

**ORDINANCE NO. 2020-0121-05**

**AN ORDINANCE TO AMEND CHAPTER 20, ARTICLE X, “PARADES AND DEMONSTRATIONS”, OF THE CODE OF ORDINANCES OF THE TOWN OF APEX**

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Apex as follows:

**Section 1. That Section 20-196 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions being shown by underlined text:**

Sec. 20-196. - Definitions

For the purposes of this article, the following terms shall have the meanings respectively ascribed to them:

*Group demonstration* means any assembly together or concert of action between or among ~~two~~ ten or more persons for the purpose of protesting any matter or of making known any position or promotion of such persons or of or on behalf of any organization or class of persons or for the purpose of attracting attention to such assembly.

*Parade* means any parade, march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks or other public grounds or places.

*Picket line* means any ~~two~~ ten or more persons formed together for the purpose of making known any position or promotion of such persons or of or on behalf of any organization or class of persons.

**Section 2. That Section 20-199 of the Town of Apex Code of Ordinances is hereby deleted in its entirety and replaced as follows:**

Sec. 20-199.- Reimbursement of Costs.

(a) The applicant for a parade or group demonstration permit shall be responsible for hiring and paying off-duty law enforcement officers, or for reimbursing the town for the costs of providing on-duty law enforcement officers to police street closures and/or to provide internal parade or group demonstration safety and security.

- (b) The chief of police shall determine the number of law enforcement officers needed to police street closures and for internal safety and security and the time when said services will begin and end based on the following criteria:
- (1) The proposed location of the parade or demonstration;
  - (2) The date, time, and day of the week that the demonstration or parade is proposed to take place;
  - (3) The vehicular and pedestrian traffic conditions in the location proposed;
  - (4) The traffic control devices in place and the number of intersections in the area proposed;
  - (5) The anticipated number of participants and spectators;
  - (6) The anticipated weather;
  - (7) The nature and format of the demonstration or parade;
  - (8) The anticipated length of the event;
  - (9) For parades, whether alcohol will be served or made available.
- (c) The applicant shall reimburse the town for the costs of clearing the town's streets, sidewalks, and public places of litter resulting from the occurrence of such parade or group demonstration and for the cleansing and repair of public property defaced, soiled, or damaged by paraders or demonstrators.
- (d) Notwithstanding anything to the contrary in subsections (a), (b), or (c) of this Section, in the case of a parade, the town may elect to provide the services contemplated by this Section at no cost or at a reduced cost should the town choose to support the parade. The support of any parade by the town is not a waiver of a regulatory requirement based upon the content of the views expressed but is an act of town speech or association.

**Section 3. That Section 20-201 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions being shown by underlined text:**

Sec. 20-201. - Prohibited acts—Carrying firearms; taking or keeping vicious animal ~~dog~~; ~~carrying of flag of hostile country.~~

The following acts or activities, when performed or undertaken in conjunction with or as a part of any parade, picket line or group demonstration are hereby prohibited and declared unlawful:

- (1) The carrying on or about the person any firearm or any weapon or article, including but not limited to blackjacks, nightsticks or flashlights, which by their use might constitute a deadly weapon.
- (2) The taking or keeping of any ~~dog or~~ vicious animal, whether leashed or unleashed.
- (3) ~~The carrying or displaying of any flag or emblem of any foreign state or any foreign political party or other organization which is engaged in hostilities against the armed forces of the United States.~~ Disrupting, blocking, obstructing, or interfering with pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other building access which abuts the public sidewalk.

**Section 4. That Section 20-203 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions being shown by underlined text:**

Sec. 20-203. - Regulation and conduct of picketing.

Picket lines and picketing shall be subject to the following additional regulations:

- (1) Picketing may be conducted on the sidewalks reserved for pedestrian movement or other town-owned areas normally used or reserved for pedestrian movement and may not be conducted on the portion of a street used primarily for vehicular traffic.
- (2) ~~Not more than ten pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any one time.~~ If more than one group of picketers, promoting different objectives, desires to picket at the same time or near the same location, the chief of police may, without regard to the purpose or content of the message, assign each group a place to picket so as to maintain the public peace. Members of one group assigned to a specific location shall not enter the area assigned to another group. Priority of location shall be determined by which group arrived first.

- (3) Pickets may carry written or printed placards or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done; ~~provided, that the words used are not derogatory or defamatory in nature.~~ Placards, flags, or signs shall not be of a size or displayed in a nature that would obstruct passage of pedestrian or vehicular traffic.
- (4) ~~Pickets must march in single file and not abreast and not march closer together than 15 feet, except in meeting one another while proceeding in opposite directions. Pickets shall not be allowed to walk more than five feet from curbline and shall be in continuous motion. Spectators of pickets shall not physical interfere with any individuals engaged in picketing. Neither picketers nor spectators shall speak fighting words or make threats that would tend to provoke a reasonable person to a breach of the peace.~~
- (5) ~~If pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence of more than ten pickets thereon, the chief of police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis.~~

**Section 5.** The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

**Section 6.** Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 7.** This ordinance shall be effective upon adoption.

Introduced by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

This the 21st day of January, 2020

Attest:

TOWN OF APEX, NORTH CAROLINA

\_\_\_\_\_  
Donna B. Hosch, MMC, NCCMC  
Town Clerk

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

Approved As To Form:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney