

Chapter 91

PARADES AND PICKETING

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[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 10-7-91 as Ord. No. 1517. Other amendments noted where applicable.]

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[**HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 4-19-93 by Ord. No. 1581. Other amendments noted where applicable.**]

GENERAL REFERENCES

Definitions and rules of interpretation - See Ch. 3.

Parks and Playgrounds - See Ch. 93.

ARTICLE I Picketing

§ 91.1. **Purpose.**

The purpose of this Ordinance is to protect and preserve the sanctity of the home through assurance that residents of the Township of Upper St. Clair enjoy in their homes a feeling of well-being, tranquility and privacy.

§ 91.2. **Definitions.**

As used in this Ordinance, the following terms shall have the meanings indicated:

PICKETING: To station oneself in front of a dwelling or to form a line or procession in front of a dwelling to express a grievance or stage a public protest.

DWELLING: Any single-family dwelling, two-family dwelling, or multi-family dwelling, but not including such a place used by the occupant for a place of business or such a place when used for a public meeting.

§ 91.3. **Unlawful to Picket Residence or Dwelling.**

No person shall engage in PICKETING directed at, and taking place in front of a DWELLING of any resident(s) in the Township of Upper St. Clair.

§ 91.4. Penalties.

Any person violating any of the provisions of this Ordinance shall be subject to the penalties provided in Chapter 5, Enforcement of Ordinances; Penalties, of this Code. The continuation of a violation shall, for each successive day, constitute a separate offense.

**ARTICLE II
Parades**

§ 91.5. Title.

This chapter shall be known and may be cited as the "Parade Ordinance of the Township of Upper St. Clair."

§ 91.6 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- 91.6.1. APPLICANT: Any PERSON who applies for a PARADE PERMIT.
- 91.6.2. CHIEF OF POLICE: The CHIEF OF POLICE of the Township of Upper St. Clair.
- 91.6.3. MANAGER: The MANAGER of the Township of Upper St. Clair.
- 91.6.4. PARADE: Any parade, march, or procession of any kind in or upon any street, or other public way in the Township.
- 91.6.5. PARADE PERMIT: A permit as required by this chapter.
- 91.6.6. PERSON: Any PERSON, firm, partnership, association, corporation, company or organization of any kind.

In this Chapter, words in the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 91.7. Permit required.

91.7.1. No PERSON shall engage in, participate in, aid, form or start any PARADE unless a PARADE PERMIT shall have been obtained from the CHIEF OF POLICE.

91.7.2. Exceptions. This chapter shall not apply to:

91.7.2.1. Funeral processions.

91.7.2.2. Wedding processions.

91.7.2.3. Students going to and from school. **[Amended 10-4-93 by Ord.**

No. 1604]

§ 91.8. Permit applications.

A PERSON seeking issuance of a PARADE PERMIT shall file an application with the CHIEF OF POLICE on forms provided by such officer.

91.8.1. Filing period. An application for a PARADE PERMIT shall be filed with the CHIEF OF POLICE not fewer than five (5) days nor more than sixty (60) days before the date on which it is proposed to conduct the PARADE. **[Amended 10-4-93 by Ord. No. 1604]**

91.8.2. Contents. The application for a PARADE PERMIT shall set forth the following information:

91.8.2.1. The name, address and telephone number of the PERSON seeking to conduct such PARADE.

91.8.2.2. 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 authorized and responsible heads of such organization. If the PARADE is proposed to be conducted for, on behalf of or by a partnership or joint venture, then all partners and parties to the joint venture thereto shall sign as APPLICANTS. If the PARADE is proposed to be conducted for, on behalf of or by a corporation, copies of the Articles of Incorporation, and a corporate resolution authorizing the application shall be required.

91.8.2.3. The name, address and telephone number of the PERSON who will be the PARADE chairman and who will be responsible for its conduct.

91.8.2.4. The date when the PARADE is to be conducted.

91.8.2.5. The route to be traveled, the starting point and the termination point.

91.8.2.6. The approximate number of PERSONS who and animals and vehicles which will constitute such PARADE, the type of animals and a description of the vehicles.

91.8.2.7. The hours when such PARADE will start and terminate.

91.8.2.8. A statement as to the portion of the width of the streets proposed to be traveled.

91.8.2.9. The location by streets of any assembly areas for such PARADE.

91.8.2.10. The time at which units of the PARADE will begin to assemble at any such assembly area or areas.

91.8.2.11. 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 CHIEF OF POLICE a communication in writing from the PERSON proposing to hold the PARADE authorizing the APPLICANT to apply for the permit on his behalf.

91.8.2.12. The program for the PARADE, or if no program is prepared, a narrative statement as to the purpose for which the PARADE is to be conducted.

91.8.2.13. Evidence that all permits and licenses as required by Federal, State and county statutes, ordinances and regulations enacted thereunder have been obtained, or will be obtained.

91.8.2.14. A statement regarding the first day upon which public announcement, promotion, or advertising is to be made.

91.8.2.15. Specific information and details relating to:

91.8.2.15.1. Food and drink facilities and providers thereof.

91.8.2.15.2. Sanitary and waste disposal facilities and providers thereof.

91.8.2.15.3. Post-PARADE trash removal and site restoration and providers thereof.

91.8.2.16. APPLICANT's statement that they shall abide by the terms and provisions of this Chapter, and all laws, rules and regulations of the United States, Commonwealth of Pennsylvania, County of Allegheny and Township of Upper St. Clair.

91.8.2.17. Each application must be duly acknowledged with a statement that the facts set forth therein are true and correct under the penalty of perjury.

91.8.2.18. Any additional information which the CHIEF OF POLICE shall find reasonably necessary to a fair determination as to whether a permit should be issued.

91.8.3. A separate application must be filed for each PARADE.

91.8.4. Each application shall be accompanied by a cash fee as required in Section 6 to cover the cost of inspection, investigation, and administration of the permit. No part of the permit fee is refundable. [Amended 10-4-93 by Ord. No. 1604]

91.8.5. Late applications. The CHIEF OF POLICE, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed fewer than ten (10) days before the date such PARADE is proposed to be conducted.

§ 91.9. Standards for permit issuance.

The CHIEF OF POLICE 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:

91.9.1. The conduct of the PARADE will not so substantially interrupt the safe and orderly movement of traffic within the Township of Upper St. Clair on and contiguous to the proposed route so as to create a real and present danger to the health, safety and welfare of the residents of the Township.

91.9.2. The conduct of the PARADE will not create a real and present danger to the health, safety and welfare of the citizens of the Township by preventing fire-fighting equipment, ambulances, rescue vehicles and/or police vehicles from being able to reach any property in the Township.

91.9.3. The conduct of such PARADE will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Township other than that to be occupied by the proposed line of march and areas contiguous thereto.

91.9.4. The concentration of PERSONS, animals and vehicles at assembly points of the PARADE will not unduly interfere with proper fire and police protection of or ambulance services to areas contiguous to such assembly areas.

91.9.5. The conduct of such PARADE will not substantially interfere with the movement of fire-fighting equipment in route to a fire.

91.9.6. The PARADE is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in route.

91.9.7. The permit fee required by this Chapter has been paid.

§ 91.10. Permit fees.

Before a permit shall be issued to any PERSON whose application under this Chapter has been approved by the CHIEF OF POLICE, that PERSON shall pay to the Township MANAGER

a fee to cover the costs of inspection, investigation, issuance, and administration of the permit as provided in Chapter 57, "Fees."

§ 91.11. Time limit for decision; notice of disapproval.

The CHIEF OF POLICE shall act upon the application for a PARADE PERMIT within three (3) days after the filing thereof. If the CHIEF OF POLICE disapproves the application, he shall mail to the APPLICANT, by certified mail within three (3) days after the day upon which the application was filed, a notice of his action stating with specificity the reasons for his denial of the permit. Said notice shall also advise the APPLICANT of his or her right to file an appeal and shall also advise him or her of the procedure for filing an appeal by providing him or her with a copy of Section 91.13, Appeals.

§ 91.12. Appeals.

Any PERSON aggrieved shall have the right to appeal the denial of a PARADE PERMIT to the Township MANAGER. The appeal shall be taken by sending a letter to the Township MANAGER requesting that the Township MANAGER hear an appeal of the decision to deny a PARADE PERMIT. This letter must be sent by certified mail or hand-delivered to the offices of the Township at 1820 McLaughlin Run Road, Upper St. Clair, Pennsylvania 15241, and must be received by the Township MANAGER within ten (10) days from the date on which the APPLICANT received notice of the denial of the application for a PARADE PERMIT. The Township MANAGER must render a decision on said appeal, in writing, within three (3) days of receipt of the appeal.

§ 91.13. Alternate permits.

Where the CHIEF OF POLICE, after applying the standards set forth in Section 91.9 above, shall find that the application for issuance of a permit for a PARADE on the date, at the time and over the route requested by the application must be denied, he may, in addition to advising the APPLICANT of the denial of the application, also issue an alternate permit which authorizes the conduct of the PARADE on a date, at a time or over a route different from that named by the application. The alternate permit shall be sent to the APPLICANT by certified mail, together with the letter required by Section 91.12 above. Whenever the CHIEF OF POLICE shall issue an alternate permit, the letter sent to the APPLICANT, in addition to conforming to the requirements of Section 91.12 above, shall also advise the APPLICANT that, if the APPLICANT wishes to accept the alternate permit, the APPLICANT must mail or deliver a letter to the Township MANAGER at 1820 McLaughlin Run Road, Upper St. Clair, Pennsylvania 15241, in which the APPLICANT accepts the alternate permit and, further, advising the APPLICANT that this letter must be received with ten (10) days after receipt by the APPLICANT of the letter sent to the APPLICANT pursuant to Section 91.12 above. The APPLICANT shall also be advised that, unless the APPLICANT accepts the alternate permit within ten (10) days, the alternate permit will be void and of no effect. Finally, the APPLICANT shall also be advised that the APPLICANT may either accept the alternate permit or pursue an appeal of the denial of a PARADE PERMIT for the date, time and route requested by the

APPLICANT by following the procedure set forth in Section 91.13 above and, if accepted by the APPLICANT in the manner provided above, shall have the effect of a PARADE PERMIT under this chapter.

§ 91.14. Notice to officials.

Immediately upon the issuance of a PARADE PERMIT, the CHIEF OF POLICE shall send a copy thereof to the following:

- 91.14.1. The MANAGER.
- 91.14.2. The Township Attorney.
- 91.14.3. Chief of the Volunteer Fire Department.
- 91.14.4. The Director of Public Works.

§ 91.15. Contents of permit.

- 91.15.1. Each PARADE PERMIT shall state the following information:
 - 91.15.1.1. The date on which and hours during which the PARADE is to be conducted.
 - 91.15.1.2. The type of PARADE authorized.
 - 91.15.1.3. The portions of the streets to be traveled that may be occupied by the PARADE.
 - 91.15.1.4. The route to be traveled or the address of the property to be utilized.
 - 91.15.1.5. The maximum length of the PARADE in miles or fractions thereof.
 - 91.15.1.6. Such other information as the CHIEF OF POLICE shall find necessary to the enforcement of this chapter.
 - 91.15.1.7. The hour and date on which the permit was issued.
- 91.15.2. A permit shall not be assignable.

§ 91.16. Duties of permittee.

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

91.16.2. 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.

91.16.3. No PARADE shall take place other than in daylight hours.

91.16.4. No signs may be posted along any roads in the Township except those designated by the CHIEF OF POLICE.

91.16.5. The PARADE shall move from its point of origin to its point of termination expeditiously and without unreasonable delays in route.

91.16.6. The Township streets and property shall be placed in neat condition and all debris removed immediately after the termination of the PARADE.

91.16.7. The marchers shall line up no more than four abreast, with ten foot intervals between units.

91.16.8. The marchers shall not utter obscenities or fighting words throughout the PARADE.

§ 91.17. Interference; parking on route.

91.17.1. Interference. No PERSON shall unreasonably hamper, obstruct or impede or interfere with any PARADE or PARADE assembly or with any PERSON, vehicle or animal participating or used in a PARADE.

91.17.2. Driving through PARADE. No driver of a vehicle shall drive between the vehicles or PERSONS comprising a PARADE when such vehicles or PERSONS are in motion and are conspicuously designed as a PARADE.

91.17.3. Parking on PARADE route. The CHIEF OF POLICE shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of a route of a PARADE. The CHIEF OF POLICE shall have signs posted to such effect, and it shall be unlawful for any PERSON to park or leave unattended any vehicle thereof. No PERSON shall be liable for parking on a street unposted, in violation of this chapter.

§ 91.18. Exemptions.

91.18.1. Exemption Approvals. Exemptions may be approved by the CHIEF OF POLICE for any APPLICANT who cannot provide sufficient financial resources to obtain the

permit fee required by Section 91.10. The APPLICANT shall be exempted from said requirements after the approval of the CHIEF OF POLICE after disclosure of pertinent financial documents to the CHIEF OF POLICE. **[Amended 10-4-93 by Ord. No. 1604]**

91.18.2. Exemption Appeals. Any PERSON aggrieved shall have the right to appeal the denial of an exemption to the TOWNSHIP MANAGER. The appeal shall be taken by sending a letter to the Township MANAGER requesting that the Township MANAGER hear an appeal of the decision to deny an exemption. This letter must be sent by certified mail or delivered to the offices of the Township at 1820 McLaughlin Run Road, Upper St. Clair, Pennsylvania 15241, and must be received by the TOWNSHIP MANAGER within ten (10) days from the date on which the APPLICANT received notice of the denial of the exemption. The TOWNSHIP MANAGER must render a decision on said appeal, in writing, within three (3) days of receipt of the appeal.

§ 91.19. Revocation.

Any violations of the laws of the United States, Commonwealth of Pennsylvania, or its rules and regulations, or the terms and conditions of this Chapter, or other ordinances of Allegheny County or of the Township of Upper St. Clair or of the conditions of the permit granted hereunder may be cause for immediate revocation of the permit by the CHIEF OF POLICE, upon notification to the PERSON in charge that a violation exists and the failure of the PERSON in charge to take immediate action to correct the violation. Upon revocation of any permit, the permittee of the PARADE shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance.

§ 91.20. Sound amplification prohibited.

In any residential area, no PERSON intending to cast sound on the public streets or ways shall use, operate or maintain any loud speaker, megaphone or other sound amplification equipment, apparatus or device which mechanically or electronically emits such sound, whether such is hand carried, mobile as used in a motor vehicle, helicopter or airplane, affixed to a building, pole or other fixture, or located on the ground.

§ 91.21. Conformance with other laws.

This Chapter shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all federal and state laws, rules and regulations, county and Township of Upper St. Clair ordinances which are now, or may be in the future, in effect.

§ 19.22. Violations and penalties.

Any PERSON violating any of the provisions of this Chapter shall be subject to the penalties provided in Chapter 5, "Enforcement of Ordinances; Penalties," of the Township Code. The continuation of a violation shall, for each successive day, constitute a separate offense.

§ 91.23. Equitable remedies.

The Township of Upper St. Clair shall have the power to institute in the Court of Common Pleas of Allegheny County suits in equity to restrain or prevent violations of this Chapter. In cases where the Township of Upper St. Clair revokes any permits deemed improperly issued under the provisions, or in other cases where the circumstances require it or the public safety and health may be endangered, a mandatory injunction may be issued upon the terms prescribed by the Court.