

**RECEIPT OF NOTICE OF INTENT TO DEMONSTRATE, PARADE OR PICKET
TOWN OF NORTH WILKESBORO, NC**

1. Name of organization or group sponsoring or proposing to demonstrate/picket.

2. The location or locations in the Town of North Wilkesboro where the demonstrators/picketers propose to assemble and demonstrate.

3. Date on which demonstration/picketing is to occur: _____
4. Name and address of the person and organization giving notice of intent to demonstrate/picket.

5. Will anyone below the age of 18 years be participating?
(Yes) _____ (No) _____
6. Name of person(s) in charge of the demonstration/picketing and who will accompany it and carry this receipt of notice at all times.

7. Special provisions required by the Chief of Police to ensure public health, safety, or welfare.

This receipt is issued pursuant to Chapter 7 of the North Wilkesboro Town Code. Acceptance and use of this receipt constitutes acceptance of legal responsibility to conduct said demonstration/picketing in conformance with all provisions of the Municipal Code and this receipt. Violation of this section of the Municipal Code shall be punishable as provided by law.

Joseph R. Rankin, Chief of Police

cc: Police Dept.
Town Clerk

CHAPTER 7 OF THE NORTH WILKESBORO TOWN CODE

Sections:

7-1. Definitions.

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7-3. Requirements for and issuance of permits—Considerations bearing on issuance or denial of permit.

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7-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Block" shall mean that portion of any street lying between its intersections with other streets.

"Group demonstration" shall mean any assembly together or concert of action between or among two or more persons for the purpose of protesting any matter or of making known any position or promotion of such persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention to such assembly.

"Parade" shall mean any parade, march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, parks or other public grounds or places.

"Picket line" shall mean any two or more persons formed together for the purpose of making known any position or promotion of such persons, or of or on behalf of any organization or class of persons.

(5-7-68, § 1.)

7-2. Permit required.

It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk or other public place within

the town unless a permit therefor has been issued by the town in accordance with the provisions of this chapter.

(5-7-68, § 2.)

7-3. Requirements for and issuance of permits—Considerations bearing on issuance or denial of permit.

The chief of police is authorized to issue permits as required in the preceding section, and in the issuance thereof he shall:

- (a) Require a written application for permit to be filed not less than twenty-four hours in advance of such parade, picket line or group demonstration. Such application shall be on a form prescribed by the chief, shall be signed by the applicant or applicants, including the person or persons to be in charge as mentioned in subsection (d) of this section, and shall show the proposed time, place, purpose and size of such parade, picket line or group demonstration and whether or not any minors below the age of eighteen years shall participate.
- (b) Refuse to issue such permit when the activity or purpose stated in the application would violate any ordinance of the town or statute of the state or the United States or when the activity or purpose would constitute a clear and present danger to the public health or safety or would hinder or prevent the orderly movement of pedestrians or vehicular traffic on the streets, sidewalks or public places in the town.
- (c) Specify in the permit whether or not minors below the age of eighteen years will be permitted to participate. The chief shall pass upon whether or not such minors may participate, and shall base his determination upon whether or not the purpose or time or place of the particular activity will be detrimental to or endanger the health, safety or welfare of such minors, or will interfere with their education.
- (d) Require that the application for a permit shall specify, and the permit shall designate, the person or persons in charge of the activity. Such person shall be required to accompany the parade, picket line, or group demonstration and shall carry such permit with him at that time. Such permit shall not be valid in the possession of any other person.
- (e)

The permit may set the starting time, duration, route, speed of travel, and space between persons or vehicles in the parade, picket line or group demonstration; may prescribe the portions or areas of streets, sidewalks or other public places to be used; and may impose such other reasonable requirements as the chief may prescribe for the control and free movement of pedestrian or vehicular traffic, or for the health, safety and property rights of the participants and the general public.

(f)

Require that the application for permit shall contain such other pertinent information as the chief reasonably may need in order to determine the purposes and character of the activity for which the permit is sought and whether such activity would or would not constitute a clear and present danger to the public health or safety or hinder or prevent the orderly movement of pedestrian or vehicular traffic on the streets, sidewalks or public places in the town.

(g)

Among other considerations, consider and find as a requisite to issuance the following:

(1)

The activity will not require excessive diversion of police from other necessary duties;

(2)

The activity will not interfere with the right of property owners in the area to enjoy peaceful and lawful occupancy and use of their property;

(3)

The activity can be conducted without unreasonable interference with normal pedestrian or vehicular traffic in the area, and will not prevent normal police and fire protection to the public, and will not be likely to cause injury to persons or property or to provoke disorderly conduct or to create a public disturbance.

(5-7-68, § 3.)

7-4. Certain acts prohibited.

The following acts or activities, when performed or undertaken in conjunction with or as a part of any parade, picket line or group demonstration, are hereby prohibited and declared unlawful:

(a)

The carrying on or about the person any firearm or any weapon or article, including but not limited to blackjacks, nightsticks or flashlights, which by their use might constitute a deadly weapon.

(b)
The taking or keeping of any dog or vicious animal, whether leashed or unleashed.

(c)
The carrying or displaying of any flag or emblem of any foreign state or any foreign political party or other organization which is engaged in hostilities against the armed forces of the United States.

(5-7-68, § 4.)

7-5. Revocation of permit.

The chief of police shall revoke any permit granted for a parade, picket line or group demonstration for any of the following causes:

(a)
The violation by any participant of any provision of this chapter.

(b)
The failure to comply with the terms and conditions of the permit.

(5-7-68, § 5.)

7-6. Interference with permitted activity prohibited.

No person shall hamper, obstruct, impede or interfere with any parade, picket line or group demonstration being conducted under authority of a permit duly issued by the chief of police.

(5-7-68, § 6.)

7-7. Additional regulations—Applicable to picketing.

Picket lines and picketing shall be subject to the following additional regulations:

(a)
Picketing may be conducted only on the sidewalks reserved for pedestrian movement, and may not be conducted on the portion of the street used primarily for vehicular traffic.

(b)
Not more than ten pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any one time.

(c)
Pickets may carry written or printed placards or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done; provided, that the words used are not derogatory or defamatory in nature.

(d)

Pickets must march in single file and not abreast and not march closer together than fifteen feet, except in passing one another. Pickets shall not be allowed to walk more than five feet from curb line and shall be in continuous motion.

(e)

If pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence of more than ten pickets thereon, the chief of police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis.

(5-7-68, § 7.)

7-8. Same—Applicable to parades and group demonstrations.

(a)

Prior to the granting of a parade or group demonstration permit, and as a condition precedent to the granting of either such permit, the chief of police may require that the person named in the application as the one to be in charge of the parade or group demonstration shall give good bond to the town, with corporate surety and in such amount as the chief may consider necessary, conditioned upon the full satisfaction of all claims, judgments and decrees which may result by reason of any negligent or unlawful act or omission of any person managing or participating in such parade or group demonstration and covered by the permit, and that he will save the town harmless therefrom; and with the further condition that he shall pay to the town all extra expenses incurred for clearing the town's streets, sidewalks and public places of litter resulting from the occurrence of such parade or group demonstration and for the cleansing and repair of public property defaced, soiled or damaged by paraders or demonstrators.

(b)

Any applicant for a parade or group demonstration permit who feels aggrieved by the decision of the chief of police made pursuant to subsection (a) of this section may appeal from such decision to the board of commissioners; and the board shall consider such appeal at its next meeting, at which the applicant may appear, with counsel, to present his case. After hearing the appeal, the board shall waive or uphold the requirement for bond, and if the requirement for bond is upheld, the board may amend the terms and conditions thereof as in its sound discretion shall be in the best interests of the town, and the decision of the board shall be final.

(c)

Bonds required by this section shall be approved as to form and surety by the town attorney.

7-9. Exceptions from chapter.

The provisions of this chapter shall not apply to:

(a)

Funeral processions; but funeral directors are requested to give advance notice to the chief of police so that he may arrange for the expeditious handling of traffic.

(b)

Students going to or from school classes or participating in educational or recreational activity where such activity is under the supervision and direction of proper school authorities.

(c)

Any governmental agency acting within the scope of its functions.

(5-7-68, § 8.)