

**ORDINANCE NO. 21-03-12**

**AN ORDINANCE TO PROVIDE FOR THE REGULATION OF PARADES IN  
BERKELEY COUNTY.**

**Chapter 40.**

**ARTICLE I. - In General**

**Sec. 40-1. – Title.**

This chapter shall be officially known, cited, and referred to as the “Parade Regulations of Berkeley County, South Carolina.”

**Sec. 40-2. – Definitions.**

As used in this section, the following terms have the indicated meaning:

**Parade:** is defined as any parade, march, picket line, demonstration, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, including the sidewalk area thereof, park or other public place in the county.

**Parade permit:** is defined as a permit as required by this section.

Cross reference is made regarding the rules of construction and definitions generally as found in §1-2.

**Secs. 40-3 – 40-10. – Reserved.**

**ARTICLE II. - Prohibitions**

**Sec. 40-11. - Driving Through Parades.**

No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion or conspicuously designated as a parade, except that this portion shall not apply to single file parades on the sidewalk areas of the county, where vehicular traffic and those constituting the parade shall be required to obey all traffic-control signals unless otherwise directed by a deputy sheriff.

**Sec. 40-12. - Parking on Parade Route.**

The Sheriff shall have the authority, when reasonably necessary, to prohibit or restrict parking of vehicles along a street or part thereof constituting a part of the route of a parade. The Sheriff shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unpasted in violation of this section.

**Sec. 40-13. - Obstructing or interfering with parades.**

No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

**Sec. 40-14. - Hours for conducting parade restricted.**

No permit shall be granted for a parade to convene before 8:00 a.m. or terminate after 8:00 p.m.

**Sec. 40-15. - Threats to Safety.**

It shall be unlawful for any person to brandish a firearm, knife, flagpole, metal or wood pole, bat, staff, golf club, signpost, or other similar solid wood or metal object while participating in or attending a parade as defined in this article.

For purposes of this article, brandish shall mean to wave or flourish menacingly, to display ostentatiously, threateningly, angrily, or aggressively.

**Sec. 40-16. - Required; Exceptions.**

- a) No person shall engage in, participate in, aid, form or start any parade, consisting of fifty (50) or more persons, unless a parade permit shall have been obtained from the Sheriff. Any person engaging in any parade for which a parade permit has been issued shall not violate any of the conditions or provisions of such permit.
- b) This section shall not apply to:
  - 1. Funeral processions
  - 2. Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities, and
  - 3. A governmental agency acting within the scope of its functions.

**Secs. 40-17 – 40-30. – Reserved.**

**ARTICLE III. - PROCESS****Sec. 40-31. - Application; Filing.**

- a) A person seeking issuance of a parade permit shall file an application with the Sheriff on forms provided by such deputy.
- b) An application for a parade permit shall be filed with the Sheriff not less than three (3) days nor more than thirty (30) days before the date on which it is proposed to conduct the parade.

**Sec. 40-32. - Form and Contents of Application; Late Applications.**

- a) The application for a parade permit shall set forth the following information:
  - 1. The name, address and telephone number of the person seeking to conduct such parade.
  - 2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorizing and responsible head of such organization.
  - 3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
  - 4. The date when the parade is to be conducted.
  - 5. The route to be traveled, the starting point and the termination point.
  - 6. The approximate number of persons who, and animals and vehicles which, will constitute such parade, the type of animals and description of the vehicles.
  - 7. The hours when such parade will start and terminate.
  - 8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
  - 9. The location by streets of any assembly areas for such parade.
  - 10. The time at which such units of the parade will begin to assemble at any such area or areas.
  - 11. The interval of space to be maintained between units of such parade.
  - 12. If the parade is designed to be held by and on behalf of, or for any person other than the applicant, the applicant for such permit shall file with the Sheriff a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

b) The Sheriff, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than three (3) days before the date such parade is proposed to be conducted.

**Sec. 40-33. - Notice of Rejection.**

The Sheriff shall act upon the application for a parade permit within two (2) days after the filing thereof. If the Sheriff disapproves the application, he shall mail to the applicant within two (2) days after the date upon which the application was filed a notice of his action, stating the reasons for his denial of the permit.

**Sec. 40-34. - Standards for Issuance.**

The Sheriff shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic, pedestrian and vehicular, contiguous to its route.
- b) The conduct of the parade will not require the diversion of so great a number of deputy sheriff of the county properly to deputy the line of movement and the areas contiguous thereto as to prevent normal police protection to the county.
- c) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of areas contiguous to such assembly areas.
- d) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire.
- e) The conduct of the parade is not reasonably likely to cause injury to persons or property.
- f) The parade is scheduled to move from its point of origin to its point of termination expeditiously, without unreasonable delays en route and without passing by any location more than once.
- g) If the parade is to be solely on the sidewalk areas of the county, the parade shall be in single file only of persons participating, with no animals, vehicles or other nonhuman objects except reasonably sized signs individually carried in the line of procession. All participants are to keep moving at all times.

**Sec. 40-35. - Appeal to Chairman of County Council Upon Denial.**

Any person aggrieved shall have the right to appeal the denial of a parade permit to the Chairman of County Council (County Supervisor). The appeal shall be taken within forty-eight (48) hours after notice. The Chairman of County Council shall act upon the appeal as soon as practical.

**Sec. 40-36. - Contents.**

Each parade permit shall state the following information:

- a) Starting time.
- b) Minimum speed.
- c) Maximum speed.
- d) Maximum interval of space to be maintained between units of the parade.
- e) The portion of the streets to be traversed that may be occupied by the parade.
- f) The maximum length of the parade in miles or fractions thereof.
- g) Such other information as the Sheriff shall find necessary for the enforcement of this division.

**Sec. 40-37. - Alternate.**

The Sheriff, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a day, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall within two (2) days after notice of the action of the Sheriff file a written notice of acceptance with the Sheriff. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this article.

**Sec. 40-38. - Notification of County Officials Upon Issuance.**

Immediately upon the issuance of a parade permit the Sheriff shall send a copy thereof to the following:

- a) The County Supervisor.
- b) The fire chief.
- c) The EMS chief
- d) 911 Communication
- 3) Department of Transportation (DOT)

If the parade starts in a Municipality, the Municipality would issue the permit and notify the Sheriff or his designee.

**Sec. 40-39. - Revocation.**

The Sheriff shall have the authority to revoke a parade permit issued hereunder upon the violation of the standards for issuance as set forth in this article.

**Sec. 40-40. - Possession by Parade Chairman.**

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

**Sec. 40-41. - Compliance with Conditions.**

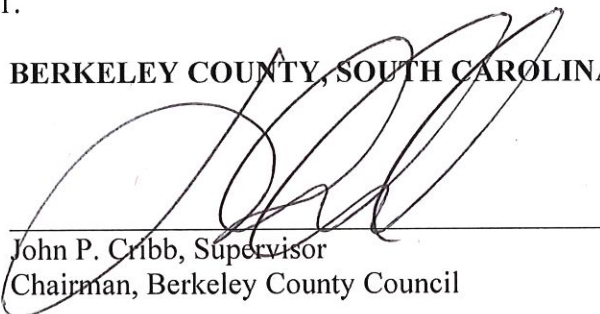
A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

**Secs. 40-42 – 40-60. – Reserved.**

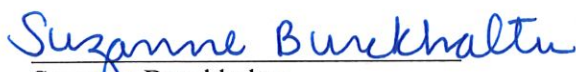
**ADOPTED** this 22nd day of March, 2021.

**BERKELEY COUNTY, SOUTH CAROLINA**

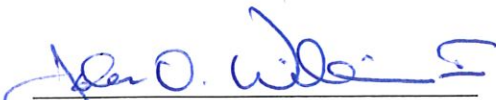
[SEAL]

  
\_\_\_\_\_  
John P. Cribb, Supervisor  
Chairman, Berkeley County Council

Attest:

  
\_\_\_\_\_  
Suzanne Burckhalter  
Clerk to Berkeley County Council

Approved as to form:

  
\_\_\_\_\_  
John O. Williams, II  
Berkeley County Attorney

First Reading: January 25, 2021  
Second Reading: February 22, 2021  
Public Hearing: March 22, 2021  
Third Reading: March 22, 2021

21-03-12

MEMBERS OF COUNTY COUNCIL



THOMAS D. OWENS

Voting Aye



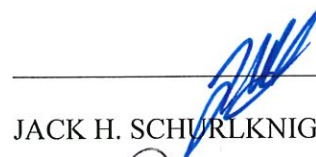
BRANDON COX

Voting Aye



JOSHUA S. WHITLEY

Voting Aye



JACK H. SCHURLKNIGHT

Voting Aye



PHILLIP OBIE, II

Voting Aye



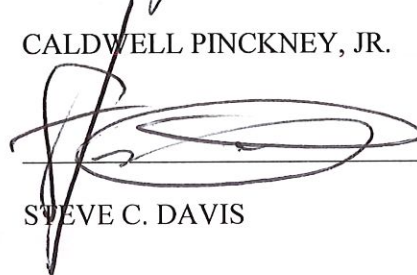
CALDWELL PINCKNEY, JR.

Voting Aye



JOE T. NEWELL

Voting Aye



STEVE C. DAVIS

Voting Aye