

ORDINANCE NO. 611

AN ORDINANCE REGULATING PARADES AND OTHER SIMILIAR USES OF PUBLIC PLACES; AUTHORIZING THE CHIEF OF POLICE TO RECEIVE APPLICATIONS AND ISSUE PERMITS; PROVIDING STANDARDS FOR ISSUANCE THEREOF; ESTABLISHING PROCEDURE FOR APPEAL UPON REJECTION OF APPLICATION; REQUIRING COMPLIANCE WITH PERMIT CONDITIONS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ROANOKE, ALABAMA:

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "Parade Ordinance of the City of Roanoke".

SECTION 2. Definitions.

(1) "Chief of Police" is the Chief of Police of the City of Roanoke, Alabama.

(2) "City" is the City of Roanoke, Alabama.

(3) "Parade" is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display in or upon any street, park or other public place in the City.

(4) "Parade Permit" is a permit as required by this Ordinance.

(5) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

SECTION 3. Permit Required.

(1) No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the Chief of Police.

(2) Exceptions. This Ordinance shall not apply to:

(a) Funeral processions;

(b) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;

(c) A governmental agency acting within the scope of its functions.

SECTION 4. Application. A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by such officer.

(1) Filing period. An application for a parade permit shall be filed with the Chief of Police not less than 10 days nor more than 30 days before the date on which it is proposed to conduct the parade.

AAE858

(2) Contents. The application for a parade permit shall set forth the following information:

- (a) The name, address and telephone number of the person seeking to conduct such parade.
- (b) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
- (c) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
- (d) The date when the parade is to be conducted;
- (e) The route to be traveled, the starting point and termination point;
- (f) The approximate number of persons who, and animals which, will constitute such parade; the type of animals, and description of the vehicles;
- (g) The hours when such parade will start and terminate;
- (h) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- (i) The location by streets of any assembly areas for such parade;
- (j) The time at which units of the parade will begin to assemble at any such assembly area or areas;
- (k) The interval of space to be maintained between units of such parade;
- (l) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade authorizing the applicant to apply for the permit on his behalf.
- (m) Any additional information which the Chief Police shall find reasonably necessary to a fair determination as to whether a permit should issue.

(3) Late Applications. The Chief of Police, where good cause is shown therefor, shall have the authority to consider, but shall not be required to grant, any application hereunder which is filed less than 10 days before the date such parade is proposed to be conducted.

(4) Fee. There shall be paid at the time of filing the application for a parade permit a fee of \$25.00.

SECTION 5. Standards for Issuance. The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information

as may otherwise be obtained, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(2) The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the area contiguous thereto as to prevent normal police protection of the City other than that to be occupied by the proposed line of march and areas contiguous thereto;

(3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the proposed line of march and areas contiguous thereto;

(4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of such parade will not interfere with the movement of fire-fighting equipment enroute to a fire;

(6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;

(8) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

(9) Except when a regularly organized and identified high school, college or armed forces marching band, is an integral unit of the parade, the parade will not occupy more than one-half the width of Main Street while traversing Main Street. "Main Street" means or includes East Main Street and North Main Street.

(10) A proper application containing the required information has been timely filed.

SECTION 6. Notice of Rejection. The Chief of Police shall act upon the application for a parade permit within 2 days after the filing thereof. If the Chief of Police disapproves the application, he shall mail to the applicant within 3 days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.

SECTION 7. Appeal Procedure. Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Council. The appeal shall be taken by filing with the

AAE858

City Clerk a written notice of appeal within 2 days after notice. The City Council shall act upon the appeal within 3 days after its receipt.

SECTION 8. Alternative Permit. The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within 2 days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under, this Ordinance.

SECTION 9. Notice to City Officials. Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

- (1) The Mayor;
- (2) The City Attorney;
- (3) The Fire Chief.

SECTION 10. Contents of Permit. Each parade permit shall state the following information:

- (1) Starting time;
- (2) Minimum speed;
- (3) Maximum speed;
- (4) Maximum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade.
- (6) The maximum length of the parade in miles or fractions thereof.
- (7) Such other information as the Chief of Police shall find necessary to the enforcement of this Ordinance.

SECTION 11. Duties of Permittee.

- (1) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- (2) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

SECTION 12. Public Conduct During Parades.

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

(2) Driving Through Parades. No driver of a motor driven vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(3) Parking on Parade Route. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street un-posted in violation of this Ordinance.

SECTION 13. Revocation of Permit. The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth.

SECTION 14. Penalties. 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 not exceeding \$500.00 or by imprisonment in the city jail or at hard labor for the City of Roanoke, not exceeding six months, or by both such fine and imprisonment.

SECTION 15. Separability. Should any provision of this Ordinance be held invalid it shall not affect the validity of the remaining provisions.

SECTION 16. Effective Date. This Ordinance shall take effect upon its adoption and publication.

Adopted and approved this _____ day of _____,
1983.

ATTEST:

MAYOR

CITY CLERK

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CERTIFICATION

I, Olin E. Sheppard, as the City Clerk of the City of Roanoke, Alabama, hereby certify that the foregoing ordinance, No. 611, was passed and adopted by the Mayor and City Council for the City of Roanoke, Alabama on the 14th day of November, 1983 and was herein recorded and was published in the Randolph Leader of general circulation on the 16th day of November, 1983.

City Clerk

CITY TAX ORDINANCE NO. 612

TO LEVY TAXES FOR THE CITY TAX YEAR COMMENCING OCTOBER 1, 1983.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROANOKE, ALABAMA, AS FOLLOWS:

Section 1: That taxes are hereby levied for the City of Roanoke, Alabama, on all real and personal property and other properties and franchises located or taxable in the city of Roanoke, Alabama, for the year 1983, based upon the valuation as assessed for state taxation during last year as follows:

1. A tax of one-half of one percentum, or fifty cents on each One Hundred Dollars valuation to be applied exclusively to the payment of bonds heretofore issued and the interest thereon.
2. A tax of one-half of one per centum, or fifty cents on each One Hundred Dollars valuation for general municipa; purposes.
3. A tax of one-half of one per centum, or fifty cents on each One Hundred Dollars valuation for school purposes, School District No. 2, Randolph County, Alabama.

Adopted and approved this the _____ day of _____, 1983.

Henry V. Bonner, Mayor
City of Roanoke, Alabama

ATTEST:

Olin E. Sheppard, City Clerk
City of Roanoke, Alabama