

**ORDINANCE OF THE CITY OF SALTILLO, MISSISSIPPI REQUIRING
PERMIT FOR LAWFUL PARADES, PROCESSIONS,
PUBLIC DEMONSTRATIONS AND SIMILAR CONDUCT**

WHEREAS authority was granted unto the City of Saltillo, Mississippi pursuant to and in accordance with Sections 21-17-1, 21-17-5, 21-19-1, 21-19-15 and other relevant sections of the Mississippi Code Annotated (1972, as amended), to pass ordinances and regulations in order to secure the general health, safety and welfare, and to otherwise promote the overall best interest of, the City and its citizenry;

WHEREAS the Board of Aldermen has determined that, while peaceful parades, processions, public demonstrations and similar conduct are protected and guaranteed as lawful assembly and free speech under the Mississippi and United States Constitutions, such activities also require reasonable supervision, including reasonable, content-neutral restrictions on time, place and manner, in order to protect the health, safety and welfare of the City and its citizenry and to further these and other significant governmental interests;

WHEREAS the Board of Aldermen has maturely considered the aforesaid subject matter and the contents of this ordinance, and has determined that said ordinance is reasonable, necessary and the least restrictive option available under the circumstances and is otherwise permissible according to state and federal law;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Saltillo, Mississippi as follows:

1. It shall be unlawful to organize, assist in organizing, hold, assist in holding, or otherwise participate in any parade, procession, public demonstration or similar conduct on the streets, sidewalks, rights of way, parks or other public areas within the City of Saltillo unless a valid permit therefor has been secured in advance from the Mayor of Saltillo.

2. In order to secure a permit, a completed written application therefor must first be made and submitted to the Saltillo Chief of Police or, in his absence, the Saltillo Assistant Chief of Police. The Chief of Police, or Assistant Chief of Police, will then verify that the said application is complete, will review the request, and will then timely meet with and make a recommendation to the Mayor concerning the application. The Mayor is hereby granted the authority to then make the decision to grant or deny such application, based upon the factors discussed in this ordinance. Applications for said permit shall be available at the Saltillo Police Department or through the Saltillo City Clerk.

3. The Mayor shall grant a written permit for such parade, procession, public demonstration or similar conduct, prescribing the streets or other public ways and properties which may be used therefor, unless he finds, after conferring with the Chief or Assistant Chief of Police, that the conduct of the event will unreasonably interfere with proper fire and police protection; public safety and welfare; or will likely present unsafe traffic and street conditions, all of which are hereby specifically found and determined to be legitimate and necessary governmental interests.

4. The denial, if any, of an application for permit shall not be based upon the content or sponsorship of the proposed event. The Mayor, in denying the application for a permit, shall be empowered and directed to authorize the conduct of the event on a reasonable date, time, route or location different from that named and requested by the applicant in

order to guarantee that alternative protected expression may take place while still satisfying the legitimate and necessary governmental interests discussed herein.

5. If any application for a permit required by this article is denied, after the filing of a complete and proper application therefor, the applicant shall have the right to have the Saltillo Board of Aldermen consider the application immediately, and to pass on whether the requested permit should be issued or not, by filing with the City Clerk a written request for a review of the action of the Mayor with respect to the application. Such review shall be held at the next regular or special meeting of the Board of Aldermen after the filing of such request with the City Clerk, and the applicant shall have the right to due process notice of the review and to appear and present proof in support of the application for the permit. The Board of Aldermen shall, without delay, pass on the question of whether the permit should be issued or not, and should it be of the opinion that such permit should be issued, the same shall be issued forthwith. Any denial may be appealed to a court of competent jurisdiction.

6. Participants in parades, processions, public demonstrations or similar conduct subject to this article shall conduct themselves in the following manner:

- a.) All traffic control devices at intersections along the route of march and the direction of police officers shall be obeyed.
- b.) All persons covered by the permit shall adhere strictly to the designated route.
- c.) All persons covered by the permit must assemble at the prescribed area and accompany the march only on the sidewalks and/or streets designated and in formation.
- d.) The flow of traffic on streets and roadways will not be intentionally blocked or congested.
- e.) Loud speakers or other sound amplifying devices are permissible as long as the use of such does not cause an intentional or unreasonable public nuisance or disturbance.
- f.) All other city ordinances and state and federal laws shall be obeyed at all times.

7. No person or organization shall unreasonably hamper, obstruct or impede any event for which a valid permit has been issued under this ordinance. Likewise, no driver of a vehicle shall unreasonably drive among or between vehicles or persons participating in any event for which a valid permit has been issued under this ordinance.

8. This ordinance shall not apply to funeral processions, or to activities sponsored or co-sponsored by the City of Saltillo or subdivisions thereof, as adequate public safety concerns will be addressed prior thereto.

9. Violations; penalty.

- a.) Any person found guilty of violating the provisions of this article shall be guilty of a misdemeanor criminal offense, and may be punished by a fine not exceeding \$500.00, plus court costs and assessments, or by imprisonment in the Lee County Jail for up to 180 days, or both.
- b.) Since public and private property rights, civil rights, and the general welfare may be involved in the violation of this article, and since criminal proceedings may not be an adequate or effective remedy because of the multiplicity of prosecutions and the failure of such prosecutions to protect property and civil rights, city officials are hereby authorized, in addition to criminal proceedings, to seek injunctive relief against violators of this article and such injunctive relief may be sought against the responsible individuals and/or organizations.

10. The granting of a permit for a parade, procession, public demonstration or similar conduct under this ordinance should not be construed as support, agreement, sponsorship or endorsement by the City of Saltillo of the activity or individual/organization permitted. The individual or organization sponsoring any event under this ordinance shall be responsible for any damage or injury which might occur during said event. The City of Saltillo is not responsible for any damage or injury which may occur as the result of the issuance of a permit under this ordinance or during the activity permitted.

11. **ADOPTION AND CERTIFICATION.**

UPON MOTION of Alderman Scott Knight, duly seconded by Alderman Donald Cullum, the aforesaid ordinance was put to a vote with Aldermen voting as follows:


ALDERMEN VOTING "YEA" or "NAY" (indicate if not voting):

Donald Cullum	<u>Yea</u>
Terry Glidewell	<u>Yea</u>
Scott Knight	<u>Yea</u>
Jewell Webb	<u>Yea</u>
Brad Woodcock	<u>Yea</u>

ORDAINED AND ADOPTED this the 19th day of July, 2016, at the Regular Meeting of the Mayor and Board of Aldermen of the City of Saltillo, Mississippi. This ordinance, having passed by a unanimous vote and it having been specifically determined that the said ordinance is necessary for the immediate protection of the health, safety, welfare and peace of the City and its citizenry, shall hereby take effect IMMEDIATELY, and notice hereof shall be posted and published according to state law.



Rex Smith, Mayor
City of Saltillo, Mississippi



Mary Parker, City Clerk
City of Saltillo, Mississippi



NOTE: This ordinance was approved and adopted by the Mayor and Board of Alderman at their Regular Meeting on July 19, 2016 and appears in Minute Book _____ at pages _____.