

**ORDINANCE OF THE CITY OF MORTON PERTAINING TO
ASSEMBLIES, PARADES AND PROCESSIONS IN THE
CITY OF MORTON, MISSISSIPPI**

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE
BOARD OF ALDERMEN OF THE CITY OF MORTON, MISSISSIPPI that the
City of Morton adopts this Ordinance regulating assemblies, parades and
processions in the City of Morton, and the same shall read as follows:**

**Assemblies, Parades and Processions
Code of Ordinances of the City of Morton, Mississippi**

SECTION 1: Definitions.

(a) The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disbanding area shall mean the area where parade participants, floats, vehicles, and animals disband following a parade.

Holiday shall mean New Year's Day, Dr. Martin Luther King Jr.'s Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, or Christmas Day, and/or any day as officially declared by the United States Congress or the State of Mississippi.

Parade shall mean any march, procession, motorcade or promenade consisting of persons, animals or vehicles, or a combination thereof, having a common purpose, design, destination or goal, upon any street, park or public place in the City, which parade, march, procession, motorcade or promenade does not comply with normal and usual traffic regulation or control.

Special event holiday shall mean any holiday proclaimed by the mayor as a special community celebration of a significant success of any organization within the City.

Staging area shall mean the area where parade participants, floats, vehicles, and animals assemble prior to a parade.

SECTION 2. Permit Required.

(a) No person shall engage in, participate in, aid, form or start any parade, unless a parade permit therefor shall have been obtained from the chief of police under the provisions of this Ordinance.

(b) The following are exceptions to the requirement to obtain a permit set out in subsection (a) of this section:

- (1) Funeral procession;
- (2) Educational activities, provided such activities are under the direct supervision of the appropriate school authorities and such activities are conducted during school hours;
- (3) Any governmental agency acting within the scope of its authority.

SECTION 3. Application.

(a) A person seeking the issuance of a permit under this Ordinance shall file an application in person with the chief of police during the normal business hours for City Hall on Mondays through Fridays (legal holidays excepted). The chief of police, or his designee, must note the time and date of receipt of the application. An application for a permit shall be filed with the chief of police not less than fifteen (15) calendar days, nor more than sixty (60) calendar days, before the date upon which the parade is proposed to be conducted. An untimely application shall be void and will not be acted upon by the chief of police.

(b) All permit applications must be signed, under penalty of perjury, and sworn to before an officer authorized to administer oaths.

(c) The application for a parade permit shall set forth and contain the following information:

- (1) The name, address and telephone number of the person seeking to conduct the parade;
- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization or other entity, the name, address and telephone number of the headquarters of the organization or other entity, and the names, addresses and telephone numbers of the authorized and responsible heads of the organization or other entity;

(3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible to present and display any permit upon request by City officials, and who will be responsible for ensuring that the parade is conducted in compliance with the permit, this Ordinance and all other applicable laws;

(4) The date when the parade is to be conducted;

(5) The route to be traveled, the intersections crossed, the starting point and the termination point;

(6) The approximate number of persons who, and the animals and vehicles which, will constitute the parade; the type of animals, and the description of the vehicles, including a description of any sound amplification equipment to be used;

(7) The hours when the parade will start and terminate;

(8) The location by streets of any assembly areas for the parade;

(9) The time at which units of the parade will begin to assemble at the staging area or areas;

(10) If the parade is to be held by, and on behalf of or for, any person other than the applicant, the name, address and telephone number of the person and a written power of attorney specifically authorizing the applicant to apply for the permit from the City and authorizing the applicant to enter into the contract set forth below and binding the third party to perform those duties imposed upon the applicant by this Ordinance, any permit and any applicable laws;

(11) A statement that the applicant is fully authorized to act and contract for any person, association, organization, corporation or other entity on whose behalf the application is made.

(12) If the parade is to be held by, or on behalf of any organization, association, corporation, partnership, joint venture or other entity then the application must be signed by two officers of the entity and must have attached a true and correct copy of a resolution authorizing the applicants to make application for or on behalf of the entity, and authorizing the applicants to enter into the contract set forth below and binding the entity to perform those duties imposed upon the applicant by this Ordinance, any permit and any applicable laws;

(13) Whether or not marshals will be provided and, if so, their duties and identification;

(14) Whether any items or materials are to be distributed during the parade or at the staging or disbanding areas.

(15) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued;

(16) Proof of Insurance;

(17) A statement whereby the applicant and any other person or entity, on whose behalf the application is made, do contract and agree that they will, jointly and severally, (A) pay for the repair or replacement (as determined solely by the City) of any City property which is damaged as the result of the parade or the actions or omissions of the applicants or parade participants; (B) defend, protect, indemnify and hold the City, its officers, employees, attorneys and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of or resulting from, the parade, or the alleged acts or omissions of the parade participants, the applicant, its officers, agents or employees in connection with the parade; and (C) the applicant and any other person or entity on whose behalf the application may act, shall at their own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the City, its officers, agents, attorneys or employees, and that the indemnifying parties shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the City, its officers, agents, attorneys or employees as a result of the parade or the alleged acts or omissions of the applicant or the applicant's officers, agents, attorneys or employees in connection with the uses, events or activities under the permit. The indemnified parties shall have the sole discretion as to the selection of defense counsel and the conduct of the defense, including any settlement. These defense and indemnity provisions expressly extend to any claim for workers' compensation benefits.

SECTION 5. Application Fee.

Each application for a parade permit must be accompanied by a separate permit application fee in the amount of \$300.00. All tendered fees must be in the form of a cashier's check payable to the City. The permit application fee is not refundable.

SECTION 6. Insurance.

(a) As part of the permit application the applicant shall provide a Certificate of Insurance reflecting that the applicant or persons or entities on whose behalf the applicant is acting, has in place general liability insurance, issued by a Company authorized to do business in Mississippi, insuring the applicant and the persons or entities on whose behalf the application is made against liability for bodily injury, property damage (including loss of use of property), personal injury and death in the amount of at least \$1,000,000.00 per person and \$2,000,000.00 per occurrence.

(b) Prior to the issuance of any permit, the applicant shall deliver to the chief of police duplicate policies of insurance, issued by a Company authorized to do business in Mississippi, in the amounts set forth above, reflecting that the Permittee and the City, its officers, agents, attorneys or employees are named insured under the policy,

together with Certificates of Insurance issued by the insurers. The Certificates of Insurance shall reflect that the coverages will not be terminated without ten (10) days prior notice being given to the City. This coverage shall also include a waiver of subrogation in favor of the City. The chief of police will not issue a permit until he has confirmed with the City Attorney that the policies and certificates satisfy this provision.

SECTION 7. Action on Application.

(a) The chief of police shall act upon the application for a permit within fifteen (15) business days after the filing thereof.

(b) The chief of police shall provide the Mayor, the fire chief, the director of public works, the director of parks and recreation, with a copy of the application.

(c) The following criteria will be used by the chief of police in determining whether or not to issue a permit pursuant to this Ordinance:

- (1) Whether the proposed conduct is governed by or subject to any other permit procedure or other applicable laws, rules or regulations;
- (2) Whether the proposed conduct complies with the time, place and manner restrictions set forth in this Ordinance;
- (3) Whether the preparation for or the conduct of the parade will unduly impede, obstruct, impair or interfere with the public use of the street or other public property;
- (4) Whether the preparation for or the conduct of the proposed use, event or activity will unduly impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the impacted area, or adversely affect the City's ability to perform municipal functions or furnish City services throughout the City;
- (5) Whether the proposed activity presents a substantial or unwarranted safety or traffic hazard;
- (6) Whether the proposed activity will have a significant adverse environmental impact;
- (7) Whether the conduct of such proposed activity will interfere with the movement of firefighting equipment en route to a fire;

- (8) Whether the conduct of the proposed activity is reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- (9) Whether the proposed activity is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delay en route;
- (10) Whether the conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (11) Whether 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;
- (12) Whether the conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the normal operations of the City;
- (13) Whether the concentration of persons, animals or vehicles at the staging and disbanding areas will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the impacted areas;
- (14) Whether the conduct of the parade will not interfere or conflict with any other parade for which a permit has been issued;
- (15) Whether another parade permit has been granted, or is under consideration, for any portion of the time sought by the applicant;
- (16) Whether the parade is not to be held for the sole purpose of advertising any product or goods and is not designed to be held purely for private profit;
- (17) Whether applicant has made any false or misleading statement in an application, has failed to fully comply with the requirements of this Ordinance, cannot meet the obligations of this Ordinance or has violated any of the provisions of this Ordinance or the provisions of any other applicable law, rule or regulation.

SECTION 8. Contents of permit.

Each parade permit shall state the following information:

- (1) The start time and conclusion time for the parade;
- (2) What portions of the streets to be traversed may be occupied by the parade;
- (3) The maximum number of length of the parade in miles or fractions thereof;
- (4) The minimum and maximum speeds;
- (5) The staging area and the disbanding area, and the times for each;
- (6) That the amplification of sound permitted to be emitted from amplification equipment be fixed and not variable;
- (7) That the Permittee shall advise all participants in the parade either orally or by written notice, of the terms and conditions of the permit, prior to the commencement of the parade;
- (8) Any other information that the chief of police shall find reasonably necessary for the protection of persons or property.
- (9) In addition to the requirements of this Ordinance or other applicable laws or rules or regulations promulgated by the board of mayor and aldermen, each permit shall contain such terms and conditions regarding the time, place and manner of utilizing the City streets or other public property which are necessary and appropriate under the circumstances.

SECTION 9. Permit fees.

(a) No permit shall be issued or delivered until the permit fee, calculated in accordance with this Ordinance, is tendered to the chief of police. All tendered fees must be in the form of a cashier's check payable to the City.

(b) The Permit fee shall be paid for use of the use of City streets or other City-owned or controlled property and City department services. The total amount of fees due must be paid to the City at the time of delivery of the permit. In no event shall the permit fee be paid later than five (5) business days prior to the parade. If the permit fee is not paid timely then the applicant shall become void and the applicant must submit a new application.

(c) Within three (3) days after receipt of the applicant in proper form and otherwise in compliance with this Ordinance, the heads of the impacted departments shall

submit to the chief of police a good faith estimate of the cost of providing departmental services which are reasonably expected to be incurred in relation to the proposed parade, and calculated in conformity with this section. Whenever it is necessary to assign City personnel for a parade related duties, a charge will be levied for each personnel so assigned, on an hourly basis at that employee's overtime rate. A two-hour minimum charge will be assessed. Materials will be calculated at cost plus ten percent (10%) to recover any restocking or otherwise unrecovered administrative cost. Upon receipt of this information the chief of police shall fix the amount due for the permit fee and inform the applicant of the required amount.

(d) The fixing of the fee does not, and shall not be, construed as relieving the applicant of responsibility for charges for departmental services or damage or injury to City property. If City property is destroyed or damaged by reason of the permittee's use, event or activity, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed or damaged property. City department heads shall submit the final invoices and billings for departmental charges to the chief of police no later than ten working days after the expiration date of the permit. The chief of police shall then submit a final statement to the permittee. The permittee shall pay, by cashier's check, any amounts not covered by the permit fee within fifteen (15) days of dispatch of the final statement. If the final statement is less than the tendered permit fee then the City shall reimburse the permittee the difference within fifteen (15) days of dispatch of the statement. No applications for a parade permit will be accepted from persons or entities which have failed to pay such charges.

(e) If a permittee is unable to hold or conduct a use, event or activity because of inclement weather or due to some other cause not within the permittee's control, and the permittee submits a written request for the refund of such fees to the chief of police within ten days after the date that the activity was to have been held or conducted, the City Clerk may authorize the refund of the permit fees or a pro rata portion thereof, except the nonrefundable application fee, which have been paid by the permittee to the City in connection with a permit issued under this Ordinance.

SECTION 10. Issuance of Permit.

(a) No permit shall be issued if another permit has previously been issued for the same day.

(b) No permit shall be issued if the proposed time of the parade or disbanding occurs after sunset.

(c) No permit shall be issued if the proposed parade route is in excess of three (3) miles.

(d) The maximum time necessary for completion of the parade may not exceed three hours, provided that parades conducted between 9:00 a.m. and 11:30 a.m. or

between 1:30 p.m. and 4:00 p.m., on any day other than a Saturday, Sunday, or holiday may not exceed one hour.

SECTION 11. Compliance by Permittee.

(a) A permittee shall comply with all permit directions and conditions, all application commitments and with all applicable laws and ordinances. The parade chairperson or other person heading or leading the parade shall carry the parade permit on his person during the parade. The failure to have the permit on hand as required will result in the parade not being allowed to proceed.

SECTION 12. Appeal Procedure.

(a) Any applicant aggrieved by the denial of a parade application, or of a condition that he or she deems unreasonable, shall have the right to appeal to the municipal Governing Authority. Notice of appeal shall be filed by the applicant in writing with the City Clerk of the municipal governing body within five (5) days of the denial or notice of the condition, Saturdays, Sundays and legal holidays excluded. The City Clerk shall place the appeal on the agenda for the next regular meeting of the Governing Authority, provided there is a meeting scheduled within ten days of the filing of the notice of appeal. If no regularly meeting is scheduled within ten days of the filing of the notice of appeal, the Mayor shall call a special meeting pursuant to Mississippi law to be held within ten days of the filing of the notice of appeal. The Governing Authority shall consider the appeal and may reverse, affirm or modify in any regard the determination of the chief of police.

(b) If the applicant is aggrieved by the decision of the Governing Authority then he or she may appeal in accordance with applicable law to any court of competent jurisdiction.

SECTION 13. Revocation of Permit.

(a) Any permit issued under this Ordinance may be summarily revoked by the chief of police or his designee to protect the safety of persons or property. If a parade or special event is in progress when any such revocation occurs, the chief of police or his designee shall have the authority to disassemble such parade or special event.

(b) The chief of police or his designee shall have the authority to revoke a parade permit issued pursuant to this ordinance upon violation of the standards for issuance of the permit as herein set forth.

SECTION 14. Public Conduct During Parades.

(a) Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or public assembly or with any person, vehicle or animal participating or used in a parade or public assembly.

(b) Driving Through Parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade, unless specifically authorized to do so by a law enforcement officer.

(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 no parking signs, 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 where no parking signs are not posted pursuant to this ordinance.

(d) Drugs, Alcohol and Weapons.

(1) No person shall consume any controlled substance for which they do not have a lawful prescription at any stage or disbanding area or during participation in any parade.

(2) No person shall consume any Alcoholic Beverage at any stage or disbanding area or during participation in any parade.

(3) No person shall display any rifle, gun or pistol during any parade. Any lawfully possessed concealed weapons possessed by a parade participant shall be disclosed to the chief of police two (2) hours prior to the start of the parade.

(4) The parade shall not contain any number of animals or vehicles that are not licensed to travel on public streets.

SECTION 15. Violations.

(a) Any person who shall assemble a crowd or hold a public meeting in any street without a parade permit, as provided in this ordinance, shall be guilty of a misdemeanor and upon conviction shall be sentenced to a fine of not less than \$100.00, nor more than \$1,000.00, or imprisonment of no more than ninety (90) days in jail, or both fine and jail time, for each such violation.

(b) Any person who shall violate the terms of this Ordinance or who shall submit any false or misleading information in relation to obtaining a permit, shall be

guilty of a misdemeanor and upon conviction shall be sentenced to a fine of not less than \$100.00, nor more than \$1,000.00, or imprisonment of no more than ninety (90) days in jail, or both fine and jail time, for each such violation.

SECTION 16. Miscellaneous.

This Ordinance shall be cumulative and in addition to any other laws in force. That the terms and provisions of this Ordinance are severable. If any provision, exception, part, phrase or term of this Ordinance or the application thereof to any person or circumstances is held invalid, the remaining provisions, exceptions, parts, phrases or terms of this Ordinance or the application thereof to any other person or circumstances shall not be affected thereby.

SECTION 17.

This Ordinance is adopted for good cause shown and, upon adoption by unanimous vote of all members of the governing authority, the same shall go into effect immediately according to Miss. Code Ann. Section 21-13-11 (Miss. 1972 as amended). All Ordinances in conflict herewith are repealed.

SECTION 18.

This Ordinance having been reduced to writing and no request for the same to be read by the Clerk having been made, the same was introduced by Alderman W. R. Booth seconded by Alderman David B. French and was adopted by the following vote, to wit:

Alderman W. R. Booth	-	Voting Yea
Alderman Oneida Hollis	-	Voting Yea
Alderman David B. French	-	Voting Yea
Alderman Freddie Owens	-	Voting Yea
Alderman Janet Jones	-	Voting Yea