

PARADES, ROAD RACE & ASSEMBLY

Chapter 173

Section	Description
§ 173-1	Purpose.
§ 173-2	Definitions.
§ 173-3	Exemptions.
§ 173-4	Permit Required.
§ 173-5	Application for permit.
§ 173-6	Standards for issuance.
§ 173-7	Notice of determination.
§ 173-8	Duties of applicant and licensee.
§ 173-9	Police services.
§ 173-10	Appeals.

[HISTORY: Adopted by the Town Council of the Town of Windham at time of adoption of Code; see Ch. 1, General Provisions, Art. 1. Amendments noted where applicable.]

§ 173-1. Purpose.

This chapter is intended to protect and preserve the public health, safety, property and order from the inconveniences and dangers posed by unregulated assembly and, at the same time to ensure the public right to peacefully congregate in public places

§ 173-2. Definitions.

As used in this chapter, the following words shall have the following meanings

ASSEMBLY: Any stationary ceremony, show, exhibition, pageant or other similar display held out of doors in any street, way, park or other public place in the town

MARSHALS: Volunteers who will cooperate with officials of the town in protecting the health and safety of both participants in a parade or assembly and also the general public

PARADE: Any march, procession or road race consisting of people, vehicles, or animals or any combination thereof through any street, way or public place in the town which does not comply with normal and usual traffic regulations or controls, including the assembly point or points of such "parade"

PERMIT: The permit required by this chapter.

TOWN OF WINDHAM Includes the officers, employees and elected or appointed officials of the town.

§ 173-3. Exemptions.

The provisions of this chapter shall not apply to:

- A. Funeral processions
- B. A governmental agency acting within the scope of its functions, including but not limited to the School Department.
- C. Assemblies and parades sponsored by the Town of Windham, including but not limited to the annual Memorial Day Parade and the Old Home Days Parade

§ 173-4 Permit required.

No person shall initiate, promote, organize or participate in any assembly or parade, except in accordance with a permit issued by the Chief of Police as provided herein

§ 173-5 Application for permit.

A person desiring a permit shall file a written application with the Chief of Police on a form to be furnished by the town for that purpose.

- A Filing period. The permit application shall be filed with the Chief of Police not less than thirty (30) days before the proposed date of the assembly or parade. The Chief of Police, where good cause is shown, may consider an application filed less than thirty (30) days before the proposed date of the assembly or parade
- B Contents. The permit application shall set forth the following information:
 - 1 The name, address and telephone number of the person seeking to conduct the assembly or parade
 - 2 A brief description of the proposed activity
 - 3 If the assembly or parade will be conducted for, on behalf of or by an organization, the name, address and telephone number of the organization and of the authorized head of the organization
 - 4 The date(s) when the parade or assembly will be held
 - 5 A map showing the exact route requested, including the starting and termination points or the precise location of the requested assembly.

6. The approximate number of persons, animals and vehicles which will participate in the assembly or parade, including the type and number of animals and a description of the vehicles, including their number and type
7. The starting and termination times of the assembly or parade
8. The location of staging and assembly areas for the parade and the time at which assembly will commence
9. Provisions for first aid.
10. The number, training and identification of marshals to be provided by the applicant.
11. An alternate date in the event that circumstances should require postponement of the assembly or parade.
12. The procedures to be used to notify both participants and the public of cancellation or postponement of the event.
13. The methods for controlling debris and litter and for cleaning up the site or route of the assembly or parade after the event
14. Any additional information which the Chief of Police shall find necessary in order to make a fair determination of whether a permit should be issued

C. Insurance.

1. As part of the permit application, an applicant shall provide liability insurance against injuries which may occur as a result of the assembly or parade, protecting both itself and the Town of Windham to the extent of one million dollars (\$1,000,000.00) for personal injury to or death of any one (1) person in any one (1) incident and one million dollars (\$1,000,000.00) for personal injury or death of two (2) or more persons in any one (1) incident and three hundred thousand dollars (\$300,000.00) for damage to property. Such insurance will be placed with insurers satisfactory to the town, and certificates of such insurance shall be filed with the town. The insurance policy or policies shall provide that it or they shall not be canceled without prior notice, in writing, to the town
2. Such insurance shall be primary to any coverage which may be provided by the Town of Windham.
3. The Town of Windham shall be named insured in such policy or policies

§ 173-6 Standards for issuance.

The Chief of Police shall issue a permit as provided in this chapter when, from a consideration of the application, he determines that:

- A The conduct of the assembly or parade will not interrupt the safe and orderly movement of other vehicles and pedestrian traffic along public ways contiguous to its route or area as determined by the duration and size of the assembly or parade, the size and condition of such contiguous public ways, lighting, intensity of use by both pedestrians and also vehicles and the visibility afforded to pedestrians and the operators of motor vehicles along such contiguous public ways
- B The resumption of normal vehicular and pedestrian traffic following the event will not create a traffic hazard as determined by the duration of the event, the size and condition of the public ways over or on which the event will be conducted, the intensity of use by both pedestrians and vehicles and visibility afforded to pedestrians and operators of motor vehicles.
- C The conduct of the assembly or parade will not require 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 as to prevent normal police protection to other areas of the town.
- D The concentration of persons, animals and vehicles at the assembly or parade will not overburden police, fire and rescue services to areas contiguous to such assembly as well as other sections of the town as determined by response time, accessibility to such contiguous areas and numbers and types of emergency personnel and equipment available to serve the community.
- E The conduct of the assembly or parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct nor to create a disturbance
- F The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

§ 173-7 Notice of determination.

- A Approval. If the Chief of Police approves the application, he shall so notify the applicant in writing and provide a written permit containing the following information:
 - 1 The approved date(s) and hour(s) of the assembly or parade.
 - 2 The approved location either for the assembly or the approved route for the parade, including designated assembly areas.
 - 3 The maximum and minimum speed of the parade
 - 4 The maximum number of parade participants, including animals and vehicles
 - 5 Such other information as the Chief of Police shall find necessary to the enforcement of this chapter.
- B Denial. If the Chief of Police should deny the application for a permit, he shall so notify the applicant in writing, setting forth the basis for the denial.

§ 173-8 Duties of applicant and licensee.

- A. Fee. The applicant shall pay a nonrefundable fee (fee amount on file at the office of the Town Clerk) to the town no less than ten (10) days prior to the assembly or parade. Failure to pay this fee shall be a basis for permit suspension under Subsection C
- B. Other duties. A licensee under this chapter shall comply with all directions and conditions set forth in the permit and all applicable laws and ordinances
- C. Permit suspension. The Chief of Police shall have the authority to issue a written order suspending the permit if the licensee should fail to comply with the provisions of this article or should make any false material statement in the application. The order shall state the manner in which the applicant has failed to comply. A person who organizes or participates in an assembly or parade in violation of a permit suspension is in violation of this chapter

§ 173-9 Police services.

Based upon the information provided in the application, the Chief of Police shall determine the number of police officers whose presence will be necessary to protect both the participants and the public. The applicant shall pay the town for the estimated cost of such services prior to the event and prior to issuance of the license in accordance with town policy

§ 173-10 Appeals.

A denial or revocation of a permit authorized by this chapter may be appealed to the Town Council, provided that the appeal is taken within seven (7) days of the Chief's action.