

ORDINANCE NO# 5502

ORDINANCE TO AMEND CHAPTER 21 RELATIVE TO PARADES AND PUBLIC ASSEMBLIES

WHEREAS, the City has an obligation to impose reasonable regulations regarding parades and public assemblies to insure that any assemblies, parades and expressions of speech are performed peacefully, in an orderly fashion and without impairing the rights of other citizens;

WHEREAS, the City may lawfully impose and enforce content neutral time, place and manner restrictions on speech on public property under the jurisdiction and control of the City;

WHEREAS, the Council desires to amend the ordinance governing permitting of parades and public assemblies to clarify the authority of the director of police to impose conditions and restrictions on parades and assemblies necessary to further the law enforcement division's inherent public safety responsibilities.

NOW, THEREFORE BE IT ORDAINED:

Section 1. Section 21-28 (f) of the Code of Ordinances is hereby deleted and a new section 21-28 (f) is hereby adopted, which shall read as follows:

Section 21-28 (f) Police Protection.

(a) The director of police shall determine whether and to what extent a parade or public assembly will reasonably require additional police protection to control traffic and preserve public safety.

(b) The director of police shall base his decision on the types of public safety measures required for the proposed parade or public assembly on the size, location, duration, time and date of the event, the number of streets and intersections blocked or affected by the event, the need to detour or preempt citizen travel and use of the streets and sidewalks and realistic concerns and threats of social disorder, personal injuries, property damage and individual rights violations arising from the event. The speech content of the event shall not be a factor in determining the amount of police protection necessary, unless past experiences with similar events have demonstrated a need for additional police protection to protect event participants, spectators, passers-by and law enforcement personnel and to preserve free speech and assembly rights of event sponsors and participants.

(c) The director of police shall determine if it is possible, without disrupting ordinary police services or compromising of public safety, for regularly scheduled on-duty personnel to police the event. If additional police protection for the parade or public assembly is deemed necessary by the director of police, he or she shall so inform the

applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the director of police at the sole expense of the applicant. The director of police shall have the authority to enter into agreements with any applicant for additional police protection including security for the costs thereof.

(d) The director of police shall be fully authorized to implement and require reasonable steps to forestall potential disorder and civil hostilities among participants, observers and opponents of a proposed event including but not limited to: zoning of areas in proximity of the event site, crowd control measures, metal detector searches of all entrants to the event site, traffic rerouting, cessation of street parking and use of undercover officers. Any such measures shall be narrowly tailored to advance the City's interest in public safety and protection of the rights to free speech and assembly.

Section 2. Section 21-28 (o) of the Code of Ordinances is hereby amended by adding a new sub-sections G and H, which shall read as follows:

G. It is unlawful for any participant, spectator or person at a parade or assembly to possess or carry weapons in violation of Tennessee Code Annotated § 39-17-1311.

H. It is unlawful to wear a mask or disguise with the intent to violate Tennessee Code Annotated § 39-17-309 (b)

Section 3. Nonconflicting – Conflicting laws.

BE IT FURTHER ORDAINED That all laws constituting the present Code of Ordinances of the City of Memphis, be and the same are here continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 4. Severability.

BE IT FURTHER ORDAINED that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 5. Effective Date.

BE IT FURTHER ORDAINED That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified

and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR: Harold Collins

EDMUND FORD, JR.

Council Chairman

Attest:

Comptroller