

TOWN OF MARION POLICE DEPARTMENT PROCEDURAL SUPPLEMENT		
Procedural Supplement: 9	Effective: 07/21//2020	Number of Pages: 3
DEMONSTRATION, PARADES, AND PROCESSION PERMITS: GENERAL GUIDELINES		

The Town of Marion Police Department has traditionally been tasked with the responsibility of regulating and coordinating demonstrations, parades, and processions. As a practical matter, the Town of Marion has a generally permissive view of these events and desires to facilitate them in the safest way possible, while at the same time recognizing the need to balance the burdens on compelling government and public interests. As a result, all permit applications shall be granted unless specific, content-neutral, and narrowly defined exceptions apply.

The content of this procedural supplement has been largely formulated using the “Permitting Demonstrations: Guiding Principles” white paper offered by the American Civil Liberties Union of Virginia.

Nothing in this procedural supplement should be construed to apply to Town sponsored public events of any type.

A. Definitions

1. Public Property – As used in this supplement, the term public property applies to streets, sidewalks, or parking lots, which are generally known for free access and usage by the public at large.
2. Municipal Property – As used in this supplement, the term municipal property applies to parks, town owned buildings and their associated parking lots, or municipal areas, which are generally governed by the Town of Marion.
3. Private Property – As used in this supplement, the term private property applies to all property held by private persons or non-governmental organizations.
4. Demonstration – As used in this supplement, the term demonstration applies to all gatherings, rallies, and assemblies which are composed of people in favor of a political or other cause, or people partaking in a protest against a cause of concern.
5. Parade / Procession – As used in this supplement, the term parade or procession applies to all pedestrian or vehicle activity, which affects the normal flow of traffic as an organized effort.

B. General Permitting Guidelines

1. When a permit is NOT required
 - a. No permit is required for any event, parade, or procession occurring wholly on private property, *unless a traffic support request is received which significantly impacts the regular staffing of the department.*

- b. No permit is required for individuals or groups of individuals under twenty (20) persons, who assemble on public or municipal property and cause no impediment of pedestrian or vehicle traffic. Nor is any permit required for spontaneous demonstrations held in response to current events, subject to the same limitations.
- c. No permit is required for funeral processions, any convoy of the Armed Forces of the United States, police department or fire department processions.

2. When a permit is required

- a. A permit is always required when the activity will impede the flow of vehicle or pedestrian traffic.
- b. A permit is always required for groups over (20) persons who assemble on public or municipal property.
- c. A permit is always required when the activity will restrict access to businesses adjacent to the assembly area.

C. Permitting Process

1. General Guidelines

- a. All permit requests shall be submitted to the Chief of Police, and must be received in writing no less than five (5) working days before the anticipated date of the activity.
- b. The Town of Marion Police Department will only issue one permit per day for demonstrations, processions, or parades.

2. Approval Process

- a. All permit requests will be reviewed by the Chief of Police and permits will be granted or denied, in writing, within three (3) working days of receipt.
- b. All permit denials may be appealed to the Town Manager.
- c. Any permit issued will not be revoked without notice and an opportunity to contest the revocation.

3. Causes for Denial

- a. A permit has already been approved for the date requested.
- b. The request entails an interference with pedestrian or vehicle traffic, which cannot be reasonably accommodated within the staffing capabilities of the Town of Marion Police Department.
- c. When well-founded and demonstrable evidence exists that known attendees will engage in violent or unlawful conduct.
- d. The request entails significant access interference with traditional business operations in the assembly, parade, or procession area.

D. Specific Prohibitions

1. Protest Activity in Residential Areas

The Code of Virginia specifically prohibits protest activity of any single dwelling:

§ 18.2-419. Picketing or disrupting tranquility of home.

Any person who shall engage in picketing before or about the residence or dwelling place of any individual, or who shall assemble with another person or persons in a manner which disrupts or threatens to disrupt any individual's right to tranquility in his home, shall be guilty of a Class 3 misdemeanor. Each day on which a violation of this section occurs shall constitute a separate offense.

Nothing herein shall be deemed to prohibit (1) the picketing in any lawful manner, during a labor dispute, of the place of employment involved in such labor dispute; (2) the picketing in any lawful manner of a construction site; or (3) the holding of a meeting or assembly on any premises commonly used for the discussion of subjects of general public interest.

E. Enforcement

Any organizer, or attendee associated with an unpermitted demonstration, parade, or procession may be subject to arrest or citation for violations of applicable ordinances regarding the regulation of vehicle and pedestrian traffic, and may also be subject to citation for trespassing.