

Kernersville Police Department Public Assembly and Parade Application Information Packet

(Reference Ordinance Chapter 12, Article II)

**This Application Packet must be completed and returned to the Office of
the:**

**Chief of Police
134 East Mountain Street
Kernersville, NC 27284**

Application Process

1. Please complete the Kernersville Police Department Parade or Public Assembly Application Form. (Attached)
2. The application must be completed in its entirety and filed within 30 days of your planned event.
3. A non-refundable application fee (as applicable) is due with the application.
4. All applications will be reviewed and a decision to approve or deny an application will be made within 20 days of receipt of application.
5. If off-duty officers are required, as determined by the permitting official, a Secondary Employer Memorandum of Understanding must be completed prior to the event date. This form can be obtained online at <http://www.toknc.com> or at the Police Department between the hours of 8:00 – 5:00 M-F.
6. If an application is denied, the applicant may appeal the denial or revocation in writing within ten days after notice of the denial has been received. Within five business day, or such longer period of time agreed to by the applicant, the appeals official shall hold a quasi-judicial hearing on whether to issue the permit or uphold the denial or revocation. (Additional information is available within the attached Ordinance.)
7. If additional information is needed please contact: 336-996-2390.

ARTICLE II. PUBLIC ASSEMBLIES AND PARADES

Sec. 12-20. 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:

Appeals official means the Town Manager.

Demonstration means a public display of sentiment for or against a person or cause, including protesting.

Festival means an outdoor concert, fair, community event, or similar event that is primarily commercial and/or recreational in nature.

Parade means an athletic event, march, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street. A funeral procession is not a parade.

Permit official means the person or persons designated by the Town Manager as being responsible for issuing and revoking permits under this article. The Town Manager may designate different persons as the permit official for different categories of permitted events and for different facilities or locations.

Public assembly means:

- (1) A festival or demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; and
- (2) A festival on the Town Hall lawn, in Harmon Park or any other Town-controlled park.

Sec. 12-21. Public assembly and parade permits.

- (a) *Permit required.* No public assembly or parade is allowed unless a permit for such activity has been obtained, and remains unrevoked, pursuant to this section. The Ordinance establishing the Annual Spring Folly in Chapter 5, Article III of this Code of Ordinances shall be deemed to be a grant of a permit for a festival and the requirements stated therein shall preclude those found herein this ordinance.
- (b) *Permit application.* An application for a public assembly or parade permit shall be made in writing on a form prescribed by the Permit official at least 30 days before the commencement of the event. Notwithstanding the preceding sentence, the permit official shall consider an application that is filed less than 30 days before the commencement of the proposed event where the purpose of such event is a spontaneous response to a current event, or where other good and compelling causes are shown.

The application must contain the following:

- (1) The name, address, and telephone number for the person in charge of the proposed event and the name of the organization with which that person is affiliated or on whose behalf the person is applying (collectively "applicant");
- (2) The name, address, and telephone number for an individual who shall be designated as the responsible planner and on-site manager for the event;
- (3) The date, time, place, and route of the proposed event, including the location and time that the event will begin to assemble and disband, and any requested street closings;

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- (4) The anticipated number of persons and vehicles, and the basis on which this estimate is made;
 - (5) A list of the number and type of animals that will be at the event and all necessary health certificates for such animals;
 - (6) Such other information, attachments, and submissions that are requested on the application form; and
 - (7) Payment of a nonrefundable application fee established by the Board of Aldermen in the annual Schedule of Fees and Charges.
 - (8) Certificate of insurance indicating that the applicant has, or will have, in place for the duration of the permit period, liability insurance with a minimum limit of one million dollars (\$1,000,000.00) for the premises and all activities conducted thereon.
- (c) *Permitting criteria.* An application may be denied or revoked for any of the following reasons:
- (1) The application is not fully completed and executed;
 - (2) The applicant has not tendered the required application fee or has not tendered other required user fees, indemnification agreements, insurance certificates, or security deposits within times prescribed;
 - (3) The application contains a material falsehood or misrepresentation;
 - (4) The applicant is legally incompetent to contract or to sue and be sued;
 - (5) The applicant has on prior occasions made material misrepresentations regarding the nature or scope of an event;
 - (6) The applicant has previously permitted a violation or has violated the terms of a public assembly or parade permit issued to or on behalf of the applicant;
 - (7) The applicant has on prior occasions damaged Town property and has not paid in full for such damage;
 - (8) A fully executed prior application for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple simultaneous events;
 - (9) The proposed event would conflict with previously planned programs organized, conducted, or sponsored by the Town and previously scheduled at or near the same time and place;
 - (10) The proposed event would present an unreasonable danger to the public health or safety;
 - (11) The proposed event would substantially or unnecessarily interfere with traffic;
 - (12) The event would likely interfere with the movement of emergency equipment and police protection in areas contiguous or in the vicinity of the event.
 - (13) There would not, at the time of the event, be sufficient law enforcement and traffic control officers to adequately protect participants and non-participants from traffic related hazards in light of the other demands for police protection at the time of the proposed event;
 - (14) The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations concerning the sale or offering for sale of any goods or services;
 - (15) The use or activity intended by the applicant is prohibited by law;
 - (16) For non-First Amendment protected public assemblies or parades, the following criteria shall also apply:
 - a. The cultural and/or educational significance of the event;

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- b. The extent to which the event contributes to the economic revitalization and business development of the Town;
- c. The impact and/or cost of the event to Town support services;
- d. The impact of the event to the public health, safety and welfare;
- e. The impact of the event on business and resident populations within or adjacent to the proposed event site;
- f. The evaluation of any previous event produced by the event organizer with regard to planning, number of attendees, quality, public safety, and payment of invoices;
- g. The frequency and timing of the event or similar events.

Unless subject to (c)(16), nothing in this section shall authorize the permit official to deny or revoke a permit based upon political, social, or religious grounds or reasons, or based upon the content of the views expressed.

The permit official may attach reasonable conditions to any permit approval.

- (d) *Costs and fees.* The applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers to appropriately police street closures. For festivals, the applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers and fire/EMS personnel, or reimbursing the Town for the costs of providing on-duty law enforcement officers and fire/EMS personnel, to provide internal festival safety and security.

The permit official, in consultation with the Town Police and Fire Rescue departments, shall determine the number of officers and fire/EMS personnel needed to appropriately police street closures and for internal safety and security, and the time when such services shall commence and end, taking into consideration the following:

- (1) The proposed location of the special event or route of the parade;
- (2) The time of day that the public assembly or parade is to take place;
- (3) The date and day of the week proposed;
- (4) The general traffic conditions in the area requested, both vehicular and pedestrian. Special attention is given to the rerouting of the vehicles or pedestrians normally using the requested area;
- (5) The number of marked and unmarked intersections along the route requested, together with the traffic control devices present;
- (6) If traffic must be completely rerouted from the area, then the number of marked and unmarked intersections and the traffic control devices are to be taken into consideration;
- (7) The estimated number of participants;
- (8) The estimated number of viewers;
- (9) The nature, composition, format and configuration of the special event or parade;
- (10) The anticipated weather conditions;
- (11) The estimated time for the special event or parade;
- (12) For festivals, whether live music will be offered, or retail sales stations provided, and the number and location of music stages, and retail stands.

In addition, for festivals, the applicant shall reimburse the Town for the costs of providing street and sidewalk cleaning, trash receptacle placement, trash removal, and trash disposal.

Notwithstanding the foregoing, the Town may provide the services required by this subsection at no cost, or at a reduced cost, to the applicant should the Town desire to provide such support to the public

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assembly or parade. Such action is not a waiver of a regulatory requirement based upon political, social, or religious grounds or reasons, or based upon the content of the views expressed, but instead is an affirmative act of Town association or speech.

- (e) *Time and notice of decision.* The permit official shall approve or deny an application within 20 days of receipt. A notice of denial or revocation shall clearly set forth the grounds upon which the permit was denied or revoked and, where feasible, shall contain a proposal for measures by which the applicant may cure any defects in the application or otherwise procure a permit. Where an application is denied because the proposed event would conflict with another event that has or will be approved, the permit official shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place.
- (f) *Appeals.*
 - (1) An applicant may appeal the denial or revocation of an application in writing within ten days after notice of the denial has been received. Within five business days, or such longer period of time agreed to by the applicant, the appeals official shall hold a quasi-judicial hearing on whether to issue the permit or uphold the denial or revocation. The applicant shall have the right to present evidence at said hearing. The decision to issue or uphold the denial or revocation shall be based solely on the approval criteria set forth in this section. The appeals official shall render a decision on the appeal within five business days after the date of the hearing. In the event that the purpose of the proposed event 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.
 - (2) The decision of the appeals official is subject to judicial review.
- (g) It shall be unlawful for any person to violate any provision of this section or to violate any term or condition of a permit issued pursuant to this section.

Sec. 12-22. Public assembly and parade regulations.

- (a) It shall be unlawful to unreasonably hamper, obstruct, impede, or interfere with a public assembly or parade, or with any person, vehicle, or animal participating or used in the public assembly or parade.
- (b) It shall be unlawful for the operator of a motor vehicle to drive between vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (c) Spectators of a public assembly or parade and persons attending or participating in a public assembly or parade picketing shall be subject to all applicable local, state and federal laws including, but not limited to G.S. § 14-277.2 (weapons).
- (d) 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.

Secs. 12-23—12-30. Reserved.



Kernersville Police Department

Public Assembly or Parade Permit Application

In accordance with the Town's Public Assembly Ordinance, this application must be filed within 30 days of your planned event. A decision to approve or deny an application will be made within 20 days or receipt.

Date of Event:

Day of Event:

Time of Event:

A certificate of Insurance, indicating that the applicant has, or will have, in place for the duration of the permit period, liability insurance with a minimum limit of \$1,000,000.00 for the premises and all activities conducted is required.

Applicant is responsible for hiring and paying off-duty officers or reimbursing the Town for the costs of providing on-duty officers as required by permit official.

Name of the Person in charge of the proposed event:

Address:

City:

Phone:

Name of the Affiliated Organization:

Address:

City:

Phone:

Name of the person designated as the responsible planner and on-site manager of the event:

Address:

City:

Phone:

Name of the organization to whom this permit is to be issued:

Address:

City:

Phone:

Route to be Traveled

From:

To:

To:

To:

To:

To:

To:

Finish:

Approximate number of:

People:

Animals:

Vehicles:

Information Required: A list of the number and type of animals at the event and all necessary health certificates for each animal are required. Please attach.

Parade will begin at (Time):

And End at (Time):

Will the parade occupy all or only a portion of the width of the streets to be traveled? (Mark one of the following)

All:

Portion Only:

Sidewalk Only:

Location by streets or any assembly area or areas for the parade:

I have reviewed and will comply with Chapter 12 of the Kernersville Code of Ordinances pertaining to the operations and conduct of public assemblies and parades.

Kernersville Police Department Approval:

Applicant Signature

Chief of Police or Designee

Date of application:

Date of approval:

Internal Use Only

Received By:

Date Received:

Secondary Employment Needed?

Reviewed By:

Date Reviewed:

Yes:

No:

Kernersville Police Department Parade Permit Application Checklist

(For Internal Use Only)

<input type="checkbox"/>	Parade Permit Fee Paid (as applicable)
<input type="checkbox"/>	Parade Permit Application Fully Completed
<input type="checkbox"/>	Certificate of Insurance Attached
<input type="checkbox"/>	Health Certificate Provided for Animals
<input type="checkbox"/>	Secondary Employer MOU Completed (if required)