

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Special Called Meeting

Friday, January 20, 2017

12:15 PM

Council Chambers

City Council

1. **2017-171** Consider suspending a portion of Ordinance Number 3207, adopted September 20, 2016, to amend Ordinance Number 3198, adopted May 3, 2016, regulating parades, rallies and other similar uses of public places; authorizing the chief of police to receive applications and issue permits and providing standards for issuance thereof; establishing procedures for appeal upon rejection of application; requiring indemnification and comprehensive general liability insurance; establishing and/or revising certain parade regulations; and making it unlawful to violate the provisions of this ordinance.

ORDINANCE NO. 3207

AN ORDINANCE AMENDING ORDINANCE 3198, ADOPTED May 3, 2016, TO AMEND ORDINANCE 1708, ADOPTED APRIL 21, 1971, REGULATING PARADES, RALLIES, AND OTHER SIMILAR USES OF PUBLIC PLACES; AUTHORIZING THE CHIEF OF POLICE TO RECEIVE APPLICATIONS AND ISSUE PERMITS AND PROVIDING STANDARDS FOR ISSUANCE THEREOF; ESTABLISHING PROCEDURE FOR APPEAL UPON REJECTION OF APPLICATION; REQUIRING INDEMNIFICATION AND COMPREHENSIVE GENERAL LIABILITY INSURANCE; ESTABLISHING AND/OR REVISING CERTAIN PARADE REGULATIONS; AND MAKING IT UNLAWFUL TO VIOLATE THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI:

SECTION 1. Short Title. This ordinance shall be known and may be cited as the “Parade Ordinance of the City of Hattiesburg, Mississippi.”

SECTION 2. Definitions.

- A. **Chief of Police** is the Chief of Police of the City of Hattiesburg, Mississippi.
- B. **City** is the City of Hattiesburg, Mississippi.
- C. **Parade** is any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or rally, demonstration or any similar display, in or upon any street, park or other outdoor places owned or under the control of the City.
- D. **Parade Marshal** is a person designated to walk the parade route, with other parade marshals, alongside a parade vehicle or float to help maintain an orderly process, particularly with the flow of pedestrian traffic.
- E. **Parade Permit** is a permit as required by this ordinance.
- F. **Person** is any person, firm, partnership, association, corporation, company or organization of any kind.

SECTION 3. Permit Required. 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.

- A. **Exceptions.** This ordinance shall not apply to:
 - (1) Funeral processions.
 - (2) Lawful picketing or other orderly processions on the sidewalks that do not violate any laws of the City of Hattiesburg, State of Mississippi or the United States of America.
 - (3) A governmental agency acting within the scope of its functions.

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

- A. **Filing period.** An application for a parade permit shall be filed with the Chief of Police on forms provided by the Chief of Police. Applications shall be filed with the Chief of Police 30 days before the date the proposed parade is to occur; the Chief of Police may use discretion in waiving the application deadline but in no case shall approve an application filed less than ninety-six (96) hours before the date of the proposed parade.

- B. **Contents.** The application for a parade permit shall set forth the following information:

- (1) The name, address and telephone number of the person seeking to conduct such parade.

- (2) If the proposed parade is 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 its authorized and responsible heads.
- (3) Accurate contact information for the parade chair and marshals and specific information related to candy, favors and other “throws” to be tossed during the parade.
- (a) The name, address, telephone number and email address of the person who will be the parade chair and who will be responsible for its conduct;
 - (b) The names, addresses, telephone numbers and email addresses of the persons who will be parade marshals.
 - (c) The names, addresses, telephone numbers and email addresses of the riders from each vehicle or float who are designated to distribute “throws” during the parade; this information may be provided before the event, but shall be provided on the day of the parade.
 - (d) For each participating float or vehicle, a list of candy, favors, and other “throws” that have been pre-approved by the parade chair for distribution during the parade; this information may be provided before the event, but shall be provided on the day of the parade.
 - (e) The date when the parade is to be conducted.
 - (f) The route to be traveled, the starting point, the termination point, any intermediate stopping points and the length of time of such stops.
 - (g) The approximate number of individuals and vehicles, with a description of the vehicles, that will constitute the parade.
 - (h) The hours the parade is to begin and end.
 - (i) A statement that describes what portion of the width of the streets the parade will occupy.
 - (j) The location by street of the designated assembly area(s) for the proposed parade.
 - (k) The time that parade units will begin to assemble at the designated assembly area(s).
 - (l) If the parade is designed to be held by, 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) The purpose of the parade.
 - (n) Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.
 - (o) A receipt for the fee hereinafter prescribed.

C. **Application fee.** A twenty-five dollar (\$25.00) fee to cover the expenses incident to processing shall be paid to the Chief of Police by the person applying for the permit at the time of the filing of the application, which fee shall be delivered into the general fund of the city.

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:

- A. The conduct of the parade will not substantially interrupt the normal, safe and orderly movement of other traffic contiguous to its route.

- B.** 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 areas contiguous thereto as to prevent normal police protection to the city. Toward that end, parade marshals will assist with the orderly flow of the parade and will be required for each parade as follows:
- (1) The parade chair will be responsible for providing the names, addresses, telephone numbers, email addresses and parade positions of the parade marshals for each parade float or vehicle.
 - (2) Any individual or organization sponsoring a parade float or vehicle shall provide two parade marshals, one on each side, every 15 feet of the float or vehicle it is sponsoring. In no case will there be less than two parade marshals, one on each side, for a parade vehicle.
 - (3) Each parade marshal shall use two hands to carry a six-foot long PVC pipe, holding it forward in a horizontal position, the entire parade route so as clear a path for the float or vehicle and thus help to protect children and other observers from injury.
- C.** The concentration of persons 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.
- D.** The conduct of such parade will not interfere with the movement of fire-fighting equipment en route to a fire or the movement of other emergency equipment.
- E.** The conduct of the parade is not reasonably likely to cause injury to persons or property, or to provoke disorderly conduct or create a disturbance.
- (1) Each individual and/or organization sponsoring a parade float or vehicle shall submit a list of specific “throws” to the parade chair for approval prior to the event; these lists may be submitted on the day of the event.
 - (2) Candy, favors and other “throws” tossed from parade vehicles shall be “family-friendly,” i.e., appropriate for children and all other members of an average family. No materials of a sexually explicit nature may be thrown or distributed during, before or after the parade.
 - (3) No parade participant, while on the parade route or in a parade staging area or disbanding area, shall throw, distribute, possess or control any of the following:
 - (a) “Confetti canisters” of any type or brand. “Confetti canisters” shall be defined as items that contain metallic or paper confetti streamers or other string-like substances that are expelled or discharged under pressure into the air;
 - (b) “Silly string” or other similar items that, when used, emit an adhesive string-like or adhesive streamer-like substance that is expelled or discharged from a pressurized container;
 - (c) Candy, favors or trinkets of a sexually explicit nature. This is to include condoms, prophylactics and/or any other sexually oriented devices or paraphernalia;
 - (d) Alcoholic beverages, including “jello shots.”
 - (e) Throws or trinkets that contain sharp edges or points, including but not limited to plastic or wooden spears and plastic, paper or silk flowers with wire stems;
 - (f) “Bomb bags” or other throws or trinkets of any type or brand that explode or detonate;
 - (g) “Stink bombs” or “stink sprays” of any type or brand. “Stink bombs” and “stink sprays” are defined as devices that emit an odorous substance when used.
 - (h) Boxes, including but not limited to corrugated boxes.

- (i) Laser pointers and/or any similar device that emits a highly amplified ultraviolet or infrared light;
 - (j) Glass, except for eyeglasses.
 - (k) Any life-threatening object and/or noxious substances or liquids.
- (4) Each individual and/or organization sponsoring a parade float or vehicle shall submit a list of those riders designated to distribute candy, favors and other “throws”; this list may be submitted on the day of the event.
- (a) At no time shall the driver of a parade vehicle toss or distribute “throws.”
 - (b) No “throws” of any kind shall be tossed or handed out to the front or rear of a parade float or other parade vehicle.
 - (c) No “throws” of any kind shall be tossed or handed out in the assembly or disbanding areas of the parade.
- (5) Horses and other animals are prohibited, except for dogs and other adoptable animals from a city or county shelter that are featured on an approved parade float and controlled per regulations listed in Section H (3).
- (6) Four-wheelers and other types of all-terrain vehicles (ATVs) are prohibited.
- (7) The minimum age for participants walking in a parade shall be set at age 10. Said minimum age of 10 shall apply to members of bands and dance groups and to flag bearers, mascots, and others who typically participate in parades.
- (8) All drivers shall be at least 18 years of age and shall have a valid driver’s license. All drivers of pull vehicles must have sufficient training from the tractor or float provider prior to the parade.
- (9) All parade participants, whether on floats, in vehicles, or marching, shall be attired decently; no sexually indecent clothing or characterizations shall be allowed. Individuals and organizations participating in parades are prohibited from conduct, displays or behaviors that the general public would consider vulgar, indecent, shocking or offensive.
- (10) Music played in any parade must be acceptable for public airwaves, and must not contain any words deemed unacceptable by the Federal Communications Commission.
- (11) No person shall be allowed to participate in a parade if obviously intoxicated.
- (a) The consumption of alcohol, including beer, in the assembly area of the parade is forbidden.
 - (b) Drivers of parade floats or vehicles are prohibited from consuming alcoholic beverages during the parade, or 12 hours prior to it. Drivers are not allowed to drink alcoholic beverages during the parade or to operate a parade vehicle while under the influence of alcohol or drugs.
- (12) It shall be illegal for any person to smoke while on a float or vehicle before, during or after the parade, or any other time or place deemed unsafe by the parade organization or the City of Hattiesburg fire department.
- (13) All tires on floats and vehicles pulling floats shall be in good condition.
- (14) All decorations and attachments on each float shall be securely fastened, with no sharp, pointed or cornered objects on the exterior. No protruding nails shall be allowed on floats.

- (15) No float rider shall sit on the ledge and/or railing of a float. No float rider shall stand on anything other than the float deck/floor. If the float rider's height requires standing on an object other than the deck/floor of the float in order to participate in the parade, the object shall be secured and the rider shall be harnessed to the float.

F. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in route.

- (1) Each participant shall report to the designated assembly area at least one hour prior to the scheduled start of the parade.
- (2) Entry by any individual, group or vehicle into the parade shall be permitted only at the designated assembly area, except in an emergency or when duly authorized by the parade chair.
- (3) Exit by any individual, group or vehicle from the parade shall be permitted only at the designated disbanding area, except in an emergency or when duly authorized by the parade chair.
- (4) Each band, marching club or marching or dance group in each parade shall be allowed no more than one motor vehicle to accompany the group in the parade and to bear the name of the group on both sides of the vehicle as identification.
- (5) At no time shall any band, marching club, marching group or dance group make any unauthorized stop to perform, thereby delaying the schedule and preventing an expeditious completion of the parade.

G. 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. However, the prohibition against advertising any product, goods or event, shall not apply to signs identifying organizations or sponsors furnishing or sponsoring floats or transportation for the parade.

H. The conduct of the parade will not create an undue burden to the City in terms of personnel and resources required for clean-up following the event.

- (1) Discarding of packaging, debris and trash in the assembly and disbanding areas and along the parade route is prohibited.
- (2) Glass, except for eyeglasses, in the assembly and disbanding areas and along the parade route is prohibited.
- (3) Horses and other animals are prohibited, except for dogs and other adoptable animals from a city or county shelter that are featured on an approved parade float and that are contained as follows:
 - (a) Each animal shall be contained on a leash.
 - (b) Each animal shall be assigned to a handler. At no time shall more than one animal be assigned to a handler during a parade.
 - (c) Each handler is responsible for cleaning and disposing of any waste deposits of the animal in his or her charge throughout the event; this includes the parade assembly area, the float, and the parade disassembly area.
 - (d) While in the parade assembly and disassembly areas, animals are to be contained on a leash at the minimum, and in a carrier when necessary (when the handler is unable to hold the leash and maintain control of the animal).
 - (e) Dogs and other adoptable animals that are aged three months and older must have been vaccinated for rabies.

SECTION 6. Notice of Rejection. The Chief of Police shall act upon each application for a parade permit within five (5) business days after it is filed, provided that it is filed 30 days in advance of the date of the proposed parade. If the Chief of Police disapproves the application, a notice stating the reasons for the denial shall be sent to the applicant by certified mail within five (5) business days of the application being filed.

SECTION 7. Appeal Procedure. Any person who has been denied a parade permit, and who filed an application for the parade permit in accordance with the filing period, 30 days in advance of the date of the proposed parade, shall have the right to appeal the denial to the City Council. The appeal must be filed with the Chief of Police within five (5) business days of receiving the notice of denial. The City Council shall consider and act upon the appeal at its next regular meeting. There is no appeal for parade applications filed less than the 30-day filing period stated in Section 4A of this ordinance.

SECTION 8. Alternative Permit. The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize an alternate permit to conduct the parade on a date, time, or route different from that named by the applicant. Once offered an alternate permit, the applicant shall have two (2) business days to file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to parade permit requirements and shall have the effect of a parade permit under this ordinance.

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

- A. The governing authorities (Mayor and Council).
- B. The City Attorney.
- C. The Fire Chief.

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

- A. Date of the parade.
- B. Starting time and termination time of the parade.
- C. The portions of the streets to be traversed that may be occupied by the parade.
- D. The number of persons and motor vehicles that will be in the parade.
- E. Such other information as the Chief of Police shall deem appropriate or find necessary to the enforcement of this chapter.

SECTION 11. Duties of Permittee; Possession of Permit. A permittee hereunder shall comply with all permit directions and conditions and with applicable laws and ordinances. 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.

- A. **Interference.** No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person or vehicle participating or used in a parade.
- B. **Driving through parades.** No driver of any vehicle, except emergency vehicles, 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.
- C. **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 unposted in violation of this chapter.

D. Following parade floats. Individuals are hereby prohibited from following parade floats and bands without authorization from the parade chair.

E. Unauthorized participation. No person, group or vehicle shall participate in a parade without proper authorization from the parade organization or interfere in any manner with the orderly conduct of the parade.

F. Obstruction of parade or parade traffic. It shall be unlawful for any person in charge of a vehicle, horse or mule, or vending cart or other contrivance to park, stop, loiter or stand in such a manner as to obstruct, impede or inhibit the passage of any parade, or to obstruct, impede or inhibit the passage of traffic on any intersecting or adjacent street to the parade route.

G. Obstruction of vehicular or pedestrian traffic. It shall be unlawful for any person at any time to place or cause to be placed any type of obstruction, including but not limited to ropes, tents, scaffolds, barricades or vehicles, which may act to impede vehicular or pedestrian traffic on any right-of-way along a parade route, without first seeking proper permission from the city.

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

SECTION 14. Indemnification and Insurance.

A. The applicant and any other persons, organizations, firms or corporations on whose behalf the application is made, by filing such application do represent, stipulate, contract and agree that they will jointly and severally indemnify and hold the city harmless against liability for any and all claims for damage to property, or injury to, or death of persons arising out of or resulting from the issuance of the permit or the conduct of the parade or its participants.

B. In addition, no parade permit shall be issued unless the applicant therefor shall obtain a comprehensive general liability insurance policy, issued by an insurance company authorized to do business in the State of Mississippi, with coverage of not less than One Million Dollars (\$1,000,000.00) and that includes the assembly area, the parade route, the disbanding area of the parade, and any other area used by the participants of the parade. The city shall be named as an additional insured on the policy.

C. The owner of each vehicle participating in the parade shall provide proof of Auto Liability

The policy limits of said insurance shall not be less than the state minimum:

Property damage ----- \$ 25,000 each occurrence

Bodily injury or death ----- \$ 50,000 each person

\$ 25,000 each occurrence

D. At the time of the application for the parade permit satisfactory proof that the required insurance has been obtained must be presented to the Chief of Police. The requirement for satisfactory proof may be complied with either by depositing the insurance policy itself with the Chief of Police or by furnishing a certificate of insurance, meeting the following specifications to the Chief of Police:

- (1) The insurance policies issued should be listed and for each policy the type of insurance, policy number, expiration date and limits of liability should be shown.
- (2) The certificate should designate the City of Hattiesburg as certificate holder and as an additional insured, and should contain a statement to the effect that the policies listed are in force and that in the event of cancellation or any material change in a policy affecting the certificate holder, at least ten (10) days prior written notice will be given to the certificate holder.
- (3) Below the schedule of insurance in force, the certificate should include a statement substantially as follows:

"The comprehensive general liability policy above includes coverage of designated premises and coverage for contractual liability in compliance with the provisions of Ordinance No. _____ of the City of Hattiesburg, for a parade to be held on (date) _____."

- (4) The certificate should be signed or countersigned by an authorized local agent of the issuing company or companies and should have attached a copy of power of attorney evidencing the agent's authority.
- E. The requirements of subsections (B) and (C) of this section shall not be applicable to parades composed of pedestrians only and not including any vehicles.

SECTION 15. Penalties.

- A. It shall be unlawful for any person to stage, present, or conduct, or attempt to stage, present, or conduct a parade without first having obtained a permit therefor as herein provided or who shall otherwise violate any of the provisions of this chapter.
- B. It shall be unlawful for any person to participate in a parade on the city streets for which a permit has not been granted.
- C. It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.
- D. Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than \$1000.00 or be imprisoned for not more than six (6) months, or by both such fine and imprisonment; the municipal judge may use discretion in suspending a portion of the fine.

SECTION 16. That Ordinance 3198, adopted 5-3-16 to amend Ordinance 1708, adopted 4-21-71, and any other ordinances in conflict, be and the same are hereby repealed.

Section 17: That this Ordinance shall take effect and be in force from and after passage as provided by law.

The foregoing Ordinance having been reduced to writing, the same was introduced by Council member Dryden, seconded by Council member Naylor, and was adopted by the following vote, to-wit:

YEAS: Bradley
Carroll
Dryden
Naylor

NAYS: Delgado

ABSENT:

THE President thereby declared the motion carried and the foregoing Ordinance adopted and approved, this the 20th day of September, 2016.

(SEAL)

ATTEST:

Debra K. Burdick

CLERK OF COUNCIL

ADOPTED:

C. Gidd

PRESIDENT

THE above foregoing Ordinance having been submitted to and approved by the Mayor, this the 20th day of September, 2016.

ATTEST:

[Signature]

CITY CLERK

APPROVED:

[Signature]
MAYOR