



TOWN OF BLACK DIAMOND

POLICY MANUAL

POLICY: 12-48	DATE APPROVED: October 15, 2003
EFFECTIVE DATE: October 15, 2003	AUTHORITY: Resolution 2003-329
AMENDED DATE: June 3, 2009	AUTHORITY: Resolution 2009-229
POLICY TITLE: Parades, Assemblies, Picketing Policy	
POLICY PURPOSE: To establish a procedure for persons to secure approval of Town authorities to conduct parades and assemblies on the streets, right of ways, and Town property in the Town of Black Diamond while protecting the rights of other citizens to use such streets, rights of ways, and Town property without unreasonable interference and to establish procedures for citizens to exercise their right to gather for peaceful picketing or demonstrations within the corporate limits of the Town of Black Diamond.	
POLICY STATEMENT: The Town of Black Diamond will allow parades, assemblies and picketing within the corporate limits of the Town in accordance with this policy and these procedures.	

DEFINITIONS:

Parade or Assembly: all street fairs, festivals, carnivals, parades, races, marches, rallies, demonstrations, and other activities or public events that require the temporary closing or obstruction of all or a portion of any street, sidewalk, or other public right of way or that substantially hinders or prevents the normal flow of vehicular or pedestrian traffic along a street, sidewalk, or public right of way.

EXCEPTIONS:

Funeral Processions: funeral processions supervised by a licensed mortuary shall not be included under this policy.

PROCEDURE:

Permit Required: No parade or assembly shall occupy, march, or proceed along any street, sidewalk or any other public place, nor shall any person conduct any public or private assembly on any street, sidewalk, or other public place in the Town of Black Diamond without first obtaining a permit issued by the Town Manager. The application and permit will be in a format as designated by the Town Manager. Where the temporary closure or partial closure of a road is deemed to be a requirement in order to ensure the safety of any participants in a parade or assembly, the Town Manager shall have the authority, per Bylaw 02-09 and all amendments thereto, to order such temporary closure.



Application, Designation of Route, Dissemination of Information to Community:

A written application shall be made to the Town Manager by any person desiring to have a parade, assembly, or demonstration setting forth the purpose, time, place and route of the parade or the purpose, time, and place of the assembly. At the time of the application, the applicant shall designate the method or media type they intend to use in advertising or giving public notification of their intent to hold a parade. The Town Manager shall have authority to designate the route of the parade and the portion of the streets or other public places to be used in such a way as to avoid as much as possible the impediment of public travel or public business.

Standards for refusing a Parade Permit:

The Town Manager shall make a written notice when refusing an application for a parade. The Town Manager shall mail the notice of refusal of a parade permit to the address listed on the application. The following standards shall be considered during the decision making process:

1. The parade or demonstration cannot be held if there is unreasonable interference with the right of property owners in the area to enjoy peaceful and lawful use and occupancy of their property.
2. The conduct of the parade cannot be held if it requires the diversion of so great a number of police officer(s) to properly protect the route that adequate police protection cannot be provided to the remainder of the Town.
3. The parade or demonstration cannot be held if there is unreasonable interference with provision of normal police, fire protection or emergency services to the public.
4. The parade or demonstration cannot be held for an unlawful purpose, or if it violates a federal, provincial, or municipal law or policy.
5. The parade or demonstration cannot be held if it will require the closing of, or unreasonably restricts the flow of vehicular traffic along, a highway under the control of the Province. If this is the case, the applicant shall seek permission from the appropriate provincial officials prior to making application for a parade permit.
6. The parade or demonstration cannot be held if it has a significant impact on the flow of traffic especially during peak traffic hours or starts prior to sunrise or continues after sunset.
7. The parade or demonstration shall be rerouted if the intended route or location interferes with municipal work or excavation.



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Application Filing Period: The Town Manager may refuse to issue a permit for activities defined under this policy unless such application is made at least two (2) weeks and not earlier than two (2) months prior to the event. Where good cause is shown, an application submitted less than two (2) weeks before the event may be considered.

Dissemination of Approved Permits:

Copies of permits approved under this policy shall be disseminated to the Public Works Supervisor in a timely manner by the Town Manager.

Conducting or Participating in a Parade or Assembly as to Create a Public Disturbance, Nuisance, etc:

It shall be unlawful for any person to conduct or participate in any parade or assembly whereas the nature and duration of such event creates a public disturbance, or tends to create a nuisance, or tends to create or threaten rioting, disorderly conduct or public or private mischief.

Picketing or Demonstrating:

Peaceful picketing or demonstrating for a lawful purpose will be permitted in the corporate limits of the Town of Black Diamond under the following circumstances:

1. Picketing shall be conducted only on sidewalks or Town owned property normally reserved for pedestrian use. Picketing or demonstrations shall not take place on any portion of a street or right of way normally reserved for vehicular traffic.
2. Persons picketing for the same objective shall not gather in such a manner as to block or impede the flow of any vehicular traffic into any driveway or block or impede pedestrian traffic along any sidewalk or impede the entrance or exit into any building.
3. Persons participating in picketing or demonstrations may only carry signs or placards promoting the objective of the demonstration and may only use words or symbols that are not defamatory or profane in nature or would not tend to produce violence. The staff used for the signs must be made of wood, not to exceed 16 cm in length, not to exceed .40 cm in diameter, and must be blunt at both ends.
4. The Town Manager shall have authority to allot equitable time to separate groups wishing to picket or demonstrate with opposing objectives when each group desires to use the same sidewalk.
5. It shall be unlawful for any person participating in a picket or demonstration to address profane, indecent, abusive or threatening language to or at any other person, which would tend to provoke such persons or others to a breach of the peace.



Parades, Assemblies, Picketing Policy

Interfering with Picketing or Demonstrations:

It shall be unlawful for any person to physically interfere with any lawful pickets or demonstrators in the use of the designated sidewalk or Town property or address profane, indecent, abusive or threatening language to or at such pickets or demonstrators, which would tend to provoke such pickets or others to a breach of the peace.

Disperse Upon Order of Police/Community Peace Officer:

Any and all persons blocking free passage of any street or sidewalk shall disperse when directed to do so by a police officer, or Community Peace Officer, as provided by this policy.

This Policy shall be effective upon its adoption.



**PARADE/ASSEMBLY PERMIT
APPLICATION**

Applicant: Name _____
Civic Address _____
Mailing Address _____
Work Phone _____
Home Phone _____
Fax _____
E-mail _____

Organization: Name _____
Mailing Address _____
Work Phone _____
Fax _____
E-Mail _____

Date of requested parade/assembly _____

Time of parade/assembly _____

Assembly area _____

Parade route _____

Parade area will occupy: all of street _____ part of street _____

sidewalks _____ park(s) _____ alleys(s) _____

