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## **SPECIAL EVENT ASSEMBLY PERMIT**

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### **Sec. 1 - Definitions.**

As used in this chapter:

"City" is the city of Jonesboro, Arkansas.

"Chief of Police" is the chief of police for the city or his or her designee.

"Special Event Assembly" is any march, demonstration, walk, run, bike ride/race, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, *or within the parks or other public grounds within the city with an intent of attracting public attention that interferes with or has a tendency to interfere substantially interferes* with the normal flow or regulation of traffic upon the streets, *and/or public parks. or other public grounds.* Special Event Assemblies may also include 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 or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open to the general public, to the hindrance of others. Special Event Assemblies do not include a private motorcade of vehicles transporting persons within the city limits from one destination to another destination with no intent to attract public attention or interfere with the normal flow or regulation of traffic upon the public streets.

"Special Event Assembly Permit" is a permit as required by this chapter.

The "City Collector" is the office or department responsible for the issuance of any and all permits required under this chapter.

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

"Sidewalk" is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

"Street" is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

### **Sec. 2 - Permit required.**

No person shall engage in or conduct any Special Event Assembly unless a permit is issued by the city collector's office.

### **Sec. 3 - Exceptions.**

This chapter shall not apply to the following:

A. Funeral processions/proceeding by vehicle under the most reasonable route from the funeral home, church or residence of the deceased to the place of interment;

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;

~~D. Spontaneous events occasioned by news or affairs coming into public knowledge within three days of such public Assembly, provided that the organizer thereof gives written notice to the city at least twenty-four (24) hours prior to such Special Event Assembly; and~~

E. Private gatherings, affairs or activities on private property that may inadvertently interfere with the normal flow or regulation of traffic upon the public streets.

*F. Peaceful and Non-Violent Political Speeches, Gatherings, Rallies or protest conducted in a manner so as not to disturb the peace, prevent other parties from the free exercise of their free speech and/or rights to access public properties and the conduct of which does not block the streets and/or roadways in such a manner as to adversely affect the free passage and transport of others.*

### **Sec. 4 - Application for permit.**

A. A person seeking a Special Event Assembly Permit shall file an application with the city collector's office on forms provided by such office and the application shall be signed by the applicant under oath.

B. For Special Events Assemblies, an application for a permit shall be filed with the collector's office at least ~~sixty (60)~~ *forty-five (45)* business days and not more than one hundred eighty (180) days before the Special Event Assembly is proposed to commence. ~~The Chief of Police or his designee may waive the minimum sixty (60) business day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place and nature of the Special Event Assembly, the anticipated number of participants, and the city services required in connection with the event, the Chief of Police or his designee determines that the waiver will not present a hazard to public safety, health and welfare.~~

C. The application for a Special Event Assembly permit shall set forth the following information:

1. The name, address, and telephone number of the person, group of persons, firm, partnership, association, company or organization seeking to conduct such Special Event Assembly;
2. The requested date of the Special Event Assembly;
3. The route to be traveled, including the starting point and the termination point;
4. The approximate number of persons who, and animals and vehicles which, will constitute such Special Event Assembly and the type of animals and description of the vehicles;
5. The hours when such Special Event Assembly will start and terminate;
6. A statement as to whether the Special Event Assembly will occupy all or only a portion of the width of the streets proposed to be traversed;
7. The approximate number of participants (spectators are by definition not participants);
8. The approximate number of spectators;

9. A designation of any public facilities or equipment to be utilized; and

~~10. Any additional information that either the city collector's office or Chief of Police or his designee finds reasonably necessary to make a fair determination as to whether a permit should be issued.~~

#### **Sec. 5 - Fees.**

~~There shall be paid at time of the filing the application for a Special Event Assembly permit. This fee may be waived in whole if it is a city sponsored event. Street closings and block parties which require the closing of public streets and diversion of the normal flow of pedestrian or vehicular traffic with barricades, are available for non-refundable fee. The Special Event Assembly permit fee and the non-refundable barricade fee will be set by the City Council in the form of a resolution.~~

#### **Sec. -6 - Police Protection.**

The Chief of Police or his designee shall determine whether and to what extent additional police protection is reasonably necessary for the Special Event Assembly for traffic control and public safety. The Chief of Police or his designee shall base this decision on the size, location, duration, time and date of the event, 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 may police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police or his designee, he or she shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police or his designee at the sole expense of the applicant.

#### **Sec. 7 - Standards for issuance.**

A. The Chief of Police or his designee, after consultation, shall approve or deny a permit as provided for herein when, from a consideration of application and from such other information as may otherwise be obtained, it finds that:

1. The conduct of the Special Event 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 Special Event 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 Special Event Assembly will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas;
4. The conduct of the Special Event Assembly is not reasonably likely to cause injury to persons or property;
5. The Special Event Assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
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 Special Event Assembly to accommodate the number of vehicles reasonably expected;
8. The applicant has secured the police protection, if any, required under subsection (A)(6) of this section;
9. Such Special Event Assembly is not for the primary purpose of advertising any product, 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 Special Event Assembly permit application for the same time and location is already granted or has been received and will be granted;

11. No Special Event Assembly permit application for the same time but not location is already granted or has been received and will be granted, and the police resources required for that prior Special Event 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

12. 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 Special Event 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.

### **Sec. 8 - Nondiscrimination.**

The police department, after consultation with the Chief of Police or his designee, shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this chapter based upon political, religious, ethnic, race, disability, sexual orientation or gender-related grounds.

### **Sec. 9 - Notice of denial of application.**

The police department shall act promptly upon a timely filed application for a Special Event Assembly permit. If the police department, after consultation with the Chief of Police or his designee, disapproves the application, it shall notify the applicant either by telephone, facsimile, personal delivery or certified mail prior to the event and state the reasons for the denial.

### **Sec. 10 - Alternative permit.**

A. The police department, after consultation with the Chief of Police or his designee, in denying an application for a Special Event Assembly permit, may authorize the conduct of the Special Event Assembly at a date, time, location or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within forty-eight (48) hours after notice of the changes to the permit, file a written notice of acceptance with the collector's office.

B. An alternate Special Event Assembly permit shall conform to the requirements of, and shall have the effect of, Special Event Assembly permits issued under this chapter.

### **Sec. 11 - Appeal procedure.**

Any applicant shall have the right to appeal the denial *by the Chief of Police* of a Special Event Assembly permit *to the Mayor and a denial by the Mayor to the Craighead County Circuit Court.*

### **Sec. 12 - Notice to city and other officials.**

Immediately upon the issuance of a Special Event Assembly permit, the collector's office shall send a copy thereof to the following:

- A. The mayor;
- B. The city attorney;
- C. The chief of police;
- D. The fire chief;

- E. The JETS director;
- F. The Street Department director; and
- G. The Sanitation Department director.

**Sec.13 - Contents of permit.**

Each Special Event Assembly permit shall state the following information:

- A. Starting and approximate ending time;
- B. The portions of the streets that may be occupied by the Special Event Assembly;
- C. The maximum length of the parade in miles or fractions thereof; and
- D. Such other information as either the city collector or the Chief of Police or his designee shall find necessary to the enforcement of this chapter.

**Sec. 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 Special Event Assembly chairperson or other person heading such activity shall carry the Special Event Assembly permit upon his or her person during the conduct of the Special Event Assembly.

**Sec. 15 - Prohibitions.**

The following prohibitions shall apply to all Special Events Assemblies:

- A. It is unlawful for any person to stage, present or conduct any Special Event Assembly without first having obtained a permit as herein provided;
- B. It is unlawful for any person to participate in a Special Event Assembly for which the person knows a permit has not been granted;
- C. It is unlawful for any person in charge of, or responsible for the conduct of, a duly licensed Special Event Assembly to knowingly fail to comply with any condition of the permit;
- D. It is unlawful for any person to engage in any Special Event Assembly activity that would constitute a substantial hazard to the public health, safety or welfare, 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 is 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; and
- F. Violation of this chapter shall be punishable by fines and costs of no less than \$200.00 nor greater than \$500.00.

**Sec. 16 - Public conduct during parades or public assemblies special events.**

- A. No person shall unreasonably hamper, obstruct or impede, or interfere with any Special Event Assembly or with any person, vehicle or animal participating or used in a Special Event Assembly.
- B. No driver of a vehicle shall drive between the vehicles or persons comprising a Special Event Assembly when such vehicles or persons are in motion and are conspicuously designated as a Special Event Assembly.

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 Assembly. The Chief of Police or his designee shall post signs to that effect, and it is 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 chapter.

**Sec. 17 - Revocation of permit.**

The Chief of Police or his designee shall have the authority to revoke a Special Event Assembly permit instantly upon violation of the conditions or standards for issuance as set forth in this chapter 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 Assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.