

# **Kernersville Police Department Notice of Intent to Protest Application Information Packet**

**(Reference Ordinance Chapter 12, Article I)**

**The Notice of Intent must be completed and returned to the Office of the:  
Chief of Police  
134 East Mountain Street  
Kernersville, NC 27284**

## ***Notice of Intent Process***

1. Please review Ordinance. (attached).
2. Please complete the Kernersville Police Department Notice of Intent to Protest or Picket Application. (Attached) *Please note that a notice is required only when six (6) or more individuals will be involved in the protest or picket. While not required individuals may notify the police and are encouraged to do so when less than six (6) are protesting or picketing.*
3. The Notice must be completed in its entirety and filed within **48** hours before the beginning of the protest or picket.
4. Upon receipt of completed notification, the Chief of Police or the designee of the Chief shall issue a Notice of Receipt.
5. The organizer of a protest or picket shall be responsible for maintaining the receipt and shall present it when so requested by a law enforcement officer or other city official.
6. If additional information is needed please contact: 336-996-2390.

ARTICLE I. PICKETING

**ARTICLE I. PROTESTS AND PICKETING**

**Sec. 12-1. Definitions.**

The following words, terms and 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:

*Protests, Picket or picketing* means any individual or group of individuals who is making a public display or demonstration of sentiment for or against a person or cause, including protesting which may include the distribution of leaflets or handbills, the display of signs and any oral communication or speech, which may involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive.

*Sidewalk* means that portion of the street right-of-way which is designated for the use of pedestrians and may be paved or unpaved and shall include easements and rights of ways.

*Street* means the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter or right, for the purposes of vehicular traffic, including that portion that is known as the shoulder of the roadway and the curb. The terms "highway" and "street" and similar names are synonymous as used herein.

**Sec. 12-2. Notice of intent to picket.**

- (a) *Notification required.* The organizer of a protest or picket that the organizer knows, or should reasonably know will be by a group of 6 or more individuals shall give notice of intent to protest or picket to the Chief of Police, or the designee of the Chief, at least 48 hours before the beginning of the protest or picket. The notice of intent to protest or picket shall include the following information:
- (1) The name, address and contact telephone number for the organizer of the protest or picket;
  - (2) The name, address and contact telephone number of the person giving notice of intent to protest or picket if different from the organizer;
  - (3) The name of the organization or group sponsoring the protest or picket;
  - (4) The location(s) where the protest or picket is to take place;
  - (5) The date and time the protest or picket will begin and end; and
  - (6) The anticipated number of participants, and the basis on which this estimate is made.
- (b) *Receipt of notification.* Upon notice of intent to protest or picket given in accordance with subsection (a), the Chief of Police, or the designee of the Chief, shall immediately issue a receipt of notice. The receipt shall contain all information stated in the notice. The organizer of a protest or picket shall be responsible for maintaining the receipt, and shall present it when so requested by a law enforcement officer or other city official.

ARTICLE I. PICKETING

- (c) It shall be unlawful for any person to violate any provision of this section.

**Sec. 12-3. Protesting or Picketing regulations.**

The following regulations apply to any individual or group of individuals engaged in protests, picket or picketing as defined herein in Section 12-1:

- (a) Protesting or picketing may be conducted on public sidewalks, at the Town Hall lawn, , any other Town-controlled park, or other Town-owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on the portion of the public roadway used primarily for vehicular traffic.
- (b) Notwithstanding subsection (a), protesting or picketing may not be conducted:
- (1) On a median strip; or
  - (2) At a location directed, focused, or targeted at a particular private residence.
- (c) Protesting or picketing shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.
- (d) Written or printed placards or signs, flags, or banners must be carried by individuals engaged in protesting or picketing and signs/placards/banners shall not exceed 24 inches by 36 inches and flags shall not exceed 3 feet by 5 feet. Each person engaged in the protest or picket shall only carry one such printed placard, sign, flag or banner. The staff or pole on which a sign, flag, or banner may be carried shall be made of corrugated material, plastic, or wood, and shall not exceed 40 inches in length and shall not be made of metal or metal alloy. If made of wood, the staff or pole shall be no greater than three-fourths inch in diameter at any point. A staff or pole must be blunt at both ends.
- (e) If more than one group of protestors or picketers desire to picket at the same time at or near the same location, law enforcement officers may, without regard to the purpose or content of the message, assign each group a place to protest or picket in order to preserve the public peace. Members of a group shall not enter an area assigned to another group. Priority of location shall be based upon which group of protestors or picketers arrived first.
- (f) Spectators of protestors or pickets shall not physically interfere with individuals engaged in picketing. Protestors, picketers and spectators of protestors or pickets shall not speak fighting words or threats that would tend to provoke a reasonable person to a breach of the peace.
- (g) Protestors, picketers, protesting and picketing shall be subject to all applicable local, state and federal laws including, but not limited to:
- (1) The Town's noise ordinance;
  - (2) Section 14-225.1 (obstructing justice);
  - (3) Section 14-277.2 (weapons);

Chapter 12 – PARADES, PICKETS AND GROUP DEMONSTRATIONS

ARTICLE I. PICKETING

- (4) Section 14-277.4 (health care facilities); and
  - (5) Section 14-288.4 (disorderly conduct).
- (h) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with North Carolina General Statute § 14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more persons.
- (i) It shall be unlawful for any person to violate any provision of this section.

Secs. 12-4 – 12-19. Reserved

---

S:\TOK\Recodification 2009\Parade Research\Chapter 12-Parades Pickets FINAL.docx



## Kernersville Police Department

### Notice of Intent to Protest or Picket

**Date of Event:**

**Day of Event:**

**Time of Event:**

In accordance with Chapter 12, Section 2(a), entitled Notification Required, the organizer of a protest or picket that the organizer knows, or should reasonably know will be by a group of **6 or more** individuals shall give notice of intent to protest or picket to the Chief of Police or the designee of the Chief, at least **48 hours** before the beginning of the protest or picket. The notice of intent shall include the following information:

**Organizer Name:**

Organizer Address:

City:

Phone:

**Name of Persons Giving Notice (If different than organizer):**

Address:

City:

Phone:

**Name of Organization or Groups Sponsoring Protest/Picket:**

Location(s) Protest/Picket Will Take Place	Date & Time	
1.	Begin:	End:
2.	Begin:	End:
3.	Begin:	End:
4.	Begin:	End:

**Anticipated number of Participants and basis on which this estimate is made:**

**ALL PERSONS INVOLVED ARE RESPONSIBLE FOR FULL COMPLIANCE WITH ALL APPLICABLE LAWS AND ORDINANCES**

*A receipt will be issued and the organizer of the protest or picket shall be responsible for maintaining the receipt and shall present it when so requested by a law enforcement officer or other city official.*

**Please do not write below this line – For Official Use Only**

Received By:

Date & Time Received:

Reviewed By:

Date & Time Reviewed: