

**AN ORDINANCE BY THE MCLEAN COUNTY BOARD
AMENDING THE MCLEAN COUNTY CODE TO CREATE
CHAPTER 305: PARADES, PUBLIC ASSEMBLY AND OTHER GATHERINGS**

WHEREAS, through the Counties Code, the General Assembly has conferred authority on the McLean County Board to “do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers”; and,

WHEREAS, through the Counties Code, the General Assembly has conferred on the County Board the authority to “fix the days and the hours of opening and closing” certain county offices as well as mandated that the County Board “provide suitable office quarters” or “some other suitable building” sufficient for conducting the business of the county for various office holders as well; and,

WHEREAS, through the Illinois Public Demonstrations Law the General Assembly has announced that it is “declared to be the public policy of the State” and “necessary for the protection of the health, welfare and safety of the public” that the “practice of unhindered or unrestrained picketing or demonstrating on such roadways has caused disruption of police, fire and emergency services, and injury to persons regardless of participation in the march, assembly, or demonstrating” and therefore deemed the act of participating in any march, assembly, meeting, parade, or gathering on roadways in more than one specific area of or location in, any municipality or the unincorporated area of a county, on any given day” a Class A misdemeanor “unless it is acting under authority of a duly issued municipal or county parade or demonstration permit”; and,

WHEREAS, nearly 80 years ago, the Supreme Court held in *Cox v. New Hampshire* that while government cannot regulate the contents of speech, it can place reasonable time, place and manner restrictions on speech for public safety purposes; and,

WHEREAS, the County of McLean has heretofore never formalized a process for citizens wishing to assemble, gather or demonstrate on property owned, operated or maintained by the County of McLean; and,

WHEREAS, the County Board believes a standardized process for regulating the time, place and manner of public assembly or demonstrations on property owned, operated or maintained by the County is in the best interests of the citizens of McLean County; now, therefore

BE IT ORDAINED by the County Board of McLean County, now in regular session, that the Chapter 305 of the McLean County Code is hereby created to read as follows:

CHAPTER 305 Parades, Public Assemblies and other Gatherings

Article I Parades

§ 305-1 Parade Permits Required

- A. It shall be illegal for any person to participate in the organization of a parade or otherwise to participate in a parade for which a parade permit has not been applied for and obtained from the Administrator's Office of McLean County.
- B. A "parade" is any organized or unorganized demonstration or other grouping of individuals as pedestrians or as riders or drivers of vehicles which use one or more County Highways as identified by Chapter 300 of this Code which lasts in excess of 15 minutes and which has the planned or unplanned effect of interrupting the free movement of pedestrians or vehicular traffic in any manner including but not limited to directly or indirectly causing the stopping of vehicular traffic on streets and/or highways with the County of McLean which intersect with streets and/or highways on which any part of the parade activities take place.
- C. Only the person, group, or organization responsible for organizing the parade is required to obtain a permit.

§ 305-2 Parade permit applications

- A. The County Administrator shall draft, make available to the general public, and accept parade applications.
- B. Each application for a parade permit must be in writing and must specify at least the proposed date and time of the parade, the anticipated number of walking groups or other units which will be in the parade, the name of the sponsoring organization, the name of the person in charge of organizing the parade, and the address and phone number where such person may be contacted. Each application must be received by mail, e-mail or be personally delivered to the Office of the County Administrator at least 60 days prior to the scheduled event if any part of a County highway is to be used as part of the proposed parade route and at least 30 days prior to the scheduled event if the proposed route will effect traffic on any part of any County highway. The application time is necessary to enable the required traffic safety precautions to be taken for the safety and welfare of the citizens of McLean County. The failure to comply with this section may result in the denial of a permit by the County Administrator's Office.

§ 305-3 Parade rules and regulations

- A. The County Administrator's Office is hereby granted authority to direct the use of all parade routes which will least interfere with the flow of traffic and safety affecting the highways of McLean County and to institute any other reasonable regulations as necessary to ensure the safety of all involved in such an event.

§ 305-4 Demonstration or public assembly permit required.

- A. It shall be illegal for any person to participate in the organization of a demonstration or public assembly or otherwise to participate in a demonstration or public assembly for which a demonstration permit has not been applied for and obtained from the Administrator's Office of McLean County.
- B. A "public assembly" is defined as any march, assembly, meeting, demonstration or gathering which involving a company or group of persons collected together in an area on the sidewalk or other public space in which pedestrians may travel, or any organized march or procession of persons upon the sidewalk or other public space in which pedestrians may travel, which is reasonably anticipated to interfere with or impede the flow of pedestrian traffic.
- C. Only the person, group, or organization responsible for organizing the demonstration or public assembly is required to obtain a permit.

§ 305-5 Public assembly permit applications

- A. The County Administrator shall draft, make available to the general public, and accept applications for public assembly permits.
- B. Each application for a public assembly permit must be in writing and must specify at least the proposed date and time of the public assembly, the anticipated number of walking groups or other units which will be in the public assembly, the name of the sponsoring organization, the name of the person in charge of organizing the public assembly, and the address and phone number where such person may be contacted. Each application must be received by mail, e-mail or be personally delivered to the Office of the County Administrator at least 60 days prior to the scheduled event if any part of County property on which pedestrians travel is to be used as part of the proposed public assembly area and at least 30 days prior to the scheduled event if the proposed route will effect pedestrian traffic on any part of any County property. The application time is necessary to enable the required safety precautions to be taken for the safety and welfare of the citizens of McLean County as well as potential disruptions to the business operations that the County conducts in, on and around the properties it owns, operates or maintains. The failure to comply with this section may result in the denial of a permit by the County Administrator's Office.

§ 305-6 Public assembly rules and regulations

- A. The County Administrator's Office is hereby granted authority to enact reasonable time, place and manner restrictions for any public assembly which will provide for the least interference with pedestrian traffic on property owned, operated or maintained by the County of McLean and to institute any

other reasonable regulations as necessary to ensure the safety of all involved in such an event.

Article III Other Gatherings

§ 305-7 Gatherings other than parades or public assemblies

- A. Any gathering of 25 or more individuals on property owned, operated or maintained by the County of McLean which is not described in Article I or Article II of this Chapter but which may reasonably be anticipated to restrict the flow of pedestrian or vehicular traffic must obtain a permit through the processes identified in the aforementioned articles.

Article IV Miscellaneous

§ 305-8 Content Neutral

- A. Chapter 305 of this Code is content neutral and applies to all parades, demonstrations, public assemblies and other gatherings without regard to the nature of their purpose, message or creed.

§ 305-9 Delegation of Authority

- A. Any aspect of these sections which grants authority to or specifies responsibility of the County Administrator's Office may be developed and executed by any other person to whom the County Administrator grants or assigns such authority and responsibility.

§ 305-10 Old Courthouse Preferred

- A. As the vast majority of property owned, operated or maintained by the County of McLean are working office buildings or include 24/7 operations, demonstrations shall be constrained to the grounds of the Old Courthouse unless good cause can be shown to the County Administrator why the Old Courthouse grounds are inadequate for the purposes of the demonstration and another property owned, operated or maintained by the County is the singularly adequate for the purposes of the demonstration.

§ 305-11 Condition of Property

- A. It shall be a violation of this Chapter to organize or participate in a parade, demonstration, public assembly or other gathering which concludes without returning the property of the County of McLean to the state in which it was found prior to the parade, demonstration, public assembly or gathering.

§ 305-12 Penalty

- A. In addition to any applicable violation of state or federal law, including but not limited to a violation of the Illinois Public Demonstrations Law, a person who violates this chapter of the McLean County Code by organizing a parade, public assembly or other gathering without obtaining a permit or in violation of § 305-11 shall be guilty of a petty offense punishable by a fine not to exceed \$500.
- B. A person who participates in, but is not an organizer of, a parade, public assembly or other gathering that takes place without a valid permit shall be guilty of a petty offense punishable by a fine not to exceed \$100.
- C. A person who participates in a parade, public assembly or other gathering in violation of § 305-11 shall be guilty of a petty offense punishable by a fine not to exceed \$250.

This amendment shall become effective and in full force upon adoption of this Ordinance.
Adopted by the County Board of McLean County, Illinois, this 18th day of August, 2020.

ATTEST:

APPROVED:

Kathy Michael, Clerk of the Board of
McLean County

John D. McIntyre Chairman
McLean County Board