



**Amherst County Board of Supervisors  
County Ordinance No. 2019-0003**

**AN ORDINANCE, NO. 2019-0003**

Adding §§10-101 through 107 Division I. – In General and §§10-121 through 127 Division II. Permit Article VI - Demonstrations & Parades to Chapter 10 -- Offenses and Miscellaneous Provisions of the County Code.

Approved as to form and legality by the County Attorney

**FIRST READING: Board of Supervisors, March 5, 2019  
PUBLIC HEARING: Board of Supervisors, March 19, 2019**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That Sections 10-101 through 107 and Sections 10-121 through 127 of Chapter 10 of the Code of the County of Amherst be and hereby are added as follows:**

**ARTICLE VI – DEMONSTRATIONS & PARADES**

**Division I. – In General**

**Sec. 10-101. - Definitions.**

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

*Demonstration:* A group of three (3) or more persons assembled together and acting in concert to then and there call attention of the public to their opposition to, support of, or position with respect to any political, social or other public question.

*Parade:* Any parade, march, or other procession of six (6) or more persons for the purpose of calling attention of the public thereto.

*Riot:* Any unlawful use, by three (3) or more persons acting together, of force or violence which seriously jeopardizes the public safety, peace, or order.

*Spontaneous event:* An unplanned or unannounced coming together of people, animals, or vehicles in a parade or public assembly which was not contemplated beforehand by any participant therein and which is caused by or in response to unforeseen circumstances or events

occasioned by news or affairs first coming into public knowledge within ten (10) days before such parade or demonstration.

Unlawful assembly: A group of three (3) or more persons assembled sharing a common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize seriously public safety, peace, or order, and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, peace, or order.

#### **Sec. 10-102. - Violations of article.**

Unless otherwise specifically provided, a violation of any provision of this article shall be a Class 1 misdemeanor.

#### **Sec. 10-103. - Exemptions from article.**

- (a) Nothing in this article shall be construed to apply to persons lawfully engaged in picketing in an orderly manner as protected by the National Labor Relations Act.
- (b) This article shall not apply to parades, processions, or convoys of any component of the armed forces of the United States or this state or to any governmental organization or any funeral procession.
- (c) Spontaneous events.
- (d) Recreational activities, including jogging or walking, that do not require closing public streets or other public rights-of-way and that do not interfere with or have a tendency to interfere with normal use of any public property in a place open to the general public.
- (e) Persons duly permitted or exempted under Chapter 19, Solicitors, of this Code.
- (f) Funeral processions.
- (g) Students going to or from classes, or participating in educational activities under the immediate direction and supervision of school authorities.
- (h) Government agencies within the scope of their functions.

#### **Sec. 10-104. – Dangerous weapons and animals prohibited.**

No person participating in any parade shall carry any weapon which if concealed would constitute a violation of section 18.2-308 of the Code of Virginia or whose possession would otherwise constitute a violation of any section of title 18.2 of the Code of Virginia, 1950, as amended, with the exception that the lawful carrying of firearms is in no manner regulated by this section. The sheriff shall retain the authority to require that all participants in any parade submit to a pat-down search or other procedure, including passage through a metal detector, to insure compliance with this section prior to any parade. This prohibition shall not apply to members of any color guard, drill team, military unit, lodge, or any other persons by whom the display of weapons during a parade would not constitute a threat to the maintenance of law and order or the preservation of the public peace.

#### **Sec. 10-105. - Participation by vicious animals.**

No person parading or demonstrating pursuant to a permit issued under the provisions of this article shall cause or suffer to be caused any vicious or apparently vicious animal to participate in or accompany such parade or demonstration; provided, that the board of supervisors may, in the exercise of sound discretion, include in such permit such variations from this section as it may consider appropriate for circus parades and similar events.

**Sec. 10-106. - Hindering, molesting, etc., participants.**

No person shall hinder, molest, or harass any other person who is lawfully parading or demonstrating pursuant to a permit issued under the provisions of this article.

**Sec. 10-107. - Dispersal to prevent riot or unlawful assembly.**

Parades and demonstrations held pursuant to a permit issued under the provisions of this article which become unlawful assembly or riot shall be dispersed in accordance with the laws of the Commonwealth. The sheriff or his deputies shall go among the persons assembled or as near to them as safety will permit and command them in the name of the Commonwealth immediately to disperse. If upon such command the assembly does not disperse, the sheriff may use such force as is reasonably necessary to disperse them, and any person who fails to obey such command shall be subject to immediate arrest. Participating in an unlawful assembly or riot is a Class 1 misdemeanor. Remaining at the place of an unlawful assembly or riot after a warning to disperse, unless one is the owner, lessee, his family, and nonrioting guests of the owner of the premises, shall be a Class 3 misdemeanor.

**State Law reference**— Authority for above section, Code of Virginia, § 15.2-925; riots and unlawful assemblies generally, § 18.2-405 et seq.

**Division II. - Permit**

**Sec. 10-121. – Findings; purpose.**

The board of supervisors finds that it is necessary for the good government and the peace, safety, health, and welfare of the county and the inhabitants thereof, as well as to maintain law and order and to provide for the free and orderly flow of vehicular and pedestrian traffic on the streets and sidewalks and in the public places in the county, to prohibit parades and demonstrations within the county unless a county permit to use the streets, sidewalks, and public places for such purposes has first been granted.

**Sec. 10-122. - Required.**

It shall be unlawful for any person to sponsor, organize, direct, lead, or participate in any parade or demonstration upon any street or sidewalk or upon or in any public place within the county unless a county permit has been granted to hold such parade or demonstration.

**Sec. 10-123. - Application generally.**

- (a) Not less than ten (10) days beforehand, any person desiring to sponsor, organize, direct, or lead a parade or demonstration upon any street or sidewalk or upon or in any public place

within the county shall file an application for a parade or demonstration permit with the county administrator and in such application shall be set forth:

- (1) The date and hour for the assembling of the participants in the parade or demonstration and the expected duration thereof.
  - (2) The streets, sidewalks, and public places over and upon which the parade or demonstration is to take place, including the route to be taken, if any.
  - (3) Whether the parade or demonstration is to be conducted on foot or with animals or vehicles, or any combination thereof, and the number of persons, vehicles, and animals expected to participate.
  - (4) The purpose of the parade or demonstration.
  - (5) The names and addresses of the actual sponsors of the parade or demonstration, and the organization or organizations, if any, of which the expected participants are members.
  - (6) The name and address of the person who will be in charge of the parade or demonstration and who will be responsible for the conduct thereof and for compliance with all applicable provisions of law, this Code and other ordinances by participants in the parade or demonstration.
  - (7) The number of persons anticipated to be present at the parade or demonstration, both participating and spectating.
  - (8) A description of any sound-amplification equipment expected to be used.
  - (9) For parades or demonstrations that the county administrator reasonably anticipates will include more than fifty (50) participants or spectators, or that due to the route or location would cause public safety concerns for the participants and spectators, the applicant shall submit a public safety plan to include plans for security, fire, and emergency medical services, and dispersal. Such plan shall be reviewed by the sheriff.
  - (10) Such other information as the county administrator may reasonably require.
- (b) Each application for a parade or demonstration permit shall be signed and sworn to by at least one (1) person, who shall be the person named in the application as the one who will be in charge of the parade or demonstration and who will be responsible for the conduct thereof and for compliance with all applicable provisions of law, this Code and other ordinances by participants in the parade or demonstration.
- (c) For parades or demonstrations anticipated to be held on a regular or recurring basis at the same location, an application for an annual permit may be filed in accordance with section 10-125, at least ten (10) days before the date of the first such parade or demonstration. An annual permit may be revoked for the remainder of a calendar year for any violation thereof.

**Sec. 10-124. - Applicant's bond.**

- (a) Prior to the granting of a permit pursuant to this article for any event at which, in the judgment of the county administrator fifty (50) or more participants may be expected to attend, the county administrator shall require a bond from the person named in the application as the one to be responsible for the conduct of the parade or demonstration. The bond shall be in the amount of \$2,500 per fifty (50) persons or part thereof expected to attend, conditioned upon the full satisfaction of all judgments and decrees which may result by reason of any negligent or unlawful act or omission of any person participating in the parade or demonstration and

included within the permit. The applicant shall agree that he will save the county harmless from all claims and demands whatever which may arise by reason of the parade or demonstration; and further that he will pay the county for all extra expenses incurred for clearing the streets, sidewalks, and public places of litter and waste matter resulting from the parade or demonstration and for the cleaning and repair of public property which may be soiled or damaged by acts of vandalism during the period of organizing and holding the parade or demonstration and within six (6) hours thereafter, when such acts of vandalism are reasonably attributable to the holding of the parade or demonstration.

- (b) An annual permit for multiple parades, events, or demonstrations of substantially the same type and location shall also require a bond as set forth in subsection (a), provided, however, that a bond shall be required for all annual permits. Such bond shall be in the amount of \$5,000 per fifty (50) persons or part thereof expected to attend.

**Sec. 10-125. - Action on application; grant or denial.**

- (a) Upon the filing of a completed and properly signed and sworn application for a parade or demonstration permit or an annual permit for multiple events, the county administrator shall transmit copies thereof promptly to the sheriff and the director of public safety. Within five days of receipt of a complete application, the county administrator, upon consultation with the sheriff and the director of public safety, shall issue a parade or demonstration permit, upon finding that:
- (1) The time, duration, route, and size of the parade or demonstration will not unreasonably interrupt the safe and orderly movement of vehicular or pedestrian traffic or the normal use of public property in a place open to the general public.
  - (2) The parade or demonstration is not of such a nature that it will require diversion of so great a number of law enforcement or public safety personnel to properly maintain safety as to impair the normal protection of the remainder of the county.
  - (3) The applicant has, where appropriate, provided in his or her public safety plan for designated monitors sufficient to control the ordinary conduct of the parade or demonstration in accordance with the permit.
  - (4) The parade or demonstration will not interfere with another parade or demonstration that has been previously permitted.
  - (5) The parade or demonstration will not violate, and will conform with, all provisions of law, and has been, where necessary, issued all other state permits, including such permits as may be required by the Virginia Department of Transportation.
- (b) If the county administrator denies an application, he shall promptly attempt to call or email and will promptly mail to the applicant a notice of his action stating his reasons therefor.
- (c) Upon denial of a permit by the county administrator, the applicant may appeal such grant or denial to the board of supervisors within five (5) days. The board shall take up the matter at its next regular meeting. The board may affirm, overrule, or modify the decision of the county administrator. The decision of the board shall be final. In the event there is not sufficient time to put the application on the agenda for a regular meeting, the board may, but need not, schedule a special meeting for the purpose of hearing the appeal. If the appeal is not able to be heard, the decision of the county administrator shall be final.

**Sec. 10-126. - Conditions, limitations, etc.**

- (a) In granting a permit pursuant to this article, the county administrator, in consultation with the sheriff and the director of public safety, may include therein such prohibitions, conditions, restrictions, and limitations as he may consider appropriate, under the general police powers of the county, to safeguard the good government and the peace, safety, health, and welfare of the county and the inhabitants thereof, as well as to maintain law and order and acceptable traffic conditions within the county, and it shall be unlawful for any person covered by the permit to violate or fail to comply with any such prohibition, condition, restriction, or limitation.
- (b) The provisions of this article shall be deemed to be a part of each parade or demonstration permit, whether or not so stated in the permit.

**Sec. 10-127. - Severability.**


The provisions of this article shall be presumed severable. If any portion of this article is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article and such invalid provisions or portions thereof shall be severable.

**§ 2. That this ordinance shall be in force and effect upon adoption.**

Adopted this 19<sup>th</sup> day of March, 2019.

  
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L. J. Ayers III, Chairman  
Amherst County Board of Supervisors

**ATTEST:**

  
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Dean C. Rodgers, Clerk  
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0