

**TITLE II
HEALTH, SAFETY AND WELFARE
PARADES, PROCESSIONS, MOTORCADES &
DEMONSTRATIONS**

Chapter 8 Parades, Processions, Motorcades and Demonstrations

801 Purpose

Purpose is to recognize and permit individuals constitutional rights to assemble or parade peaceably on public streets and parks while protecting the public health, safety and welfare by ensuring free passage of traffic and maintaining public order.

802 Definitions

802.1 Parade means any march or procession consisting of ten (10) or more people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.

802.2 Procession means any march of ten (10) or more persons, vehicles, animals or objects, or combinations thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.

802.3 Motorcade means an organized procession containing ten (10) or more vehicles, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.

802.4 Demonstrations means any assembly or march of persons, vehicles, animals or objects, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.

803 Permits

It shall be unlawful for any person to conduct a parade, procession, motorcade or demonstration in or upon any public street, sidewalk or alley in the town or knowingly participate in any such parade, procession, motorcade or demonstration unless and until a permit to conduct such parade, procession, motorcade or demonstration has been obtained from the Chief of Police, or, as hereinafter provided from the Board of Selectmen.

804 **Parade, Procession or Motorcade for Commercial Purpose Prohibited**

No permit shall be issued authorizing the conduct of a parade, procession, motorcade or demonstration which the Chief of Police finds is proposed to be held for the sole purpose of advertising any product, goods, wares, merchandise, or event, and is designed to be held purely for private profit.

805 **Interference with Parade, Procession, Motorcade or Demonstration Prohibited**

No person shall knowingly join or participate in any parade, procession, motorcade or demonstration conducted under permit from the Chief of Police in violation of any of the terms of said permit, nor knowingly join or participate in any permitted parade, procession, motorcade or demonstration without the consent and over the objection of the applicant, nor in any manner interfere with its progress or orderly conduct.

806 **Application for Permit**

Any person who wants to conduct a parade, procession, motorcade or demonstration shall apply to the Chief of Police for a permit at least ten (10) days in advance of the proposed parade, procession, motorcade or demonstration. The Chief of Police may, in his discretion, consider any application for a permit to conduct a parade, procession, motorcade or demonstration which is filed less than the (10) days prior to the date such parade, procession, motorcade or demonstration is to be conducted. The application for such permit shall be made, in writing, on a form approved by the Chief of Police. In order that adequate arrangements may be made for the proper policing of the parade, procession, motorcade or demonstration the application shall contain the following information, including but not limited to:

- (a) The name of the applicant, the sponsoring organization, the parade, procession, motorcade or demonstration organizer and addresses and telephone numbers of each applicant/organizer.
- (b) The purpose of the parade, procession, motorcade, or demonstration, the expected maximum number of participants, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, route to be traveled and the approximate time when the parade, procession, motorcade or demonstration will assemble, start and terminate.
- (c) A description of the individual floats, marching units, animals, vehicles or bands, including a description of any sound amplification equipment to be used.

- (d) Such other information as the Chief of Police shall deem reasonably necessary.

807 Issuance or Denial of Permit

807.1 Standards for Issuance

The Chief of Police shall issue a parade, procession, motorcade or demonstration permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the Chief of Police finds that:

- (a) The time, route and size of the parade, procession, motorcade or demonstration will disrupt, to an unreasonable extent, the movement of other traffic.
- (b) The parade, procession, motorcade or demonstration is of a size or nature that requires the diversion of so great a number of police officers of the town to properly police the line of movement and the areas contiguous thereto that allowing the parade, procession, motorcade or demonstration would deny reasonable police protection to the town.
- (c) Such parade, procession, motorcade or demonstration will interfere with another parade, procession, motorcade or demonstration for which a permit has been issued.

807.2 Standards for Denial

The Chief of Police shall deny an application for a parade, procession, motorcade or demonstration permit and notify the applicant of such denial where:

- (a) The Chief of Police makes any finding contrary to findings required to be made for the issuance of a permit.
- (b) The information contained in the application is found to be false or nonexistent in any material detail.
- (c) The applicant refuses to agree or abide by or comply with all conditions of the permit.

807.3 Contents of Permit

In each permit the Chief of Police shall specify:

- (a) The assembly area and time of assembly;
- (b) The starting time;
- (c) The minimum and maximum speeds;
- (d) The route of the parade, procession, motorcade or demonstration;
- (e) What portions of streets to be traversed may be occupied by such parade, procession, motorcade or demonstration;
- (f) The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such parade, procession, motorcade or demonstration;
- (g) The maximum length of such parade, procession, motorcade or demonstration in miles or fractions thereof;
- (h) The disbanding area, and disbanding time;
- (i) The number of persons required to monitor the parade, procession, motorcade or demonstration;
- (j) The number of participants expected and type of vehicles, if any;
- (k) The material and maximum size of any sign, banner, placard or carrying device therefore;
- (l) The materials used in the construction of floats used in any parade shall be of fire-retardant material and shall be subject to such requirements concerning fire safety as may be determined by the Fire Chief;
- (m) That permittee advise all participants in the parade, procession, motorcade or demonstration, either orally or by written notice, of the terms and conditions of the permit, prior to the commencement of such parade, procession, motorcade or demonstration;
- (n) That the amplification of sound permitted to be emitted from sound trucks, or bull horns, be fixed and not variable;
- (o) That the parade, procession, motorcade or demonstration continue to move at a fixed rate of speed and that any willful delay or willful stopping of said parade, procession, motorcade or demonstration, except when reasonably required for the safe and orderly conduct of the parade, procession, motorcade or demonstration, shall constitute a violation of the permit, and;
- (p) Such other requirements as are found by the Chief of Police to be reasonably necessary for the protection of persons or property.

All conditions of the permit shall be complied with so far as reasonably practicable.

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Appeal Procedure

Upon a denial by the Chief of Police of an application made pursuant to Section **807.2** of this Chapter, the applicant may appeal from the determination of the Chief of Police within five (5) days thereafter to the Board of Selectmen by filing a written notice of appeal for a hearing by the Board of Selectmen at its next meeting. Upon such appeal, the Board

of Selectmen may reverse, affirm, or modify, in any regard, the determination of the Chief of Police.

In the event an application is not filed within the required time, as specified in Section **806**, the applicant may request a waiver of such requirement by the Board of Selectmen at its next meeting, or at a special meeting which may be called prior thereto by said Board of Selectmen to consider such matter, and the Board of Selectmen, if it finds unusual circumstances and in the exercise of its sound discretion, may waive such requirement.

809 **Officials to be Notified**

Immediately upon the granting of a permit for a parade, procession, motorcade or demonstration, the Chief of Police shall send a copy thereof to the following:

- (a) Town Manager;
- (b) Fire Chief;
- (c) Public Works Director;
- (d) Code Enforcement Officer, and
- (e) Other Interested Parties

810 **Revocation of Permit**

Any permit for a parade, procession, motorcade or demonstration issued pursuant to this Chapter may be summarily revoked by the Chief of Police at any time when by reason of disaster, public calamity, riot or other emergency, the Chief of Police determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered, in writing, to the applicant by personal service or certified mail.

811 **Penalties**

The penalty for violation of this Ordinance shall be no less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) for each violation. Each day that a violation occurs or continues shall be considered a separate offense. Penalties collected for violation of this Ordinance shall be recovered for the use of the Town of Ogunquit.

812 **Effective Date**

Ordinance shall become effective upon adoption at the Special Town Meeting, November 3, 1998.