

ARTICLE I. PARADES AND DEMONSTRATIONS

Section 15-100. Purpose of article.

(a) The town council enacts this article for the purpose of regulating the time, place and manner of parades and demonstrations in order to accommodate competing demands for the public use of streets, sidewalks and public places. Regulation is necessary to preserve the public peace and safety, to permit free expression on issues of public concern, to protect persons and property, to maintain acceptable conditions of traffic flow upon the streets and sidewalks and to prevent, control or eliminate any illegal, injurious or dangerous effects of this lawful activity.

(b) The town council does not enact this article, or seek through its enforcement, to deny or abridge any person's rights of assembly and free speech or the opportunity for communication of thought and discussion of public questions in public places.

Cross references-- Open-air concerts and similar entertainments, Chapter 4, Article II; use of streets by private persons, Chapter 20, Article II; Animals and fowl, Ch. 5.

State law references: Power of town to promote public peace, safety, comfort and welfare, Code of Virginia, § 15.2-1102.

Section 15-101. Definitions.

For the purposes of this article, the following words and phrases shall have these meanings:

Demonstration: A group of seven (7) or more persons assembled and acting in concert to call the public's attention to their opposition to, support of or position with respect to any subject. This term shall not include persons lawfully engaged in picketing.

Event: A parade or demonstration, or both.

Parade: A mobile gathering, march or other procession of seven (7) or more persons for the purpose of attracting the public's attention.

Person: An individual, corporation, partnership, association, organization or other entity.

Picketing: To assemble as a group in front of or near a business, factory, building or other site as a form of protest against or communication about that business, factory, building or site.

Spontaneous parade or demonstration: An unplanned or unannounced coming together of persons, animals or vehicles consisting of a parade or demonstration which may occur in response to unforeseen circumstances or events of immediate and obvious importance that allows no opportunity for application to the town council.

Street: A public street, sidewalk or Public place in the town.

Section 15-102. Permit--Required.

(a) It shall be unlawful for any person to organize, direct, lead or participate in any parade or demonstration upon any street within the town unless the town council or town manager, as appropriate, has first granted a permit for this activity.

(b) This section shall not apply to any component of the armed forces of the United States or of this commonwealth, any governmental agency or organization, any funeral, religious or wedding procession, or to any group of persons lawfully engaged in picketing under Article II of this Chapter.

(c) If a parade or demonstration is conducted without a permit, the town manager shall not disperse the event unless it is or becomes an unlawful assembly or riot as defined in this Code. In the latter case, the town manager shall follow the procedures established for unlawful assemblies and riots. The town manager, however, may seek the prosecution by the town attorney of any person violating any provisions of this article.

Section 15-103. Same--Application generally.

(a) Any person proposing to organize, participate in or lead a parade or demonstration upon or in any street within the town shall file an application for a parade or demonstration with the town clerk at least five (5) working days prior to the next council meeting before the parade or demonstration. The application shall set forth:

- (1) The name, address and telephone number of the person requesting the permit;
- (2) The name(s), home and work addresses and telephone number(s) of the person(s) in charge of the parade or demonstration;
- (3) The name(s) and addresses of the sponsor(s) of the parade or demonstration and all participating organizations;
- (4) The date, hour and place for the assembly of the participants in the parade or demonstration and the expected duration of the event;
- (5) A map showing the streets, sidewalks and public places upon which the parade or demonstration is to occur;
- (6) Whether the parade or demonstration is to be conducted on foot, with animals, with vehicles or any combination thereof and the number of individuals, vehicles and animals expected to participate;
- (7) An estimate of the anticipated attendance;
- (8) The purpose of the parade or demonstration; and
- (9) Any other information that may be required by the town manager.

(b) Each application for a parade or demonstration permit shall be signed by the person named in the application as the person in charge of such parade or demonstration.

Section 15-104. Same--Council action on application.

(a) Upon the filing of a complete application for a parade or demonstration permit, the town clerk shall promptly transmit copies to the town council. The town council shall consider and act

on the application, hearing the applicant on request and other persons the council deems necessary.

(b) The town council shall grant an application for a parade or demonstration permit and may impose limitations on the time, place and manner of the conduct of the event to prevent conditions that would be detrimental to the public peace and safety and would cause a physically dangerous or unworkable traffic condition upon streets. In determining such conditions, the council may consider the following factors:

- (1) The number of persons who would be seriously inconvenienced by the event;
- (2) The effect of the event on the movement of vehicular traffic, pedestrian passage, access to buildings or parking, commercial and domestic activity in the town; and,
- (3) The likelihood of injury, death or property damage.

(c) It shall be unlawful for any person, corporation, partner-ship, association or organization covered by the permit to violate or fail to comply with any such limitation.

Section 15-106. Contents.

Each parade permit shall state the following information, if applicable:

- (1) Assembly time.
- (2) Starting time.
- (3) Minimum speed.
- (4) Maximum speed.
- (5) Maximum interval of space to be maintained between the units of the parade.
- (6) The portions of the streets to be traversed that may be occupied by the parade.
- (7) The maximum length, in miles or fractions thereof, of the parade.
- (8) The assembly and termination areas.
- (9) Such other information as the town manager shall find necessary to enforce this article.

Section 15-107. Same--Priority of scheduling applications for conflicting activities.

If the town manager receives more than one (1) application for a parade or demonstration to be held at the same time or in the same place, the application filed first in time shall take precedence. In that case, the town council shall provide for an alternative site or time for the second or subsequent parade or demonstration.

Section 15-108. Same--Spontaneous parades and demonstrations.

(a) Upon the occurrence of conditions leading to a spontaneous parade or demonstration (as determined by the town manager), the town manager may immediately grant the permit for the

parade or demonstration under the same standards and procedures, with necessary changes, as set out in this article for town council action. The town manager shall promptly report such action to the town council.

(b) Due to the spontaneous nature of such event and in order to maintain safe or passable traffic conditions in the town, spontaneous parades and demonstrations shall be held on those public streets or parts thereof where the chance of unsafe or impassable traffic would be minimized.

Section 15-109. Participants carrying dangerous weapons.

No person parading or demonstrating shall carry a dangerous weapon. This prohibition shall not apply to members of color guards, drill teams, military units, lodges and other persons by whom the display of weapons upon the occasion of the parade or demonstration would not constitute a threat to the maintenance of law and order and the preservation of the public peace.

Section 15-110. Participation by dangerous animals.

No person parading or demonstrating shall cause or allow any vicious or apparently vicious animal to participate in or accompany the parade or demonstration. This prohibition shall not apply to circus parades and similar events.

Section 15-111. Insulting, harassing or interfering with participants.

It shall be unlawful for any person willfully to harass or interfere with any person lawfully parading or demonstrating pursuant to a permit issued under the provisions of this article. It shall be unlawful for a participant in an event to address bystanders using abusive or threatening language which would tend to provoke him or others to a breach of the peace.

Section 15-112. Revocation of permit.

The town manager may revoke any permit issued pursuant to this article if any person shall violate any prohibition, condition, restriction or limitation of the permit.

Section 15-113. Penalty.

Any person violating any provision of this article shall be guilty of a Class I misdemeanor.

ARTICLE II. PICKETING

Section 15-200. Purpose of article.

The purpose of this article is to protect persons who are picketing in a lawful manner against interference by persons who are not picketing who might attempt to intimate them by violence or by the use of words or gestures which may tend to provoke or incite such picketers or others to a breach of the peace, and to preserve the public peace and tranquility where any picketing is taking place. It is also the purpose of this article to protect persons who are not picketing and who are acting in a lawful manner against interference by picketers or supporters of picketers who might attempt to intimate them by violence or by the use of words or gestures which may tend to provoke or incite such nonpicketers or others to a breach of the peace.

Section 15-201. When permitted.

(a) Peaceful picketing in the furtherance of a lawful purpose shall be permitted in the town when it is done under the following conditions:

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

(2) Not more than five (5) pickets promoting the same objective shall be permitted to use one of the two (2) sidewalks within a block of the town at any one time.

(3) Such pickets may carry written or printed placards or signs not exceeding two (2) feet in width and two (2) feet in length, promoting the objective for which the picketing is done; provided that the words used are not defamatory in nature and will not tend to produce violence.

(4) Pickets shall march in single file and not abreast and may not march closer together than fifteen (15) feet except in passing one another.

(5) 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 (10) pickets thereon, the chief of police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis.

(b) The term "block," as used in this section, shall mean that portion of a street lying between street intersections.

(c) Picketing done contrary to the provisions of this section shall be unlawful.

State law references: Picketing of dwelling places, Code of Virginia, §§ 18.2-418, 18.2-419.

Section 15-202. Prohibited conduct with respect to picketers and others.

(a) It shall be unlawful for any person to physically interfere with any picket or other person

in the lawful use of a sidewalk or to address profane, indecent, abusive or threatening language to or at any such picket or other person which would tend to provoke him or others to a breach of the peace.

(b) It shall be unlawful for any person at or near a picket line to use any inflammatory words or gestures toward any other person who may be present.

Section 15-203. Participation by dangerous animals.

No person picketing shall cause or allow any vicious or apparently vicious animal to participate in or accompany the picketing.

Section 15-204. Participants carrying dangerous weapons.

No person picketing shall carry a dangerous weapon.

Section 15-205. Preventing ingress to or egress from places of work, etc.

(a) It shall be unlawful for any person to prevent, by the use of force or threat, or by any active or passive means, any employee or employer from entering or leaving at will any factory, plant, warehouse, store, establishment or other place where such employee or employer is employed or accustomed to work; and it shall be unlawful for any person to prevent, by the use of force or threat, any other person not an employee or employer from lawfully entering or leaving at will any factory, plant, warehouse, store, establishment or other place which is being picketed.

(b) All assemblages of persons for the purpose of preventing, by the use of force or threat, or by any active or passive means, any person from lawfully entering or leaving at will any factory, plant, warehouse, store, establishment or other place which is being picketed are hereby declared to be unlawful, and the town police shall command all persons comprising such assemblages to forthwith disperse. Any person failing to obey such command shall be subject to immediate arrest, to be dealt with according to law .

State law references: Picketing for purpose of causing violation of right-to-work law, Code of Virginia, § 40.1-66.

Section 15-206. Dispersal of bystanders.

The police officers of the town, in the event of the assemblage of persons in such numbers as tend to intimate pickets pursuing their lawful objective through numbers or through use of inflammatory words or gestures, may direct the dispersal of persons so assembled and may arrest any person who fails to absent himself from the place of such assemblage when so directed by the police.

Cross reference-- General provisions relative to dispersal of crowds obstructing use of street or sidewalk, § 20-308.