from traffic-related hazards in light of other demands for police protection in the City at the time of the proposed parade or public assembly;
- (3) The concentration of persons, animals, vehicles, or things at the parade or public assembly will not prevent proper fire and police protection or emergency medical services at the event or in areas contiguous to the parade or public assembly;
- (4) The parade or public assembly will not interfere with the use of a sidewalk or street requested by another applicant to whom a valid parade/assembly permit application has already been granted or has been received and will be granted;

- (5) The applicant has secured the additional police protection and/or additional emergency medical services and/or insurance required under Section 95.04(b) and (e);
 - (6) No parade/public assembly permit application for the same time but at a different location has already been granted or has been received and will be granted, and the police resources required for the prior parade or public assembly are not so great that, in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the health or safety of persons or property;
 - (7) No other public event is scheduled elsewhere in the City where the police resources required for that event are so great that the deployment of police services for the proposed parade or public assembly would have an immediate and adverse effect upon the health or safety of persons or property; and
- (8) The application is fully and completed and executed; and
- (9) The application contains no material falsehood or misrepresentation.

SECTION 95.06. Non-Discrimination.

Applications for parade/assembly permits shall be processed and decided upon on a first-in-time basis, and the Chief of Police shall consider each application upon its merits and shall not discriminate in granting or denying any permit based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds, or upon the content of any speech protected by the First Amendment or upon any anticipated public reaction to such speech content.

SECTION 95.07. Notice of Decision on Application.

(a) The Chief of Police shall make his/her written decision granting or denying a fully completed and executed parade/assembly permit application (or granting an alternative permit under Section 95.08) within three business days after the application has been received by him/her, but in no event less than 24 hours before the time for which the parade or public assembly is proposed to commence. If the application under Section 95.03 is filed within any shorter time-frames than those prescribed in Section 95.03, then the Chief of Police shall make a decision on the application before the time for which the parade or public assembly is proposed to commence.

(b) As soon as practicable after the written decision on the permit application has been made, the Chief of Police shall notify the applicant of the decision (i) by the

most expeditious means practicable (i.e., by telephone, facsimile, or email), and (ii) by mailing a copy of the decision to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the decision has been made. If the decision is to deny the application or grant an alternative permit, the notification to the applicant shall include the written reasons for the denial of the permit or for the grant of an alternative permit.

SECTION 95.08. Alternative Permit.

(a) If the Chief of Police denies an application for a parade/assembly permit because he/she decides against one or more of the required findings in subparagraphs (a) (1) through (7) of Section 95.05, the Chief of Police shall authorize the conduct of a parade or public assembly on a date, at a time, at a location or over a different route from that named by the applicant. This alternative permit shall, to the extent practicable, authorize a parade or public assembly that will have comparable public visibility and a similar date, time, location, or route to that of the proposed event. An applicant desiring to accept an alternative parade/assembly permit shall, within at least 24 hours before the time for which the alternative parade or public assembly will commence, file a written notice of acceptance with the Chief of Police.

(b) An alternative parade/assembly permit shall contain the information called for in paragraph (d) of Section 95.03, which information shall constitute conditions of the alternative parade/assembly permit to the extent such information sets out the time, place, and manner of the alternative parade or public assembly.

SECTION 95.09 Sale and Consumption of Alcoholic Beverages

(a) No alcoholic beverages may be sold or consumed except at an athletic event or festival event for which a parade/assembly permit has been issued under this Article, and if the Chief of Police determines that such sale or consumption will not pose an unreasonable adverse risk to the public health, safety, and welfare.

(b) For any such event where alcoholic beverages will be sold and consumed, the responsible planner and on-site manager of the event shall ensure that an area within the event area is designated for the sale and consumption of alcoholic beverages. The perimeters of the area shall be clearly marked, and the entrance to the area shall be constructed so as to allow ready control of patrons, including the viewing of identification to prevent underage persons from being permitted into the area.

(c) Any area designated for the sale and consumption of alcoholic beverages as a part of such event shall be located at least 150 feet from any church, mosque, synagogue or other place of worship.

(d) No alcoholic beverages may be sold or consumed as a part of such event outside of the designated area.

(e) Prior to the beginning of such event, the responsible planner and on-site manager shall ensure that all necessary State or other permits relating to the sale and consumption of alcoholic beverages have been secured.

(f) All persons lawfully selling, purchasing and consuming alcoholic beverages within a designated area during such event are exempt from the requirements of Roxboro Code of Ordinances Section 111.01(A).

SECTION 95.10. Appeal Procedure.

(a) An applicant may appeal the denial of a parade/assembly permit in writing to the City Manager's office within ten business days after notice of the denial has been received by the applicant. Within five business days (or such longer period of time agreed to by the applicant) after the City has received the written appeal, the appeals official shall hold a quasi-judicial hearing on whether to issue the permit or uphold the denial. The applicant shall have the right to present evidence at this hearing. The decision to issue the permit or uphold the denial shall be based solely on the approval criteria set forth in Section 95.05, and the burden of proof to uphold the denial shall be on the Chief of Police by a preponderance of the evidence. The appeals official shall render a written decision on the appeal within five business days after the date of the hearing. Where the purpose of the proposed parade or public assembly is a spontaneous response to a current event, or where other good and compelling causes are shown, the appeals official shall reasonably attempt to conduct the hearing and render a decision on the appeal as expeditiously as is practicable.

(b) The decision of the appeals official is subject to review in the Superior Court of Person County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the clerk of superior court within 30 days after the applicant has received notice of the decision of the appeals official. Unless good cause exists to contest a petition for writ of certiorari, the City shall stipulate to certiorari no later than five business days after the petitioner requests such a stipulation. The City shall transmit the record to the court no later than five business days after receiving the order allowing certiorari. Notwithstanding the provisions of any local rule of the reviewing court that allows for a longer time period, the City shall serve its brief upon the petitioner within 15 days after it is served with the petitioner's brief. If the petitioner serves his or her brief by mail, the City shall add three days to this time limit, in accordance with North Carolina General Statute 1A-1, Rule 5. If the local rule is subsequently amended to provide for a shorter time period for serving any brief, then the shorter time period shall control.

SECTION 95.11. Duties of Applicant and Responsible Planner and On-Site Manager.

(a) The applicant and responsible planner and on-site manager of the parade or public assembly shall comply with all conditions of the parade/public assembly permit issued pursuant to this Article and with all other applicable local, state, and federal laws.

(b) The individual designated as the responsible planner and on-site manager of the parade or public assembly shall carry the parade/assembly permit upon his person during the conduct of the parade or public assembly.

SECTION 95.12. Prohibitions.

The following prohibitions shall apply to all parades and public assemblies:

(a) It shall be unlawful for any person to stage, present, or conduct any parade or public assembly without first having obtained a permit under this Article.

(b) It shall be unlawful for any person to participate in a parade or public assembly for which the person knows a permit has not been granted.

(c) It shall be unlawful for any participant in a parade or public assembly to knowingly fail to comply with any conditions of the parade/assembly permit.

(d) It shall be unlawful for any person participating in any parade or public assembly to carry or possess any staff or pole for purposes of displaying any sign, poster, flag, banner, plaque or notice unless the staff or pole (i) is made of corrugated material, plastic, or wood (and not made of metal or metal alloy); (ii) is less than 41 inches in length; (iii) is one-fourth inch (1/4") or less in thickness and two inches (2") or less in width, or if not generally rectangular in shape, does not exceed three-fourths inch (3/4") in its thickest dimension; and (iv) is blunt at both ends.

(e) It shall be unlawful for any person participating in any parade or public assembly to carry or possess any sign, poster, flag, banner, plaque or notice, whether or not mounted on a length of material as specified in paragraph (d) of this Section, unless such sign, poster, flag, banner, plaque, or notice is constructed or made of a cloth, paper, cardboard, rubber, or plastic material.

(f) It shall be unlawful to assign or sell any parade/assembly permit granted under this Article.

(g) All participants in any parade or public assembly shall be subject to all other applicable local, state and federal laws.

SECTION 95.13. Public Conduct During Parades or Public Assemblies.

(a) No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or public assembly or with any person, vehicle, animal, or thing participating or used in a parade or public assembly.

(b) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade or public assembly. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation of such signs.

SECTION 95.14. Revocation of Permit.

(a) The Chief of Police shall have the authority to revoke a parade or public assembly permit instantly upon violation of any conditions of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the parade or public assembly would have an immediate and adverse effect upon the health or safety of persons or property.

(b) After a permit is revoked under paragraph (a) this Section, the Chief of Police shall notify the applicant of the reasons for the revocation in writing by mailing a copy of the revocation to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the revocation.

SECTION 95.15. Penalties.

A violation of any section or subsection of this Article shall be subject to a civil penalty of \$500.00 to be recovered in the nature of a debt or by a misdemeanor punishable by up to a \$500.00 fine as provided in Section 14-4 of the N.C. General Statutes.

Article II: Special Events

SECTION 95.16 Activities Covered.

(a) This article applies to all street fairs, festivals, athletic events, carnivals, parades, marches, rallies, or other similar activities or public events not intended in whole or in part to exercise freedom protected under the First Amendment of the United States Constitution, and that require the temporary closing or obstruction of a street, sidewalk, or other public right-of-way or any segment thereof or that otherwise substantially hinder or prevent the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way. Any such activity covered by this article shall hereafter be referred to as a “special event.”

(b) This article shall not apply to:

- (1) An activity occurring entirely on property owned by Person County or another unit of government;

- (2) Funeral processions;
- (3) Students going to and from school or participating in an educational activity where such activity is under the immediate supervision and direction of proper school authorities; or
- (4) A governmental agency acting within the scope of its functions.

SECTION 95.17 Permit Required.

No person may run, operate, or sponsor any special event in any public street or right-of-way without a permit obtained from the City Council in accordance with this article.

SECTION 95.18

- (a) A person seeking to obtain a special event permit shall file an application with the City Manager on a form provided by the Manager no less than 60 days before the date the special event activity will commence. The following information shall be contained in the application:
 - (1) The name, address, and telephone number (and pager number, facsimile number, and email address, if available) of the person seeking to conduct the special event, and the name, address, and telephone number (and facsimile number and email address, if available), of the organization with which the person is affiliated or on whose behalf the person is applying to conduct the special event (collectively “Applicant”);
 - (2) The name, address, and telephone number (and pager number, facsimile number, and email address, if available) for an individual who shall be designated as the “person in charge” or “responsible planner and on-site manager” of the special event;
 - (3) The requested date, time, place, and route (from starting point to ending point) of the special event, including the location where and time when the special event will assemble and disband, and any requested sidewalk or street closings;
 - (4) The anticipated number of persons, vehicles, and things that will constitute the special event (including the basis on which this estimate is made), and a description of the vehicles and things that will be part of the special event;

- (5) A list of the number and type of animals that will be a part of the special event;
 - (6) Any barriers or traffic control devices that will be erected; and the location of fire hydrants and electrical hook-ups, as well as the location of proposed concession stands, booths, platforms, benches or bleachers, toilet facilities and garbage facilities;
 - (7) A description of the extent to which the special event will occupy all of a portion of any street or sidewalk;
 - (8) A general description of the activities planned during the special event, including whether any alcoholic beverages will be sold or consumed, and a sketch map of where such beverages will be sold and consumed.
 - (9) A general description of any recording equipment and sound amplification equipment, along with a general description of the size and composition of any banners, signs, flags, or other attention-getting devices to be used in connection with the special event;
 - (10) Arrangements for additional police protection, and/or additional emergency medical services and/or liability insurance, if required under Sections 95.19 and 95.24;
 - (11) The approximate number of anticipated spectators of the special event;
 - (12) Any additional information, attachments and submissions that are requested on the application form.
- (b) A special event permit issued under this article shall include the information set out in paragraph (a) of this Section, which information shall constitute conditions of the permit to the extent such information sets out the time, place, manner and conditions of the special event.
- (c) The sponsor of a special event that consists of a series of activities spread over more than one day shall be required to obtain only one permit, which will cover the entire duration of the special event. This subsection applies only to special event activities lasting four months or less.

SECTION 95.19 Fees; Costs Incurred by the City.

- (a) At the time a permit application is submitted, the sponsor must pay a fee to cover the cost of advertising the public hearing provided for in Section 95.21. This fee is included in the fee schedule set by the City Manager.

(b) Additionally, if the city is required to provide additional police protection and/or additional emergency medical services or any other extraordinary services or equipment or if the City Manager otherwise determines that such additional police/emergency medical services or other extraordinary services or equipment should be provided for reasons related to public health or safety, the Council shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act to make available the necessary funds for the provision of such services or equipment.

(c) The Council may require the sponsor to provide additional police/emergency medical services or to pay the city a fee sufficient to reimburse the city for providing additional police/emergency medical services or for providing the costs of any extraordinary services or equipment provided by the City.

SECTION 95.20 Staff Review.

Under receipt of the permit application and applicable fees, the City Manager shall circulate it to the Chief Building Inspector, Planning and Development Director, Public Service Director, Finance Director, Fire Chief, Chief of Police and any other appropriate persons for their comment. The City Manager may arrange to have a conference on the application with the sponsor and/or applicant and one or more of the department heads listed above.

SECTION 95.21 Notice and Public Hearing.

(a) Before issuing a permit, the City Council shall hold a public hearing on the permit application. This hearing may be held at any regular or special meeting of the Council.

(b) Notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

SECTION 95.22 Standards for Issuance of Permit.

(a) The Council shall issue the permit authorizing the requested special event activity unless it finds that:

- (1) The conduct of the activity will require the assignment of so many police officers that the remainder of the city cannot adequately be protected; or
- (2) The activity will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other

emergency services cannot be adequately provided throughout the city; or

- (3) Allowing the activity to be held would constitute a clear and present danger to the public health or safety; or
- (4) The activity, if held at the time or location proposed, will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or
- (5) The activity will work a severe hardship on property owners or property occupants near the special event location as a result of the denial of access to their properties or for other substantial reasons; or
- (6) The person in charge and/or the sponsor of the activity has failed to obtain or does not intend to obtain any and all necessary permits or licenses, including but not limited to building permits, privilege licenses, and alcohol permits, or the application is otherwise in violation of any provision of the Roxboro Code of Ordinances or other applicable law; or
- (7) If permitted, the activity will conflict with any other activity previously permitted under this chapter by covering any part of substantially the same area or route during substantially the same time frame as allotted to the previously permitted activity.

(b) The Council may attach any reasonable conditions to the issuance of a permit; and any special event conducted pursuant to a permit issued under this Article shall be conducted strictly in accordance with the terms of the permit, including any conditions attached to the permit.

SECTION 95.23 Modification; Alternate Permit.

(a) If the Council finds that it cannot issue the permit for any reason specified in section 95.22 of this Article, it may request that the applicant modify its application to remove said objection(s) to the issuance of the permit, and the applicant may do so without further notice or hearing.

(c) If the Council finds that it cannot issue the permit for any reason specified in section 95.22 of this Article and if modification of the permit does not appear possible, the Council may, in its discretion, issue a permit specifying an alternative, location, route or time for special event activity.

SECTION 95.24 Insurance.

The Council may require as a condition to the issuance of a permit that the sponsor obtain a comprehensive general liability insurance policy or comparable liability insurance coverage that includes the entire area or route of the special event activity. If such policy is required, the city shall be named as an additional insured on the policy. The limits of such policy shall not be less than the following, and the Council may require higher limits if it finds that the risks associated with the activity warrant such higher limits:

Property Damage	\$50,000 for each occurrence.
Bodily Injury or Death	\$100,000 for each person, \$300,000 for each Occurrence.

SECTION 95.25 City Indemnified.

Any sponsor obtaining a permit pursuant to this article agrees as a condition of the permit to indemnify the city and hold the city harmless from any expenses, including but not limited to attorney's fees, litigation costs and judgments, incurred as a result of claims made for damages arising out of the permitted activity.

SECTION 95.26 Street Closings.

(a) If the Council finds that the permit should be issued and that to conduct the special event activity it is necessary to close a street to reroute traffic, it may pass a resolution authorizing this to be done. No such resolution shall be passed affecting streets that are part of the State Highway System without the approval of the North Carolina Department of Transportation.

(b) A resolution passed pursuant to subsection (a) shall identify the street or portion thereof and shall indicate the date and time when the street or portion thereof is to be closed or access is to be limited in some way. The resolution shall also direct the City Manager to have appropriate traffic control devices installed to give notice of the temporary traffic restrictions.

(c) No person may operate any vehicle contrary to the traffic control devices installed in accordance with this section.

(d) At least seven (7) days prior to the start of any special event activity, the City Manager shall cause written notice to be provided to the occupants, or if they are unavailable the owners, of each property abutting the street(s) to be closed pursuant to a resolution passed under this section. For activities that are scheduled to occur less than seven (7) days after the permit application has been submitted, the City Manager need only provide such notice as is reasonably possible.

SECTION 95.27 Person in Charge/Responsible Planner and on-site Manager.

(a) The person in charge shall be the person primarily responsible for complying with the requirements of this Article; for obtaining all required permits and/or approvals prior to the start of the special event activity, and for setting up, conducting, and cleaning up after the activity.

(b) The person in charge shall have the permit issued pursuant to this article, as well as any other required permits or approvals necessary for the activity, available at all times for inspection by city staff during the special event activity.

(c) The person in charge shall be responsible for cleaning up any litter caused by the special event activity; removing any temporary signs or structures erected by the sponsor or other individuals or organizations participating in the activity; and in returning the area where the activity takes place to the condition that existed prior to the activity.

SECTION 95.28 Special Events Involving the Sale and Consumption of Alcoholic Beverages.

(a) For any special event where alcoholic beverages will be sold and consumed, the person in charge of the event shall ensure that an area within the special event area is designated for the sale and consumption of alcoholic beverages. The perimeters of the area shall be clearly marked, and the entrance to the area shall be constructed so as to allow ready control of patrons, including the viewing of identification to prevent underage persons from being permitted into the area.

(b) Any area designated for the sale and consumption of alcoholic beverages as a part of a special event shall be located at least 150 feet from any church, mosque, synagogue or other place of worship.

(c) No alcoholic beverages may be sold or consumed as a part of a special event outside of the designated area for such sale or consumption.

(d) Prior to the beginning of the special event, the person in charge shall ensure that all necessary state or other permits relating to the sale and consumption of alcoholic beverages have been secured.

(e) All persons lawfully selling, purchasing and consuming alcoholic beverages within a designated area during a special event are exempt from the requirements of Roxboro Code of Ordinances Section 111.01(A).

(f) Nothing in this article shall prevent the City Council from prohibiting the sale and/or consumption of alcoholic beverages at any special event if the Council determines that such sale or consumption is not in the best interests of the health, safety, and welfare of the City.

SECTION 95.29 Prohibitions.

The following prohibitions shall apply to all special events:

(a) It shall be unlawful for any person to stage, present, or conduct any special event without first having obtained a permit under this Article.

(b) It shall be unlawful for any person to participate in a special event for which the person knows a permit has not been granted.

(c) It shall be unlawful for any participant in a special event to knowingly fail to comply with any conditions of the special event permit.

(d) It shall be unlawful to assign or sell any special event permit granted under this Article.

(e) All participants in any special event shall be subject to all other applicable local, state and federal laws.

SECTION 95.30 Public Conduct During Special Events.

(a) No person shall unreasonably hamper, obstruct, impede, or interfere with any person, vehicle, animal, or thing participating or used in any special event.

(b) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a special event. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation of such signs.

SECTION 95.31 Revocation of Permit.

(a) The City Council, the City Manager, or the Chief of Police shall have the authority to revoke a special event permit instantly upon a violation of any conditions of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the health or safety of persons or property.

(b) After a permit is revoked under paragraph (a) this Section, the Chief of Police shall notify the applicant of the reasons for the revocation in writing by mailing a copy of the revocation to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the revocation.

SECTION 95.32 Penalties.

A violation of any section or subsection of this Article shall be subject to a civil penalty of \$500.00 to be recovered in the nature of a debt or by a misdemeanor punishable by up to a \$500.00 fine as provided in Section 14-4 of the N.C. General Statutes.

[This area has been intentionally left blank]

The effective date of this Ordinance is the date of its adoption on the 12 day of September, 2006.

Steven G. Joyner, Mayor

ATTEST:

Trevie Adams, City Clerk