

PUBLIC GATHERINGS AND DEMONSTRATIONS

Sec. _____. Short Title

This chapter shall be known and may be cited as the Public Gatherings and Demonstrations Regulations of Seminole County.

Sec. _____. Authority

This chapter is adopted pursuant to the authority delegated to the county under Georgia Constitution article IX, § II, ¶ I.

Sec. _____. Purpose

The purpose of this Ordinance is to promote and regulate the use of public spaces and facilities within the unincorporated portion of Seminole County and any other public space or facility owned by Seminole County, consistent with the dedicated uses and maintenance of such public properties, the preservation of public safety, lawful commerce, and rights of access and traverse in preservation of natural and historic environments, and the protection of the well-being, peace, privacy, and good order necessary to the free enjoyment by citizens of the rights to private property and personal pursuits. Furthermore, it is the specific intent of Seminole County in enacting this Ordinance, to regulate only the time, place, and manner of events and not the content or message of any speech or expressive conduct.

Sec. _____. Application Process

The application shall include at a minimum:

The name, address, gender, and date of birth 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, if any; the name of the person making the application on behalf of or as a representative of said 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.

A plan for review by the Sheriff and the County Commission, which will include:

- (A) the anticipated number of persons participating in the event;
- (B) the date or dates of the event;
- (C) the hours of each day the event will be conducted;
- (D) the exact location of said event, or, if the event is processional or mobile, the route of the event;
- (E) whether sound amplification equipment will be employed;
- (F) whether artificial light will be employed;
- (G) whether temporary static structures will be employed;
- (H) a description of the anticipated need for safety, police, medical, sanitation, and other required personnel and equipment.

Sec. _____. Review by the County Commission and the Sheriff

- (a) All public parades, picketing and demonstrations that take place on Seminole County property shall be by permit only.

- (b) The Seminole County Commission will have the ultimate responsibility to accept or deny permits for conduct in public spaces and facilities (hereinafter referred to as the “event”) in the unincorporated areas or any owned or controlled property of Seminole County.
- (c) The Sheriff will have the final determination for the amount of the cash bond necessary to cover the cost of law enforcement personnel; fire safety; and EMS services necessary to assure for a peaceful event and to provide for the safety of the citizens of Seminole County.
- (d) Due to the limited number of combined law enforcement availability, no two public assemblies may take place in the same locale on the same day. The first organizer to apply for such permit will have priority over any subsequent application unless such application is scheduled on a date recognized as being a date of a continuing or annual event.
- (e) Within five (5) working days of the receipt of a fully completed, executed, and filed application, the County Commission shall review the application in light of all of the contents thereof and the goals, intentions, and presumptions of this Ordinance as set out hereinbefore, and render a decision and communicate same to Applicant, either permitting the event as planned or denying a permit for same. If the permit is denied, the Commission shall provide the Applicant in writing a statement of the reasons therefore. (First class mail to the address provided by Applicant, postmarked no more than five (5) working days after receipt of the fully completed, executed, and filed application, shall be sufficient for this purpose, though not the exclusive means of notice.)
- (f) Nothing in this process shall prevent the Commission, at their sole option and within the five (5) working 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 said five (5) working day period except at the invitation of the Commission. Any attempt to do so *sua sponte* shall be deemed a separate and new application.
- (g) The Commission 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 materials, or the information set out in the application is so incomplete, vague, or ambiguous as to prevent full and proper review by the Commission;
 - (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 occasions 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 or another;

- (6) The Applicant or entity represented by Applicant has on prior occasions violated permitting ordinances in connection with events of a substantially similar nature;
- (7) The plan of the event as proposed is likely to present a 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 restrict and/or congest traffic (vehicular or pedestrian) on any of the public roads, right of ways, sidewalks, or waterways in the immediate vicinity of such event;
- (9) The plan of the event as proposed is likely to cause a disturbance of the peace, or is likely to burden lawful commerce in the area at the time of the proposed event, or is likely to intrude upon the privacy or property of citizens in the area of the proposed event;
- (10) The plan of the event as proposed includes activities which are prohibited by laws of the United States, the State of Georgia, or ordinances of Seminole County, or activities which constitute nuisance or tortious conduct with respect to public or private property or persons;
- (11) The plan of the event as proposed would conflict with previously planned programs or events organized and conducted by Seminole County and previously scheduled for the same time and place;
- (12) The plan of the event as proposed is prohibited by or is inconsistent with the classifications and uses of the proposed or desired location; or
- (13) A fully executed prior application for permit has been or will be granted to a prior Applicant.
- (14) The plan of the event as proposed includes the use of sign(s), display(s), post(s), or placard(s), banner(s) which exceed 3'x 3' in size, are made of a material other than paper, cardboard, poster board, or foam, are attached or affixed to any wooden, plastic, metal, or other type of support, or are draped or affixed to any Seminole County property, including, but limited to, the ground, trees, and buildings within Seminole County.

Sec. _____. Revocation.

- (a) For events that have been granted a permit or events that do not require a permit, the Seminole County Sheriff's Office or the County Commission shall have the authority to *terminate* an event

at any time, or prevent its initiation, should traffic, weather, or other conditions develop which present an imminent danger to those participating in the event or to the public at large. If an event is permitted and is terminated pursuant to this subsection, the permit shall be revoked for that day only.

- (b) If in preparation for or after the start of an event 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 the application for the permit, the Seminole County Sheriff's Office or the County Commission shall have the authority to terminate the event at any time or prevent its initiation. If an event is terminated pursuant to this subsection, the permit shall be permanently revoked.

Sec. _____. Appeals.

Upon receipt of any decision by the Commission denying an application an Applicant may, within five (5) calendar days, file an appeal of said denial with the County Administrator, which appeal shall be in writing and sent to the County Administrator by certified U.S. mail or hand delivery.

Sec. _____. Assemblies, Parades and Picketing

All assemblies, parades and picketing shall be peaceful and unattended by noise and boisterousness, and there shall be no yelling, shouting, singing, chanting, clapping, or making any other loud noise by any means whatsoever whether by voice, handclapping, stomping or by mechanical means to such extent as to annoy or disturb the peace, quiet, comfort or repose of reasonable persons in any office, dwelling, hotel or other type residence, or any persons in the vicinity; provided, however, that the use of bands shall be permitted in parades.

Sec. _____. Use of sidewalks and streets.

Picketing and demonstrations shall be conducted only on the public sidewalks maintained by the county, and only in such manner and on such locations on the sidewalks as not to interfere with the free passage of traffic on the sidewalks. No picketing or demonstrating will be conducted on those portions of the county streets used primarily for vehicular traffic.

Sec. _____. Use of placards and signs.

Picketers or demonstrators shall carry only cardboard or paper placards or signs. No metal or wood may be attached to the placards or signs and the placards or signs shall not be more than thirty-six (36) inches in length and not more than thirty-six (36) inches in width.

Sec. _____ Prohibited in certain places.

There shall be no picketing or demonstrating in front of any building in which the following are located, affecting the normal operations thereof, while the following are in use:

- (1) A church;

- (2) A fraternal order;
- (3) A school;
- (4) A hospital, nursing home or rest home.

Sec. _____. Notice of proposed picketing; demonstrating or mass gathering.

The organizers of a proposed picket, demonstration or mass gathering must fill out an application with the Board of Commissioners. The final approval will come from the Board of Commissioners after they have reviewed and approved the event plan.

Sec. _____. Duty to disperse as directed by law enforcement.

Whenever the free passage of any street or sidewalk in the county shall be obstructed by a crowd, the persons composing such crowd shall disperse or move on when directed to do so by a law enforcement officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a law enforcement officer.

State law references: Obstructing highways, streets, sidewalks and other public passages, O.C.G.A. § 16-11-43.

Sec. _____. Use of vehicles for picketing or demonstrating.

No vehicles shall be used in any picket or demonstrating line, and all picketers or demonstrators shall be afoot.

Sec. _____. Use of Vehicles in Parades

The county law enforcement officers may make temporary rules directing and regulating the traffic in congested districts, and any person, who, after being warned of the temporary traffic regulations, shall violate them, shall be liable therefore as for other violations of this Code.

Sec. _____. Prohibited Conduct

(a) *Prohibited conduct.* It shall be unlawful for any person or persons during any public event within the unincorporated areas of the county to engage in any conduct described in the following subsections:

- (1) To act in a violent or tumultuous manner toward another whereby any person is placed in fear for the safety of his life, limb, or health;
- (2) To act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being damaged or destroyed;
- (3) To cause, provoke or engage in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another;
- (4) To assemble or congregate with another or others for the purpose of or with the intent to engage in gaming;
- (5) To be in or about any place, alone or with another or others with the purpose of or intent to engage in any fraudulent scheme, trick, or device to obtain any money or valuable thing; or to aid or abet any person or persons in doing so;
- (6) To be in or about any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed, or tolerated, for the purpose of or intent to engage in gaming or the purchase, use, possession or consumption of said illegal drugs, narcotics, or alcoholic beverages;

(7) To direct "fighting words" toward another, that is words which by their very nature tend to incite a breach of the peace;

(8) To interfere, by acts of physical obstruction, with another's pursuit of a lawful occupation;

(9) To congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic, and to fail to clear that public way after being ordered to do so by a Seminole County law enforcement officer or other lawful authority;

(10) To disrupt, by actions which tend to incite a breach of peace, the activities of any house of worship, hospital, home for the elderly, or any lawful meeting, gathering or procession; or

(11) To throw bottles, paper, cans, glass, sticks, stones, missiles, or any other debris on public property.

(b) *Penalty.* Upon finding of guilt for the violation of this section, the offender shall be subject to imprisonment for a term not exceeding sixty (60) days or by fine not exceeding \$500.00, or both.

(c) *Jurisdiction.* The Magistrate Court of Seminole County and the State Court of Seminole County shall each have jurisdictions to try the offense described in this section.

Sec. _____. Effective Date.

This ordinance shall become effective upon adoption. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Sec. _____. Severability.

Should any section, provisions, or clause of any part of this Ordinance be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance 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 Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of Seminole County that this Ordinance would have been adopted had any such invalid portion not been included herein.

Sec. _____. Violations.

Whenever in this Ordinance any act is prohibited or is made or declared to be unlawful or an offense, or whenever herein the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of such provision shall be an ordinance violation punishable by a fine of at least but not to exceed \$500.00, or by imprisonment of at least 24 hours, not to exceed 60 days, or both. Any person who violates this Ordinance may be subject to immediate arrest. The imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit issued pursuant to this Ordinance.

Sec. _____. Exceptions.

This Ordinance shall not apply to any of the following:

- (a) A governmental agency, including its employees or officials, acting within the scope of its functions or conducting official governmental business;
- (b) Uses, activities, or events being conducted on the public properties of Seminole County, or the facilities thereon, that do not have the

effect, intent, purpose, or propensity to attract the notice of people who are not a part of such use, activity, or event;

- (c) Events that are sponsored by Seminole County within the scope of its functions;
- (d) 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; and
- (d) Funeral processions.

This Ordinance will go into effect, October 13, 2009.

ADOPTED THIS 13th DAY OF October, 2009.

Seminole County Board of Commissioners

Tommy Rogers, Chairman

Alton Harrison, Vice-Chairman

Dell Shingler

Scott Miller

Brenda Peterson

Attest:

Donna F. Jones, Clerk