



Ordinance 2024-02

**AN ORDINANCE TO AMEND THE CITY OF FRANKLIN CODE
ARTICLE III, CHAPTER 20, PUBLIC ASSEMBLIES**

THE COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA ORDAINS AS FOLLOWS:

That Article III, In General, of Chapter 20, Public Assemblies, is hereby amended as followed:

Sec. 20-87 through 20-106. Public Assemblies

I. Chapter 20. Parades and Public Assemblies

Article III. Public Assemblies

Division 1. Generally

§ 20-87 Defined.

[Code 1962, § 18A-16]

As used in this article, the term "public assembly" shall mean and include any public address, lecture or discourse or any public meeting, demonstration or other assembly upon any of the streets of the City or within any of the parks or municipally operated parking lots of the City. Such term shall not include a parade conducted in accord with Article II of this chapter.

§ 20-88 Violations of article.

[Code 1962, § 18A-27]

Any person violating any of the provisions of this article shall be guilty of a Class 2 misdemeanor.

§ 20-89 Erection or placement of structures at site.

[Code 1962, § 18A-26; amended by Ord. of 4-8-2002(1)]

No structure of a temporary or permanent nature shall be erected or placed at the site of a public assembly except upon the written permission of the City Manager or their designee.

§ 20-90 through § 20-95. (Reserved)

Division 2

Permit

§ 20-96 Required.

[Code 1962, § 18A-16; amended by Ord. No. 4-8-2002(1)]

It shall be unlawful for any person to organize, conduct or hold, or engage or participate in a public assembly unless a permit for such assembly has been obtained from the Chief of Police or their designee.

§ 20-97 Application generally.

[Code 1962, § 18A-17; amended by Ord. of 4-8-2002(1)]

A person seeking the issuance of a permit required by this division shall file an application with the Chief of Police or their designee on forms provided for such purpose. The application shall be filed not less than fifteen nor more than sixty days before the date on which it is proposed to conduct or hold the public assembly. Such application shall set forth the following information:

- (1) The name, address, telephone number, and email address of the applicant.
- (2) If the public assembly is to be conducted or held for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
- (3) The name, address, telephone number, and email address of the person who will be in charge of such public assembly and who will be responsible for its conduct.
- (4) The names and addresses of all persons who are to speak to or address the assembly.
- (5) The date and hours for which the permit is desired to include set up time, start time, ending time, and clean up time.
- (6) The street, park or parking lot where the public assembly will be conducted or held, and the portions of the street, park or parking lot to be used therefore. The applicant shall obtain any and all permits required from the City of Franklin Department of Public Works and City of Franklin Department of Parks and Recreation.
- (7) The nature and purpose of the public assembly.
- (8) An estimate of the anticipated attendance.
- (9) If the public assembly is designed to be conducted or held by, and on behalf of or for, any person other than the applicant, the applicant shall file with the Chief of Police or his or her designee a communication in writing from the person proposing to conduct or hold the assembly, authorizing the applicant to apply for the permit on his behalf.

(10) Any additional information which the Chief of Police or their designee shall find reasonably necessary to a fair determination as to whether a permit should be issued.

§ 20-98 Chief of Police to act on application within five days.

[Code 1962, § 18A-19; amended by Ord. of 4-8-2002(1)]

The Chief of Police or their designee shall act upon the application for a permit required by this division within five days after the filing thereof.

§ 20-99 Standards for issuance.

[Code 1962, § 18A-18; amended by Ord. of 4-8-2002(1)]

Nothing in this article shall permit the Chief of Police, or their designee, to deny a permit based upon political, social or religious grounds or reasons or based upon the content of the views expressed. Denial of a permit on such grounds is prohibited. The Chief of Police or their designee shall issue a permit applied for under this division when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The place where it is proposed to conduct or hold the public assembly has not been reserved for other use on the date and hours requested in the application.

(2) All customary and reasonable rents, fees, charges or deposits, if any, required by the City, or any department thereof, for the use of the park or place where it is proposed to conduct or hold the public assembly will be paid by the applicant or person conducting or holding the same.

(3) The conduct of the public assembly will not substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic at or contiguous to the place where the same is conducted or held.

(4) The conduct of the public assembly will not require the diversion of so great a number of police officers of the City to properly police the place where the same is conducted or held, and the areas contiguous thereto, as to prevent normal police protection to the City.

(5) The concentration of persons, animals or vehicles at the place where the public assembly is conducted or held will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such place.

(6) The stated purpose of the public assembly is not to incite to violence or crime or the overthrow of the government by force.

(7) The public assembly is not designed to be conducted or held purely for the private profit of the person conducting or holding the same or for the sole purpose of advertising any product or goods of such person.

§ 20-100 Contents.

[Code 1962, § 18A-22; amended by Ord. of 4-8-2002(1)]

Each permit issued under this division shall state the following information:

- (1) The date of the public assembly.
- (2) The starting time to include set up time.
- (3) The termination time to include clean up time.
- (4) The portions of the street, park or parking lot where such public assembly may be conducted or held.
- (5) Such other information as the Chief of Police or their designee shall find necessary for the enforcement of this article.

§ 20-101 Copy to be sent to City officials.

[Code 1962, § 18A-21; amended by Ord. of 4-8-2002(1)]

Immediately upon the issuance of a permit required by this division, the Chief of Police or their designee shall send a copy to the Mayor, the City Manager and the Fire Chief.

§ 20-102 Duties of permittee; permit to be carried on person.

[Code 1962, § 18A-25]

(a) A permittee under this division shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(b) The person conducting or holding a public assembly shall carry the permit issued under this division upon his person during the conduct of the assembly.

§ 20-103 Notice of denial.

[Code 1962, § 18A-19; amended by Ord. of 4-8-2002(1)]

If the Chief of Police or their designee denies an application for a permit applied for under this division, the Chief of Police shall mail such notice of denial to the applicant. The notice of denial must be mailed on the same date in which the Chief of Police denies such application and shall include the reasons for such denial.

§ 20-104 Appeal from denial.

[Code 1962, § 18A-24; amended by Ord. of 4-8-2002(1)]

If the application for a permit applied for under this division is denied, the applicant shall have the right, within 10 days after the notice of denial is mailed to the applicant pursuant to § 20-103, to appeal the decision to the City Council, to be considered by it at its next regular meeting to be held after the applicant gives written notice of appeal. Any applicant desiring to appeal from the decision rendered by the City Council shall have the right to appeal the same to the Southampton County Circuit Court, provided written notice of appeal is given to the City Manager within 10 days after the written decision of the City Council is mailed to the applicant.

§ 20-105 Alternate permit.

[Code 1962, § 18A-20; amended by Ord. of 4-8-2002(1)]

The Chief of Police or their designee, in denying an application for a permit required by this division, shall be empowered to authorize the conduct of the public assembly on a date, at a time or at a place different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of such action, file a written notice of acceptance with the Chief of Police or their designee. But in any event, the applicant must file written notice of acceptance no less than five days before the date of the public assembly as authorized by the alternate permit. An alternate permit shall conform to the requirements of, and shall have the effect of, a permit required by this division.

§ 20-106 Revocation.

[Code 1962, § 18A-23; amended by Ord. of 4-8-2002(1)]

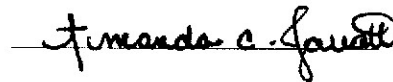
The Chief of Police or their designee shall have the authority to revoke a permit issued under this division for violation of the standards of issuance as set forth in § 20-99.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA ON
FEBRUARY 26, 2024.

ATTEST:

 Mayor

 Clerk