



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

TCA-2020-08-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town, and may define and abate nuisances; and

WHEREAS, the Town finds that it is necessary to enact regulations allowing for public assemblies consistent with the North Carolina and United States Constitutions and the paramount rights of individuals and groups to express themselves; and

WHEREAS, the Town finds that in order to provide reasonable accommodations for the right to freedom of expression in a manner consistent with the public’s health, safety and general welfare, that the Town must enact regulations requiring permits be issued for public assemblies, creating an application process for issuance of said permits and placing certain public safety regulations upon those activities; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety and general welfare for the Town to amend the Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

1
2 **PART I** That **Chapter 22 Art. III. CAMPING.** be amended to designate Sections
3 22-65 — 22-80 as reserved.

4
5 **PART II.** That **Chapter 22 Art. IV. PUBLIC ASSEMBLIES.** be added as follows:

6
7 **Sec. 22-81 Definitions.**

8
9 The following words, terms and phrases, when used in this article, shall have the meanings
10 ascribed to them in this section, except where the context clearly indicates a different
11 meaning:

12
13 *Public assembly* means any assembly or concert of action between or among any
14 two or more persons for the purpose of protesting or demonstrating for or against
15 any matter, of making known any position or promotion of such persons or matter
16 or of or on behalf of any organization, group, corporation or class of persons or for
17 the purpose of attracting attention to such assembly. Public assemblies include, but
18 are not limited to, parades, picketing and other demonstrations.

19
20 **Sec. 22-82. Permits required.**

21
22 No person shall organize, conduct or participate in any public assembly of greater than ten
23 (10) persons in or upon any street, sidewalk, alley or other public place within the town
24 unless a permit therefore has been issued by the town in accordance with the provisions of
25 this article.

26
27 **Sec. 22-83. Procedures for obtaining permit.**

28
29 Application for a public assembly permit shall be made in writing at least ~~forty-eight~~
30 ~~(48)twenty-four (24)~~ hours and no more than three hundred sixty-five (365) days before the
31 time at which the public assembly shall be scheduled to begin and shall contain the
32 following information:

- 33
34 (1) The name, if any, of the organization or group sponsoring or proposing the public
35 assembly;
36
37 (2) The location or locations where the public assembly is proposed to take place;
38
39 (3) The date and hours for which the permit is sought;
40
41 (4) The estimated number of persons who will participate and/or attend the public
42 assembly;
43
44 (5) The name of the person applying for the permit;
45

1 (6) Whether or not persons below the age of eighteen (18) years are expected to
2 participate; and

3
4 (7) The name of the person or persons to be in charge of the public assembly and who
5 will accompany the public assembly and carry the permit at all times. If that person
6 is not the applicant for the permit, the application shall also include the written
7 signed consent of the person to be in charge of the public assembly.

8
9 (b) Upon receipt of an application properly completed and timely filed as hereinabove set
10 out, the Town Manager of his designee shall immediately issue a permit consistent with
11 the standards prescribed herein. The permit shall contain all information stated on the
12 application and shall be signed by the Town Manager or his designee.

13
14 **Sec. 22-84. Person in charge of activity.**

15
16 The person designated on the application and the permit as being in charge of the public
17 assembly shall accompany the public assembly and carry the permit at all times.

18
19 **Sec. 22-85. Permit contents.**

20
21 The permit ~~shall set the starting time, duration, speed of travel and space between persons~~
22 ~~or vehicles in the parade, picket line or group demonstration, shall prescribe the portions~~
23 ~~or areas of streets, alleys, sidewalks or other public places to be used and shall impose such~~
24 ~~other reasonable requirements as the Town Manager may prescribe formay proscribe~~
25 ~~reasonable requirements that the Town Manager determines are reasonably necessary to~~
26 ~~insure~~ the control and free movement of pedestrian and vehicular traffic or for the health,
27 safety and property rights of the participants and the general public.

28
29 **Sec. 22-86. Prohibited acts.**

30 The following acts or activities, when performed or undertaken in conjunction with or as a
31 part of any public assembly are prohibited and declared unlawful:

32
33 ~~(A) The carrying on or about the person of any firearm or any weapon or article,~~
34 ~~including but not limited to blackjacks, nightsticks/baton or flashlights, which by their use~~
35 ~~might constitute a deadly weapon; and~~

36
37 ~~(B)(A) The taking along of any dog or vicious animal, whether leashed or unleashed. This~~
38 ~~prohibition shall not apply to a trained service animal to work or perform tasks and/or aid~~
39 ~~to an individual with a disability.~~

40
41 (B) Unreasonable interference with the right of property owners in the vicinity of the
42 public assembly to enjoy peaceful and lawful occupancy and use of their property.

43
44 (C) The violation of any law or ordinance of the town, the State of North Carolina or
45 the United States, including, but not limited to inciting riots, disorderly conduct, criminal
46 trespass, ~~weapons~~ and violent crimes.

1
2 (D) Taking actions during the public assembly which constitute a clear and present danger
3 to the public health or safety or would unreasonably hinder or prevent the orderly
4 movement of pedestrian or vehicular traffic on the streets, alleys or sidewalks. Public
5 assemblies shall not at any time nor in any way unreasonably obstruct, interfere with, or
6 block: persons entering or exiting from vehicles; persons crossing streets or otherwise
7 using the public way; the entrance or exit to any building or access to property abutting the
8 street or sidewalk; a driveway serving any building or abutting property; or pedestrian or
9 vehicular traffic.

10
11 (E) Any actions that could be detrimental to or endanger the health safety, or welfare
12 of any minors participating in or attending the public assembly including the
13 holding allowing of ~~the participation of minors at a~~ public assembly ~~at~~during a time or ~~at a~~
14 place that would be detrimental to or endanger the health, safety or welfare of such minors.

15
16 (F) Conducting the public assembly in a manner that unreasonably interferes with
17 ~~pedestrian traffic, vehicular traffic, police response, fire response~~ or emergency medical
18 response.

19
20 (G) Conducting or participating in a public assembly without a required permit or
21 following the revocation of a permit previously issued.

22
23 **Sec. 22-87 Additional picketing standards.**

24
25 Picket lines and picketing shall be subject to the regulations in this subchapter in addition
26 to those listed elsewhere in this article and Chapters 20 & 28 as well as the following
27 regulations:

28
29 (A) *Locations.* Picketing shall be conducted only on the areas, shoulders or sidewalks
30 reserved for pedestrian movement and shall not completely block sidewalk(s) and
31 shall not be conducted on the portion of a street used primarily for vehicular traffic.

32
33 (B) *Number Allowed.* The number of pickets or signs promoting the same objective on
34 any sidewalk or two sidewalks shall not grow to such a number as to ~~cause~~
35 ~~disruption~~unreasonably disrupt or ~~distraction~~fordistract nearby drivers. Where no
36 sidewalk is present, this shall apply to town right of way (ROW).

37
38 (C) *Size and Content of Signs.* Pickets/demonstrators may carry written or printed
39 placards or signs, not exceeding three feet in width and three feet in length,
40 promoting the objective for which the picketing is done, provided, the words used
41 are not obscene as defined by the state statute.

42
43 (D) *Marching.* Pickets shall march in an orderly fashion and remain entirely on the
44 sidewalk and curblin where provided whenever possible. Marchers and picketers
45 shall make all reasonable efforts to continue moving so as to not cause issue with
46 the flow of traffic or other pedestrian movement.

1
2 **Sec. 22-88. Additional parade standards.**

3
4 The following standards shall apply to all parades conducted in the town:

- 5
6 (a) No parade or part thereof may be conducted on the streets of the town between
7 the hours of 7:00p.m. and 8:00a.m. or on a Saturday or Sunday between
8 Memorial Day and Labor Day upon streets or highways with high volumes of
9 tourism related traffic.
- 10
11 (b) Every parade shall follow a route approved by the Town Manager or his
12 designee. The Town Manager or designee shall approve no route which is
13 incompatible with the preservation of public health, safety and welfare. The
14 Town Manager or designee's disapproval of a proposed route may be appealed
15 to the Town Council by filing a written notice of appeal with the Town Clerk
16 within ten (10) days of the disapproval. Such appeal shall be heard by the Town
17 Council at its next regular meeting occurring more than ten (10) days after the
18 filing of the notice of appeal.

19
20 **Sec. 22-89. Revocation of permits.**

21
22 The Town Manager or his designee shall revoke any permit granted for a public assembly
23 for:

- 24
25 (A) Any violation by any participant of Sec. 22-86, 22-87 or 22-88; or
- 26
27 (B) Failure of the public assembly and its participants to conform to the terms of the
28 application and associated permit.

29
30 **Sec. 22-90. Interference with public assembly; Authority to disperse crowds; Failure**
31 **to leave when ordered.**

32
33 (a) It shall be unlawful for any person to physically interfere with a public assembly or to
34 address obscene, indecent, or threatening language or fighting words to or at those
35 participants which would tend to provoke them or others to a breach of the peace.

36
37 (b) The police officers of the town may, in the event of the assemblage of persons in such
38 numbers as to tend to intimidate participants in a public assembly pursuing their lawful
39 objective through numbers alone or through use of inflammatory words, direct the dispersal
40 of persons so assembled and may arrest any person who fails to absent himself from the
41 place of such assemblage when so directed by the police.

42
43 (c) Whenever the free passage of any street or sidewalk in the town shall be obstructed by
44 a crowd, whether or not the crowd assembles as a result of or in connection with public
45 assembly, the persons composing such crowd shall disperse or move on when directed to

1 do so by a police officer. It shall be unlawful for any person to refuse to so disperse or
2 move on when so directed by a police officer as herein provided.

3
4 **PART III** That **Sec. 1-6. – General penalty; enforcement of ordinances; continuing**
5 **violations.** be amended as follows:

6
7 ...
8 (b) Violation of any provision of the following chapters and sections of this Code shall be
9 a class 3 misdemeanor and punishable by a fine of not more than \$500.00 as provided in
10 G.S. 14-4(a):

11 ...
12 (5) Chapter 4, sections 4-22 through 4-27; chapter 22, sections 22-1 through 22-10
13 and sections 22-81 through 22-90.

14 ...
15
16 **ARTICLE IV. Severability.**

17
18 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
19 hereby repealed. Should a court of competent jurisdiction declare this ordinance
20 amendment or any part thereof to be invalid, such decision shall not affect the remaining
21 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
22 Town of Southern Shores, North Carolina which shall remain in full force and effect.

23
24 **ARTICLE V. Effective Date.**

25
26 This ordinance amendment shall be in full force and effect from and after the ____day of
27 _____, 2020.

28
29
30 _____
Tom Bennett, Mayor

31 ATTEST:

32
33 _____
34 Town Clerk

35
36
37 APPROVED AS TO FORM:

38
39 _____
40 Town Attorney

41
42 Date adopted:

43
44 _____
45 Motion to adopt by Councilmember:
46 _____

1 Motion seconded by Councilmember:

2

3

4

5

Vote: ___AYES___NAYS