

**AN ORDINANCE OF  
THE BOARD OF COMMISSIONERS OF DAWSON COUNTY  
REGULATING PARADES, PUBLIC ASSEMBLIES, DEMONSTRATIONS AND RALLIES  
IN PUBLIC PLACES; TO PROVIDE FOR ENFORCEMENT; TO PROVIDE AN  
EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS;  
TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.**

**WHEREAS**, parades, public assemblies, demonstrations and rallies in public places require road closings and interfere with the movement of emergency vehicles and other traffic and endanger public safety; and

**WHEREAS**, unregulated parades, public assemblies, demonstrations and rallies in public places result in significant public injuries and property damage; and

**WHEREAS**, Dawson County maintains a duty to protect residents and visitors from offenses against public order; and

**WHEREAS**, Dawson County may limit persons' rights to unabridged freedom of speech and to peaceably assemble under the First Amendment of the United States Constitution and Article I, Section I, Paragraphs V and IX of the Constitution of the State of Georgia only through valid content-neutral time, place and manner restrictions narrowly tailored to serve significant governmental interests that leave ample alternate channels of communication; and

**WHEREAS**, Dawson County may enact regulations to insure the delivery of critical emergency services, protect public safety, maintain the orderly and safe flow of traffic and the safety of individuals and property while also respecting a citizen's constitutional rights.

**NOW, THEREFORE**, the Board of Commissioners of Dawson County hereby enact this ordinance as follows.

**SECTION I. PURPOSE**

(A) The purpose of this ordinance is to establish an application and permitting procedure for organizations, groups of persons, and any other entities that seek to use public property, sidewalks, or public roads within the unincorporated area of Dawson County for the purpose of a parade, public assembly, demonstration or rally or similar event other than a funeral procession.

(B) This ordinance shall not be construed to limit, restrict, inhibit, reduce, or otherwise impact the ability of Dawson County to sponsor any parade, public assembly, demonstration, rally or similar event, unless such event is prohibited by another law, ordinance, or regulation of the State of Georgia.

## **SECTION II. DEFINITIONS**

The following words, terms and phrases shall have the meanings ascribed in this section, unless the context clearly indicates a different meaning:

- (a) *certificate of insurance*: a document issued by a liability insurance carrier certifying that an insurance policy has been purchased showing an abstract of the provisions of the insurance contract.
- (b) *demonstration*: a public activity of a group or ten (10) or more people for or against an issue, cause, or person.
- (c) *parade*: any march, demonstration, assembly, ceremony, show, review, exhibition, pageant, motorcade or procession on the public streets or other public ways or property that requires or necessitates special traffic control or a road closing or crowd control measures.
- (d) *public assembly*: a meeting or gathering of a group of ten (10) or more people for the principal purpose of expressing, disseminating, or communicating an opinion, view, or idea in a public place.
- (e) *rally*: an assembly or gathering of ten (10) or more people intended to inspire and generate enthusiasm among those persons present.
- (f) *liability insurance*: insurance covering the insured against loss arising from injury or damage to another person or property.

## **SECTION III. PERMIT REQUIRED**

(A) Every organization, group of persons, or entity seeking to use sidewalks or public roads or public property other than a public meeting room within the unincorporated area of Dawson County for the purpose of a parade, public assembly, demonstration or rally shall obtain a permit from Dawson County before engaging in any such activity, unless such a permit is exempted under state law or the activity is otherwise exempted by law, ordinance, or other valid regulation. A funeral procession shall be exempt from the terms hereof.

(B) During the course of any permitted parade or public assembly, demonstration or rally in a public place, an individual authorized by the permittee shall be present at all times and shall possess either the original permit or a true and accurate copy thereof and shall present such permit or copy thereof to persons authorized to enforce this ordinance.

## **SECTION IV. DUTIES OF DAWSON COUNTY**

Dawson County shall perform the following duties in accord with the terms of this ordinance:

- (a) prepare and provide the necessary forms to apply for a permit;
- (b) review the application and collect whatever application fee, if any, that may be required;
- (c) designate and/or coordinate sites and set time schedules;
- (d) receive input from the Georgia Department of Transportation, Dawson County Emergency Services, the Dawson County Sheriff, the Dawson County Marshal, and any other public office or officer deemed necessary to address public safety issues associated with the permit application; and
- (e) consider, process, and render a decision regarding the permit application within thirty (30) days of the permit application being filed.

## **SECTION V. APPLICATION**

- (A) Every applicant for a permit in accord with this Ordinance shall submit an application to the Dawson County Planning and Development Department, which shall conform to the requirements hereof.
- (B) Unless otherwise exempted, each application shall be submitted on forms provided by Dawson County and shall be submitted at least thirty (30) days before the activity.
- (C) Each application shall contain the following information:
  - 1) the name, address and telephone number of the person or entity seeking to conduct the activity;
  - 2) the names and addresses of the partners if the applicant is a partnership;
  - 3) the names and addresses of the officers and directors if the applicant is a corporation;
  - 4) all prior parades or public assemblies, demonstrations or rallies in a public place within Dawson County;
  - 5) the date, time, and place where the proposed activity shall occur including proposed routes of parades or other processions;
  - 6) the type of activity or event; and

- 7) the number of expected participants, the length of the requested activity, a physical description of materials to be distributed, if any, and how participants shall interact with the general public.
- (D) Each application shall be signed and verified by the applicant.
- (E) False statements within an application for a permit shall justify an immediate revocation of the permit and/or denial of the application.
- (F) The omission of required information within an application shall disqualify the applicant, but such disqualification shall not bar any subsequent application for the same or a different activity.
- (G) Application Fee. Fees shall be assessed in accordance with the fee schedule adopted by the Dawson County Board of Commissioners.

## **SECTION VI. PERMIT ISSUANCE**

### **(A) Review and Recommendation.**

A copy of the application shall be delivered to those persons or entities providing input regarding the requested event. The persons or entities providing input regarding the application may include, but shall not be limited to, the following persons or entities:

- (1) Georgia Department of Transportation;
- (2) Dawson County Sheriff's Office;
- (3) Dawson County Emergency Services;
- (4) Dawson County Marshall's Office; and
- (5) Dawson County Health Department.

Each person or entity providing input may make a recommendation regarding the application within seven (7) days of receiving a copy of the application.

### **(B) Action by Board of Commissioners.**

The Dawson County Board of Commissioners shall render a decision regarding the application no later than thirty (30) days after the Planning and Development Department receives the completed application.

### **(C) Form of Action.**

The decision of the Dawson County Board of Commissioners shall be in writing. Any decision adverse to the applicant shall state the reason or reasons for the denial. If the application is approved by the Board of Commissioners, then the Dawson County Planning and Development Department shall issue a copy of the decision to the applicant.

(D) Authority to set sites, routes, schedules or to cancel.

(1) If more than one (1) permit is sought for the same date or if the proposed route results in interference with the orderly flow of vehicular traffic, pedestrian traffic, or emergency vehicles, then Dawson County may designate reasonable alternate sites and/or routes and establish a time schedule for the beginning and ending of the activity. Dawson County may cancel the permit if the activity fails to begin within a reasonable time after the time set for beginning based upon other activities for which permits have been granted or based upon the impact caused by such delay upon the public welfare, peace, safety, health, and good order.

(2) If the activity or event may impact traffic travelling a state route, then the Georgia Department of Transportation shall be notified of the potential impact and approval from the Georgia Department of Transportation shall be obtained by the applicant.

(E) Criteria for approval.

The permit shall be granted, unless one (1) or more of the following circumstances exists:

- (a) the proposed activity shall unreasonably interfere with the property rights of non-participants;
- (b) the proposed activity shall unreasonably disrupt the orderly flow of traffic, vehicular or pedestrian;
- (c) the proposed activity shall unreasonably endanger the health or safety of the applicant or the citizens of Dawson County;
- (d) the application is incomplete or contains a material falsehood or misrepresentation;  
or
- (e) the proposed activity conflicts with another event that has already been approved and scheduled.

## **SECTION VII. FINANCIAL RESPONSIBILITY AND INSURANCE**

(A) Nothing within this ordinance shall relieve any person or organization from responsibility for injuries or damages to persons or property, private or public, caused by acts or omissions arising from the activity for which any permit under this ordinance issues. The applicant shall indemnify and hold Dawson County harmless from and against any such claim.

(B) The applicant shall be solely responsible for cleaning affected areas littered during the activity, providing sufficient parking and storage areas for motor vehicles, providing

temporary toilet facilities, and providing other similar special and extraordinary items deemed necessary for the permitted activity by Dawson County to keep the area of the event safe and sanitary. However, Dawson County shall not require individuals, organizations, or groups of persons to provide personnel for normal governmental functions such as traffic control, police protection, or other activities or expenses associated with the maintenance of public order. If additional requirements are placed upon an applicant in accord with this subsection and if such requirements are not met, then Dawson County may revoke the issued permit and/or deny any subsequent permit requested by the applicant. Dawson County shall be entitled to recover from the applicant any sum expended by Dawson County for extraordinary expenses not provided by the applicant. The additional expenses may include, but not be limited to, Dawson County utilizing off-duty personnel or providing equipment or resources from other areas of the county to supplement equipment or resources already present.

(C) Insurance requirements.

(1) An applicant for a permit under this ordinance shall obtain liability insurance from an insurer licensed in the State of Georgia for the parade, public assembly, demonstration or rally in a public place if one or more of the following criteria exists:

- (a) the use, participation, exhibition, or showing of live animals;
- (b) the use, participation, exhibition or showing of automobiles of any size or description, motorcycles, tractors, bicycles, or similar conveyances;
- (c) the use of a stage, platform, bleachers or grandstands that will be erected for the event;
- (d) the use of inflatable apparatus used for jumping, bouncing or similar activities;
- (e) the use of roller coasters, bungee jumping, or similar activities; or
- (f) vendors or concessions.

Any applicant required to provide insurance in accord with this section shall provide Dawson County with a copy of the Certificate of Insurance from an insurer authorized and licensed by the State of Georgia. Dawson County shall be added as an additional named insured for the event on the Certificate of Insurance by the carrier. The minimum policy limits shall be \$1,000,000.00 per incident and \$2,000,000.00 aggregate for the entire event. All costs for insurance and naming Dawson County as an additional named insured shall be borne solely by the applicant. Such insurance shall protect Dawson County from any and all claims for damages to property and/or bodily injury or death.

**SECTION VIII. APPEALS**

Any applicant whose application for a permit under this ordinance is denied may seek certiorari review by the Superior Court of Dawson County within thirty (30) days of the date such application is denied.

**SECTION IX. VIOLATIONS AND PENALTIES**

Any person convicted of violating the terms of the ordinance may be punished by a fine not to exceed \$1,000.00. The Magistrate Court of Dawson County shall maintain jurisdiction regarding violations of this ordinance.

**SECTION IX. SEVERABILITY**

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed (1) to affect the portions of the ordinance not held to be invalid or (2) to affect the application of this ordinance to other circumstances. It is hereby declared to be the intent of the Board of Commissioners of Dawson County to provide for separable and divisible parts, and the Board of Commissioners hereby adopts any and all parts not held invalid.

**SECTION X. REPEALER**

All resolutions or ordinances or parts of resolutions or ordinances in conflict with the terms of this ordinance are hereby repealed, but it is hereby provided that any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be liberally construed in favor of Dawson County, is hereby adopted as a part hereof.

This ordinance shall be effective on the 22nd day of October, 2010.

Approved, this 22nd day of October, 2010.

**DAWSON COUNTY BOARD  
OF COMMISSIONERS**

**ATTEST:**

By: Mike Berg  
Mike Berg, Chairman

By: David Simpson  
David Simpson, County Clerk

Vote: 4 Yes

0 No

Dates of Public Hearings:

1<sup>st</sup>: October 7, 2010

2<sup>nd</sup>: October 21, 2010

Dates of Advertisements:

1<sup>st</sup>: September 22, 2010

2<sup>nd</sup>: September 29, 2010

3<sup>rd</sup>: October 6, 2010

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