

CHAPTER 6. - PARADE AND PUBLIC ASSEMBLY^[7]

Footnotes:

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Editor's note— Ord. of 2-19-2004, § 1, adopted Feb. 19, 2004, created part 3, art. G. At the editor's discretion, said provisions have been redesignated as part 3, ch. 6 to maintain the continuity of the Code. Subsequently, Ord. of 5-27-2004(3), §§ 1—5, amended said ch. 6 in its entirety and enacted the provisions set out herein.

Sec. 3-6001. - Definitions.

City manager means the City Manager of the City of Savannah.

City means the City of Savannah.

Hearing officer means an impartial person with sufficient legal training to review application of this chapter who shall be appointed annually by the mayor and aldermen of the city.

Parade means any march, demonstration, procession or motorcade consisting of 100 persons, animals, or vehicles or 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.

Person means any person, firm, partnership, corporation, company or organization of any kind.

Public assembly means any meeting, demonstration, picket line, rally or gathering of 100 or more people for a common purpose that interferes with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area or facilities open to the general public.

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

Street means 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.

(Ord. of 5-27-2004(3), §§ 2, 5)

Sec. 3-6002. - Permit required.

It shall be unlawful to engage or conduct any parade or public assembly without first receiving a permit from the city manager after application made according to the requirements set out hereinafter.

(Ord. of 5-27-2004(3), § 5)

Sec. 3-6003. - Exceptions.

This chapter 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) City-sponsored events;

- (d) Casual park use that does not normally attract a crowd of onlookers; and,
- (e) A governmental agency acting within the scope of its functions.

(Ord. of 5-27-2004(3), § 5)

Sec. 3-6004. - Application.

The person or persons associated in fact, whether or not a legally recognized entity, who wish to conduct a parade or public assembly shall apply to the city manager for a permit. Such application shall at a minimum include:

- (1) The name and address of the applicant. If the applicant is an association of persons in fact or in law, the application shall contain a description of the entity; the name of said entity, if named; the registered or recognized address of the entity; the name of the person making the application on behalf of the entity; such person(s) relationship to said entity; and some demonstration or recitation of the authority of the person making the application to act on behalf of the entity.
- (2) A plan that must include the following information about the parade or public assembly:
 - i. The anticipated number of persons participating;
 - ii. The date or dates;
 - iii. The hours of each day the parade or public assembly will be conducted;
 - iv. The exact location, or, if the parade or public assembly is processional or mobile, the route;
 - v. Whether sound-amplification equipment will be employed and, if so, the hours it will be employed;
 - vi. Whether artificial lighting will be employed;
 - vii. Whether temporary static structures will be employed, and if so, a complete description (including measurements) of the structures;
 - viii. Whether vehicles will be employed, and if so, a description of each vehicle that will be used and how it will be used;
 - ix. A description of the anticipated need for safety, police, medical, sanitation, and other required personnel and equipment, with the anticipated needed numbers and posting by location and time of personnel needed;
 - x. A description of provisions necessary to the safety and welfare of the participants in the event and members of the public in the area where the event will be conducted and routes of access thereto and therefrom;
 - xi. A description of measures that will be taken to ensure public health and sanitation;
 - xii. Whether the event will require that the public spaces or facilities to be used or burdened, or the routes and means of access thereto and therefrom, be temporarily diverted from their dedicated or customary uses, or the public or private users thereof be diverted or excluded from, or limited in their use or enjoyment of, or in access to or through, said spaces or facilities, before during or after the event.
- (3) A disclosure as to whether the applicant or entity for whom the application is being made has in the past conducted or participated in an event of a substantially similar nature to that which is the subject of the application, and if so, where and when such prior event(s) took place, and whether as a result of such event(s) the applicant or entity became subject, whether or not then operating under the same name, as plaintiff or defendant, or [of] any legal action, civil, criminal or administrative.

- (4) A disclosure as to whether the applicant or entity for whom the application is made has defaulted upon or is in arrears as to any judgment, civil, criminal, or administrative, rendered against applicant or entity, whether or not then operating under the same name, as a result of participation in any prior event(s) of a substantially similar nature to that which is the subject of the instant application, and if so, a description of said judgment or order and an explanation for noncompliance.
- (5) Where an event conducted on, over, or upon, or burdening public properties, or employing the facilities thereon, which is also to substantially involve or take place partly or wholly upon private property with the consent of the owner(s) thereof, such owner(s) or their authorized representatives must join as an applicant for any permit for such event.

(Ord. of 5-27-2004(3), §§ 1(1), 5)

Sec. 3-6005. - Review by the city manager.

- (a) Within five working days of receipt of an application, the city manager shall review the application in light of all contents and goals, intentions, and presumptions as set out in this chapter, and render a decision and communicate same to the applicant, either permitting the event as planned or denying a permit for event. If the permit is denied, the city manager shall provide the applicant in writing a statement of the reasons therefor.
- (b) Nothing in this process shall prevent the city manager, at his sole option within the five-day period for approval or denial, to confer with applicant with respect to modifications of applicant's plan for the event, and amend the application to reflect such modifications if agreed to by applicant. However, applicant may neither supplement nor amend its application within the five-day period except at the invitation of the city manager. Any attempt to do so sua sponte shall be deemed a separate and new application.
- (c) The city manager may deny the application for permit upon any of the following reasons or combination of reasons:
 - (1) The application does not contain all required information, or that information set out is so incomplete, vague, or ambiguous as to prevent full and proper review;
 - (2) The application contains material omissions, falsehoods, or misrepresentations;
 - (3) The applicant or entity represented by applicant is incompetent to contract, sue, or be sued;
 - (4) The person applying lacks authority to represent the entity for which the application is made;
 - (5) The applicant or entity represented by applicant has, on prior occasion, damaged public property or has not paid in full for such damages, or is in arrears as to any judgment civil, criminal, or administrative rendered against the applicant or entity, or is in violation of any injunction or restraining order entered against the applicant or entity, whether under the same name(s) or another;
 - (6) The applicant or entity has on prior occasions violated permitting ordinances in connection with events of a substantially similar nature;
 - (7) The plan of the event as proposed would present an unreasonable danger to the health or safety of participants in the event or other members of the public (though not through the agency of any predicted reaction by onlookers or members of the public);
 - (8) The plan of the event as proposed is likely to substantially restrict and/or congest (vehicular or pedestrian) on any public roads, right of ways, sidewalks, or waterways in the immediate vicinity of such event;

(Ord. of 5-27-2004(3), §§ 1(2), 3(1)—3(3), 5)

Sec. 3-6006. - Appeal of permit denial.

- (a) Upon receipt of any decision by the city manager to deny an application in whole or in part, the applicant may within five calendar days file an appeal of said denial with the city manager which appeal shall be in writing and be sent to the city manager by certified mail. Upon receipt of such appeal, the city manager shall immediately forward the appeal to a hearing officer appointed by the mayor and aldermen of the city.
- (b) The hearing officer shall set a hearing date not more than five days after notice of the appeal by the city manager. The hearing officer shall cause notice of the hearing to be served upon the applicant by certified U.S. mail. Such notice shall include the hearing date and time.
- (c) At the hearing, all parties shall be provided a fair and impartial hearing and shall be allowed to produce any and all evidence concerning the denial of the permit.
- (d) Within five days after conclusion of the hearing, the hearing officer shall make a written decision on the appeal, which shall affirm, alter or reverse the denial of the application by the city manager. The notice of the decision shall be sent to all parties by certified U.S. mail and shall set forth the reasons for the decision.
- (e) The decision of the hearing officer shall be binding on all parties, subject to the right of appeal as provided by O.C.G.A. § 5-4-1, et seq.

(Ord. of 5-27-2004(3), §§ 4, 5)

Sec. 3-6007. - Intent.

It is the specific intent of the city in enacting this chapter to regulate only the time, place and manner of events and not to regulate the content or message of any speech or expressive conduct.

(Ord. of 5-27-2004(3), § 5)

Sec. 3-6008. - Revocation.

Notwithstanding the grant of any permit as provided herein, the city manager shall have the authority to terminate a parade or public assembly at any time, or prevent its initiation, should traffic, weather, or other conditions develop which present an imminent and undue danger to those participating in the event pursuant to said permit, to the public at large, or should any consideration or combination of considerations enumerated herein as a ground for denial of a permit arise or first become apparent to law enforcement authorities after the grant of a permit. If in preparation of or after the start of a parade or public assembly for which a permit has been issued, participants in said event violate the terms of the permit or deviate in material fashion from the plan submitted in application for permit, the city manager shall have the authority to terminate the event.

(Ord. of 5-27-2004(3), § 5)

Sec. 3-6009. - Severability.

Should any section, provision, or clause of any part of this chapter be declared invalid or unconstitutional, or if the provisions of any part of this chapter as applied to any particular situation or set of circumstances be declared invalid or unconstitutional, such invalidity shall not be construed to affect portions of this chapter not so held to be invalid, or the application of this chapter to other circumstances not so held to be invalid. It is hereby declared as the intent of the city that this chapter would have been adopted had any such invalid portion not been included herein.

(Ord. of 5-27-2004(3), § 5)