

ORDINANCE NO. 4669

AN ORDINANCE AMENDING CHAPTER 10 OF THE BOSSIER PARISH CODE OF ORDINANCES "AMUSEMENTS AND ENTERTAINMENTS", BY ADDING ARTICLE IV "PARADES AND PUBLIC DEMONSTRATIONS"

BE IT ORDAINED by the Bossier Parish Police Jury in regular and legal session on this 20th day of December, 2017, that Chapter 10 of the Bossier Parish Code of Ordinances, be and is hereby amended to add Article IV, as follows:

ARTICLE IV. – PARADES AND PUBLIC DEMONSTRATIONS

DIVISION 1. – IN GENERAL

Sec. 10-40. Purposes

The purposes of this article are:

- (a) To establish procedures for applying for a permit from the Police Jury to conduct the type of activity or event for which the permit is sought;
- (b) To establish standards for evaluating permit applications and issuance;
- (c) To establish standards for evaluating revocation of issued permits;
- (d) To provide procedures for an appeal of denial and/or revocation of permits; and
- (e) To provide for conditions and restrictions imposed on the issuance of permits.

Sec. 10-41. Definitions

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

- (a) The term "Activity" or "Event" shall mean any parade, or public demonstration for which a permit is issued.
- (b) The term "Applicant" shall mean the person(s) or entity, group, association, or organization that seeks the issuance of a permit.
- (c) The term "Application" shall mean a written application for a permit on a form proscribed for such purposes.
- (d) The term "Parade" shall mean the assembly of four (4) or more persons within a street right-of-way whose gathering is for a march or procession of any kind, or any similar gathering, whose purpose is to move from one location within the Parish to another location within or outside the Parish, or to return to the original starting point.
- (e) The term "Parish" shall mean Bossier Parish, Louisiana.
- (f) The term "Parish Property" shall mean all Parish streets, alleys, sidewalks, parks, plazas, and public spaces that have been constructed or maintained for the exclusive use and benefit of the public, including those that constitute traditional public forums, designated public forums, or limited public forums. The term "Parish Property" shall not include the interior spaces of Parish buildings.
- (g) The term "Permit" shall mean the written authorization issued by the Police Jury for the conducting of the proposed activity.

(h) The term “Permittee” shall mean the person(s) or entity, group, association, or organization to whom the permit is issued.

(i) The term “Public Demonstration” shall mean a public assembly, a meeting or gathering, a rally or protest event, a political rally or event, a demonstration, speechmaking, marching, the holding of vigils or religious services, and all other like forms of conduct, the primary purpose of which is expressive activity or the communication or expression of views or grievances, that (1) is engaged in by more than four (4) persons, and the conduct of which has the effect, intent, or propensity to draw a crowd or onlookers, or (2) will occur upon any Parish street, sidewalk, or alley without compliance with the normal and customary traffic regulations or controls governing such places. The term “Public Demonstration” shall not mean the casual use of Parish Property which does not have an intent or propensity to draw a crowd or onlookers.

Sec. 10-42. Responsibility of Police Jury; Sheriff’s Department; Parish Fire Districts

(a) The Police Jury is responsible for general administration of this article, including receiving applications for permits, for assuring that they are reviewed in accordance with this article, for approving or disapproving all applications, for informing applicants of permit approval or disapproval, for revoking permits if required, and for assuring that the Sheriff’s Department enforces all ordinances and regulations necessary to assure the safety of persons and property within the parish.

(b) The Sheriff’s Department is responsible for advising the Police Jury of all security considerations associated with all proposed activities, and for enforcement of all ordinances and regulations necessary to assure the safety of persons and property within the parish. The Sheriff’s Department is further responsible for evaluating all permit applications and proposed plans to determine their impact on the maintenance of security, safety, and emergency services, and for recommending that the Police Jury approve or disapprove each application and proposed plans based on this review.

(c) The Parish Fire Districts are responsible for evaluating all permit applications in their respective districts and proposed plans to determine their impact on the maintenance of fire and emergency medical services, and for recommending that the Police Jury approve or disapprove each application and proposed plans based on this review.

Sec. 10-43. Parade Routes; How Established; Locations

(a) The applicant may request parade routes and submit them to the Police Jury for approval.

(b) The person applying for a permit shall select a primary and alternate route from the designated routes and submit this along with the application for a permit.

(c) Routes for, processions, marches, marathons, walk-a-thons or other similar events must be approved by the Police Jury at least sixty (60) days prior to the scheduled day of the event.

Sec. 10-44. Applicability; Exemptions

(a) The provisions of this article shall apply to all groups, associations or organizations regardless of race, creed, disability, as defined in R.S. 51:2232(11), color or political beliefs of its members; however, nothing contained in this section shall apply to a bona fide legitimate labor organization, professional firefighter or police association, any lawful activity of a labor union permitted by law, any procession or parade directly held or sponsored by the governing authority of any municipality or the police jury, any procession, march or parade directly held or sponsored by a bona fide organization specifically for the celebration of Mardi Gras and/or directly related pre-Lenten or carnival festivities, school parades or other functions, parish parades or other functions, state, parish or municipal fairs or other such related activities.

State Law reference— Similar provisions, R.S. 14:326.

Sec. 10-45. Required; Standards for Issuance

(a) No parade or public demonstration of any kind or for whatever purpose shall occupy or proceed along any street without first applying to the Police Jury for a permit, as required by this article.

(b) No permit shall issue by the Police Jury unless the Police Jury is satisfied that the proposed activity or event to be permitted will not disrupt or harm any scheduled Parish activity, restrict the traffic flow or passage on any unpermitted Parish streets or roads, disrupt the normal activity and operation of businesses, or encroach on any private property.

(c) No permit shall issue by the Police Jury unless the proposed clean-up, emergency, health, sanitation, and security plans in place during the parade or public demonstration and estimated budgets for implementation and enforcement of these plans, as provided with the permit application, are approved by the Sheriff's Department and relevant Fire District. Such approval or disapproval of the proposed plans shall be communicated via a written recommendation from the offices of the Sheriff's Department and relevant Fire District. In the event the Police Jury desires to exercise its override power, the override shall be determined by a vote of all Police Jury members. No override shall occur unless supported by more than a simple majority of the Police Jury, as determined by the results of the vote.

(d) Such permits may be granted by the Police Jury; provided, however, that bond in the amount of \$10,000.00 has first been filed with the Police Jury as security for the payment of any damage or injury which may occur as the result of, or in connection with, such parade or public demonstration.

State Law reference— Similar provisions, R.S. 14:326.

Sec. 10-46. Applications; Contents; Permitting Fees

(a) No permit shall be issued by the Police Jury, unless an application for such permit has been filed in accordance with the provisions of this article.

(b) Any person or persons desiring to conduct or manage a parade or public demonstration shall make written application on forms provided, to the Police Jury at least sixty (60) days before the date on which the parade or public demonstration is to be conducted. Each application shall set forth the following information:

- (1) The name of the individual(s) or group, association, or organization wishing to conduct such parade or public demonstration. If the parade or public demonstration is to be conducted for, on behalf of, or by a group, association, or organization, the name, address and telephone number of the headquarters of the group, association, or organization and the authorized and responsible head of such group, association, or organization.
- (2) The name, address and telephone number of the person designated as the chairman of the parade or public demonstration and responsible for its conduct.
- (3) The name, address and telephone number of the individual(s) or group, association, or organization to whom the permit is to be issued.
- (4) The date when such parade or public demonstration is to be conducted.
- (5) The location of the public demonstration or the route to be traveled and the termination point of parade.
- (6) The hour when the parade or public demonstration will start and terminate.
- (7) The time at which units will begin to assemble for the parade or public demonstration.

- (8) The approximate number of persons who, and animals and vehicles which will constitute the parade or public demonstration, the type of animals, and a description of the vehicles in the parade or public demonstration, and, if applicable, the interval of space to be maintained between units of the parade or public demonstration.
- (9) All proposed clean-up, emergency, health, sanitation, and security plans in place during the parade or public demonstration and estimated budgets for implementation and enforcement of these plans. Proposed security plans must include security checks at all entrances to check all attendants, purses, bags, and outside items prior to entering the event premises.

(c) At the time of filing the application for a permit, all applicants must submit to a background check.

(d) There shall be paid, at the time of filing the application for a permit, a fee of \$500.00. This fee may be waived in whole or in part by the Police Jury. Applicants must provide an advance deposit to cover all costs associated with the implementation and enforcement of all clean-up, emergency, health, sanitation, and security plans, including security personnel, law enforcement and emergency vehicles, during the parade or public demonstration. The amount of this advance deposit will be determined based on the proposed budget submitted with the permit application. The remaining balance due on the costs associated with the implementation and enforcement of all clean-up, emergency, health, sanitation, and security plans, including security personnel, law enforcement and emergency vehicles, shall be paid in full at a time designated by the Police Jury that is prior to the commencement of the permitted activity.

(e) All applications which do not contain the information required by this article shall not be accepted by the Police Jury, but rather shall be returned to the applicant.

Sec. 10-47. Liability; Violations and Penalties

(a) Any parade or public demonstration of any kind or for whatever purpose is prohibited by any group, association or organization on any public sidewalk, street, highway, bridge, alley, road or other public passageway unless a permit has first been obtained therefor, and in all cases, the persons or group, association or organization to whom the permit is issued shall be liable for all damage to property or persons which may arise out of, or in connection with, any such procession, march, parade, protest, or public demonstration for which a permit is issued.

(b) The Sheriff's Department has the power and authority to shut down any parade or public demonstration, if, at any time during the parade or public demonstration, it determines that the parade or public demonstration is in violation of any permit conditions or the safety and security plans submitted and approved for permit issuance.

(c) Whoever violates any provision of this article shall be guilty of a misdemeanor and, upon conviction, for each offense, shall be punished as provided in Section 1-13.

State Law reference— Similar provisions, R.S. 14:326.

Sec. 10-48. Denial or Revocation

Upon written Notice to the Permittee, the Police Jury may deny or revoke a permit when:

- (1) The information contained in the permit application is found to be false in any material detail.
- (2) The applicant has failed to comply with any requirements of this article.

Sec. 10-49. Procedures for Appeal

(a) An applicant who is denied a permit, or a permittee whose permit has been revoked may make a written appeal (the "Appeal") from such denial or revocation with the Police Jury.

(b) The Appeal must be filed within forty-eight (48) hours of the permit denial or revocation and must state the grounds upon which it is asserted that the permit denial or revocation should be modified or reversed. The Appeal must be accompanied by copies of the permit application, the written permit denial or revocation, and any other papers or documentation material to the determination.

DIVISION 3. – CONDITIONS AND RESTRICTIONS

Sec. 10-50. Illegal possession of weapons at demonstrations.

(a) It shall be unlawful for any person, other than a law enforcement officer, to have in his possession or to have in any vehicle any weapon while participating in or attending a demonstration being held at a public place.

(b) It shall be unlawful for any person, other than a law enforcement officer, to have in his possession or to have in any vehicle at a point within 1,000 feet of a demonstration at a public place any weapon after having first been advised by a law enforcement officer that a demonstration was taking place at a public place and after having been ordered by such officer to remove himself from the proscribed area until such time as he no longer is in possession of any weapon. This section shall not apply to any person in possession of any weapon in his private dwelling or place of business.

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

- (1) The term “demonstration” shall mean two or more persons assembled together for the purpose of picketing, speechmaking, marching, holding vigils, or other such form of conduct, which has the effect, intent or propensity to draw a crowd or onlookers.
- (2) The term “law enforcement officer” shall mean any duly appointed and acting federal, state, or local peace officer and any military or militia personnel called out or directed by constituted authority to keep the law and order provided that the law enforcement officer is on duty and present to actively police and control the demonstration and who is assigned this duty by his department or agency.
- (3) The term “weapons” shall mean any pistol, rifle, shotgun or other firearms of any kind whether loaded or unloaded, air rifle, air pistol, knife, hatchet, ax, slingshot, blackjack, metal knuckles, mace, iron buckle, baseball bat, ax handle, chains, crowbar, hammer or other club or bludgeon or any other instrumentality, customarily used or intended for probable use as a dangerous weapon.

Sec. 10-51. Conditions and Restrictions

The Police Jury may condition the issuance of any permit by imposing reasonable requirements concerning the time, place and manner of the proposed activity, and such requirements as are necessary to protect the safety of persons and property, and the control of traffic; provided such conditions shall not unreasonably restrict the right of free speech. Such restrictions may include, but are not limited to:

(1) Prohibitions against the carrying, use, and concealment of any arms or weapons, except for those intended for use by the deputies and reserve deputies charged with the security of the proposed activity.

(2) Prohibitions against the wearing of any masks or costuming intended to conceal or hide the true identity of the wearer.

(3) Restrictions on the size, material, and content of signs and other picketing materials used or intended to be used at the proposed activity. Such restrictions may include, but are not limited to:

- (i) Prohibiting the use of signs as a weapon against another person, or to cause harm to another person or public property,
- (ii) Prohibiting the use of signs to hide or in any way conceal the true identity of the holder.
- (iii) Prohibiting the use of signs to impede or obstruct the normal flow of traffic.

(4) Restrictions on the purpose of the proposed activity, which shall in all instances be limited to only those purposes which are lawful.

(5) Restrictions on the location, date(s), time(s), and frequency of the proposed activity.

(6) Alteration of the date, time, route, or location of the proposed activity on the permit application.

(7) Requirements to provide an alternative or back-up plan for the proposed activity.

(8) Conditions concerning the area of assembly and disbanding of a proposed activity or other events occurring along a route, as well as the conditions concerning the grounds for dispersion or elimination of the activity when such activity cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the Parish.

(9) Requirements for the adequacy of health and sanitation concerns, including the presence of first aid and emergency medical facilities, garbage disposal containers and cleanup, and portable toilets, as well as the requirements for restoring the premises of the proposed activity.

(10) Conditions concerning the accommodation of pedestrian or vehicular traffic, including restricting the proposed activity to only a portion of a street or area transversed and implementation of a traffic control plan to regulate traffic and pedestrian safety on the premises of the proposed activity, to be approved by the Bossier Parish Sheriff's Office.

(11) Requirements for the use of traffic cones or barricades.

(12) Requirements for the use of parish personnel and parish equipment.

(13) Conditions concerning crowd control, including implementation of a security plan based upon the represented attendance of the proposed activity.

(14) Compliance with noise ordinances, regulations, and laws and restrictions on the use of amplified sound.

(15) Requirements to provide Notice to surrounding property owners.

(16) Compliance with ordinances, regulations, and laws governing alcoholic beverages and restrictions on the sale or consumption of alcohol on the premises of the proposed activity.

(17) Restrictions on the number and type of vehicles, animals, or structures at the proposed activity, and inspection and approval of floats, structures, and decorated vehicles for fire safety, as well as restrictions on the throwing of any objects from the vehicles, animals, or structures during the proposed activity.

(18) Compliance with animal protection ordinances, regulations, and laws, including all vaccination requirements imposed by the State of Louisiana.

(19) Requirements for providing Notice to all attendees and participants of the proposed activity of the conditions and restrictions imposed upon the activity and activity premises.

(20) Conditions concerning the necessity of public liability insurance coverage and the evidentiary requirements thereof. Particularly, if the proposed activity is to include vehicles or animals, the applicant responsible for the proposed activity shall provide evidence that it has, in full force and effect, public liability insurance coverage in the minimum amount of \$500,000.00 to cover any damages which might result from the proposed activity. A certificate of insurance evidencing this level of coverage shall be included with all applications for a permit where these requirements apply.

(21) Compliance with any relevant ordinance or law and obtaining any legally required permit or license.

(22) Any restriction or condition deemed necessary to ensure public safety and well-being.

Sec. 10-52. Interference Prohibited

It is unlawful for any person to interfere with permitted activity under this article. The following acts, among others, are prohibited by this Section, when done with the intent to cause interference:

(a) Blocking, obstructing, or impeding the passage of participants, vehicles, or animals along the route.

(b) Walking, running, driving a vehicle, riding a bicycle or skateboard through, between, with, or among participants, vehicles, or animals.

(c) Dropping, throwing, rolling, or flying any object toward, among, or between participants, vehicles, or animals.

(d) Throwing, squirting, dumping, or dropping any liquid, solid or gaseous substance on, toward, among, or between participants, vehicles, or animals.

(e) Grabbing at, taking hold of, hitting, pulling, or pushing any participant, vehicle, or animal or anything in the possession of any participant.

(f) Vending or offering for sale any food or merchandise during the hours and on the route of a permitted Activity without first having obtained written permission of the sponsor, in addition to any permits and/or licenses otherwise required for such activities.

The ordinance was offered by Ms. Bennett, seconded by Mr. Cochran. It was duly adopted on this 20th day of December, 2017, by the following vote:

AYES: Ms. Bennett, Mr. Benton, Mr. Brotherton, Mr. Cochran, Mr. Plummer, Mr. Rimmer, Mr. Salzer, Mr. Shewmake, Mr. Skaggs

NAYS: None

ABSTAIN: None

ABSENT: Mr. Avery, Mr. Cook, Mr. Darby

RACHEL D. HAUSER
PARISH SECRETARY

BOB BROTHERTON, PRESIDENT
BOSSIER PARISH POLICE JURY