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ARTICLE 911  
Parades and Public Assembly

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911.01 SHORT TITLE

This Article shall be known and may be cited as the Parades and Public Assembly Code. (Ord. 2 of 1999, Sect. 1, Passed 2-1-99; Ord. 7 of 2017, Sect. 1, Passed 11-13-2017)

911.02 DEFINITIONS

For the purposes of this Article, the following words and phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

- (a) Chief of Police means the Chief of Police of the City of Franklin.
- (b) City means the City of Franklin.
- (c) Events and Marketing Coordinator means the Events and Marketing Coordinator of the City of Franklin. (Ord. 7 of 2017, Sect. 1, Passed 11-13-2017)
- (d) Parade means any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks, or other public grounds within the City with an intent of attracting public attention that interferes with the normal flow or regulation of traffic upon the streets, parks, or other public grounds.
- (e) Parade or public assembly permit means a permit as required by Ordinance.

- (f) Person means any person, firm, partnership, association, corporation, company, or organization of any kind.
- (g) Public assembly means any meeting, demonstration, picket line, rally, or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open to the general public.
- (h) Sidewalk is any area or way set aside or open to the general public for purposes or pedestrian traffic, whether or not it is paved.
- (i) Street is any place or way set aside or open to the general public for the purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

#### 911.03 PERMIT REQUIRED

No person shall engage in or conduct any parade or public assembly unless a permit approved by Franklin City Council and issued by the City Clerk. (Ord. 7 of 2017, Sect. 1, Passed 11-13-2017)

#### 911.04 EXCEPTIONS

This Article shall not apply to the following:

- (a) Funeral processions;
- (b) Students going to and from school classes or participating in educational activities, provided that 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;

#### 911.05 APPLICATION

- (a) A person seeking a parade or public assembly permit shall file an application with the Events and Marketing Coordinator, or such person as designated by the City Manager, on forms provided by the City and the application shall be signed by the applicant.
- (b) An application for a permit shall be filed with the Events and Marketing Coordinator at least ten (10) days and not more than one (1) year before the Council meeting, where it will be reviewed and decided upon. Upon receipt, the application will be reviewed for any scheduling conflicts, determination of costs of equipment, manpower, and/or services to be rendered by the City, and any

possible hazards to public safety. Notwithstanding the foregoing, if a proposed parade or public assembly requires the closure of any City or State roads, the application must be submitted at least sixty (60) days prior to the scheduled event.

- (c) Spontaneous events, occasioned by news events or affairs coming into public knowledge, do not require City Council approval, but the organizer of a parade or public assembly must notify the Chief of Police at least twenty-four (24) hours prior to the spontaneous event. Such event must occur within five (5) days of the event which prompted the parade or public assembly; otherwise, it is not considered a spontaneous event and must follow the established rules.
- (d) The application for a parade or public assembly permit shall set forth the following information:
  - (1) The name, address, and telephone number of the person seeking to conduct such parade or public assembly;
  - (2) The names, addresses, and telephone numbers of the headquarters of the organization for which the parade or public assembly is to be conducted, if any, and the authorized and responsible heads of the organization;
  - (3) The requested date of the parade or public assembly;
  - (4) The route to be traveled, including the starting point and the termination point;
  - (5) The approximate number of persons who, and animals and vehicles that will, constitute such parade or public assembly and the type of animals and description of the vehicles;
  - (6) The hours when such parade or public assembly will start and terminate;
  - (7) A statement as to whether the parade or public assembly will occupy all or only a portion of the width of the streets proposed to be traversed;
  - (8) The location by street of any assembly areas for such parade or public assembly;
  - (9) The time at which units of the parade or public assembly will begin to assemble at any such area;

- (10) The intervals of space to be maintained between units of such parade or public assembly;
- (11) The type of public assembly, including a description of activities planned during the event;
- (12) The approximate number of participants (spectators are by definition not participants);
- (13) The approximate number of spectators;
- (14) A designation of any public facilities or equipment to be utilized; and
- (15) Any additional information that the City finds reasonably necessary to a fair determination as to whether a permit should be issued.

#### 911.06 Fees

- (a) A non-refundable fee to cover the administrative costs of processing the permit shall be paid to the City of Franklin by the applicant when the application is filed, with the exception of governmental, schools, and similar organizations. The amount of the fee shall be determined by the fee schedule in place at the time of application review.
- (b) If the application is for the use of any City property or if any City services shall be required for the parade or public assembly, the applicant shall pay, prior to the issuance of a permit, the charges for those services in accordance with a schedule of service costs approved by the City Council by resolution.
- (c) If full payment was not submitted with the original application, the original application will be given to the Finance Director, who will then prepare an invoice to be sent to the applicant.
- (d) Any additional costs to the City incurred during or after the event will be billed to the applicant for payment.

#### 911.07 Police Protection

- (a) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the parade or public assembly for traffic control and public safety. The Chief of

Police shall base this decision on various factors, which may include, without limitation, the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit and the approximate cost thereof. The Chief of Police then shall have the duty to secure the police protection deemed necessary at the sole expense of the applicant and shall inform the applicant of the expense.

- (b) Persons engaging in parades or public assemblies conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

#### 911.08 Standards for Issuance

- (a) City Council, after properly reviewing and considering recommendations from the City Manager and other City staff recommendations, shall approve a permit when the following standards are met:
  - (1) The conduct of the parade or public assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
  - (2) The conduct of the parade or public assembly will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;
  - (3) The concentration of persons, animals, and vehicles at public assembly points of the parade or public assembly will not duly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas;
  - (4) The conduct of the parade or public assembly is not reasonably likely to cause injury to persons or property;

- (5) The parade or public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;
- (6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;
- (7) There are sufficient parking places near the site of the parade or public assembly to accommodate the number of vehicles reasonably expected;
- (8) The applicant has secured the police protection, if any, required under Section 911.07;
- (9) Such parade or public assembly is not for the primary purpose of advertising any produce, goods, or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods, or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;
- (10) No parade or public assembly permit application for the same time and location is already granted or has been received and will be granted;
- (11) No parade or public assembly permit application for the same time, but not the same location, is already granted or has been received and will be granted, and
- (12) police resources required for that prior parade or public assembly are 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 welfare and safety of persons and property; and
- (13) No 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 welfare and safety of persons and property.

- (b) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a City street, sidewalk, or right-of-way, unless advance approval for the erection or placement of the structure is obtained from the City Council.
- (c) The Chief of Police may revoke a permit already issued, upon notification to and approval by the City Manager, if the Chief of Police deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe, or likelihood of a breach of the peace, or by a major change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, the Chief of Police shall require the permittee to file evidence of good and sufficient sureties, insurance in force, or other evidence of adequate financial responsibility, running to the City of Franklin and such third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the parade or public assembly sufficient to indemnify the City of Franklin and such third parties as may be injured or damaged.

#### 911.09 Non-Discrimination

The City shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Article based upon political, religious, ethnic, race, disability, sexual orientation, or gender-related grounds.

#### 911.10 Notice of Denial of Application

If City Council disapproves the application, the City Clerk shall notify the applicant, by mail, within forty-eight (48) hours after the Council meeting, stating the reason(s) for denial. (Ord. 7 of 2017, Sect. 1, Passed 11-13-2017)

#### 911.11 Appeal Procedure

In the event that City Council denies an application, the applicant may file an immediate request for review with a court of competent jurisdiction. (Ord. 7 of 2017, Sect. 1, Passed 11-13-2017)

#### 911.12 Notice to City and Other Officials

Immediately upon the issuance of a parade or public assembly permit, the City Clerk shall send a copy thereof to the following:

- (a) The Events and Marketing Coordinator;
- (b) The Chief of Police;
- (c) The Fire Chief; and
- (d) The Street Department Supervisor.

#### 911.13 Contents of Permit

The approved application shall serve as the permit, if stamped with the Mayor's signature. Any conditions placed on the applicant by City Council shall be denoted on the approved application. (Ord. 7 of 2017, Sect. 1, Passed 11-13-2017)

#### 911.14 Duties of Permittee

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

#### 911.15 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 as herein provided;
- (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 person in charge of, or responsible for the conduct of, a duly licensed parade or public assembly to knowingly fail to comply with any condition of the permit;

- (d) It shall be unlawful for any person to engage in any parade or public assembly activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;
- (e) It shall be unlawful for any person participating in any parade or public assembly to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque, or notice, unless such object 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, such object shall not exceed three-fourths inch (3/4") in its thickest dimension;
- (f) It shall be unlawful for any person to carry any sign, poster, plaque, or notice, whether or not mounted on a length of material as specified in subsection (e) of this Section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;
- (g) It shall be unlawful for any person participating in a parade or public assembly to utilize sound amplification equipment at decibel levels that exceed seventy-five (75) decibels.
- (h) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

#### 911.16 Public Conduct During Parades or Public Assemblies

- (a) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or public assembly or with any person, vehicle, or animal participating or used in a parade or public assembly.
- (b) No driver of a vehicle shall drive between the vehicles or persons comprising a parade or public assembly when such vehicles or persons are in motion and are conspicuously designated as a parade or public assembly.

- (c) 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 thereof. No person shall be liable for parking on a street unposted in violation of this Article.

911.17 Revocation of Permit

The Chief of Police shall have the authority to revoke a parade or public assembly permit instantly upon violation of the conditions or standards for issuance as set for in this Article 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 welfare and safety of persons or property.

911.18 Penalties

Any person violating the provisions of any section of this Article shall, upon conviction, be punished by fine not to exceed \$300 or imprisonment of not more than thirty (30) days, or both.

911.19 Severability

If any section, subsection, sentence, clause, or phrase of this Article is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article.