

Chapter 19

PUBLIC AMUSEMENTS

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Article I. Circuses and Animal Shows

Sec. 19-1. Circuses and animal shows required to obtain approval before showing exhibits.

All circuses and animal shows desiring to show or exhibit in limits of the city shall first obtain the approval of the Land Development Code Administrator of the location where the show or exhibition is to be held. (Ord. 823, sec. 1, 12-6-28)

Secs. 19-2 --- 19-6. Reserved.

Article II. Firework Displays

Sec. 19-7. Definitions.

A. The term "**fireworks**" where used in this section shall mean and shall embrace all those articles, devices and explosives commonly known and designated as firecrackers, Roman candles, torpedoes, sky rockets, and any and all explosives commonly known and referred to as fireworks.

B. The term "**Fire Official**" shall mean any fire official as determined by the Fire Chief, i.e. Fire Marshall, Fire Inspector. (Ord. 2331, codification, 12-19-89)

Sec. 19-8. Fireworks--Possession and sale prohibited.

Except as expressly authorized in Sec. 19-10, it shall be unlawful for any person to possess, store, handle, deal in, sell, offer for sale, shoot, discharge, fire, explode, or otherwise use any fireworks as defined in Sec. 19-7 within the city limits of Hattiesburg. (Ord. 2331, codification, 12-19-89)

Cross reference--see section 1-11 - enhanced penalties

Sec. 19-9. Same--exception.

Toy pistols, toy canes, toy guns, or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided herein, the sale and use of which shall be permitted. (Ord. 2331, codification, 12-19-89)

Cross reference--see section 1-11 - enhanced penalties

Sec. 19-10. Permit required; exceptions.

No person shall engage in, participate in, aid, form or start any fireworks display for any lawful public gathering, demonstration or celebration, unless a fireworks display permit shall have been obtained from the Fire Official. (Ord. 1150, secs. 1--4, 5-11-50)

Sec. 19-11. Application.

A. **Required.** A person seeking the issuance of a fireworks display permit shall file an application with the Fire Official on forms provided by same.

B. **Filing period.** An application for a fireworks display permit shall be filed with the Fire Official not less than ten (10) days before the date which the fireworks display is proposed to be conducted. The application shall be signed and dated by the applicant, witnessed by the Fire Official.

C. **Contents.** The application for a fireworks display permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct such display.
2. If the display 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.
3. The name, address and telephone number of the person who will be the display chairman and who will be responsible for its conduct and the name, address and telephone number of the persons, not less than three (3), who will be marshals.
4. The date when the display is to be conducted.
5. The hours when such display will start and terminate.
6. The location by streets of any assembly areas for such display.
7. If the display 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 Fire Official a communication in writing from the person proposing to hold the display, authorizing the applicant to apply for the permit on his behalf.
8. The purpose of the fireworks display.
9. Any additional information which the Fire Official shall find reasonably necessary to a fair determination as to whether a permit should be issued.
10. A receipt for the fee hereinafter prescribed.

D. **Late applications.** The Fire Official, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than ten (10) days but at least forty-eight (48) hours before the date such fireworks display is proposed to be conducted.

E. **Application fee.** A fee of twenty-five dollars (\$25.00) to cover the expenses incident to processing shall be paid to the Fire Official by the person applying for the permit at the time of the filing of the application, which fee shall be delivered into the general fund of the city. (Ord. 2331, codification, 12-19-89)

Sec. 19-12. Standards for issuance.

The Fire Official 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. All fireworks displays shall be conducted by a competent person or persons.
- B. The permit holder can store only the amount of fireworks that is going to be displayed.
- C. The permit holder knows that any fireworks that remain unfired after the display shall be immediately disposed of.
- D. The Fire Official knows where the fireworks are going to be stored before the display and the day of display.
- E. The permit holder will have the permit on site while the display is being conducted.
- F. The permit holder must furnish a water-type fire extinguisher while the display is being conducted.
- G. That the fireworks display can be conducted with reasonable safety.
- H. Any of the above regulations not being met will lead to permit being revoked. (Ord. 2331, codification, 12-19-89)

Sec. 19-13. Notice of rejection.

The Fire Official shall act upon the application for a fireworks display permit within three (3) days after the filing thereof. If the Fire Official disapproves the application, he shall mail to the applicant by certified mail within three (3) days after the time upon which the application was filed, a notice of his action stating the reasons for his denial of the permit. (Ord. 2331, codification, 12-19-89)

Sec. 19-14. Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a fireworks display permit to the Fire Prevention Board of Adjustments and Appeals of the city. The appeal shall be taken within two (2) days after receipt of the notice of denial. The board of Adjustments and Appeals shall act upon the appeal within twenty-four hours (24) after its receipt. (Ord. 2331, codification, 12-19-89)

Sec. 19-15. Alternative permit.

The Fire Official in denying an application for a fireworks display permit shall be empowered to authorize the conduct of the fireworks display on a date, at a time, or in a different location 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 Fire Official, file a written notice of acceptance with the Fire Official. An alternate fireworks display permit shall conform to the requirements of,

and shall have the effect of a fireworks display permit under this article. (Ord. 2331, codification, 12-19-89)

Sec. 19-16. Notice to other city officials.

Immediately upon the issuance of a fireworks display permit, the Fire Official shall send a copy thereof to the Police Chief. (Ord. 2331, codification, 12-19-89)

Sec. 19-17. Contents of permit.

Each fireworks display permit shall state the following information:

- A. Date of the fireworks display.
- B. Starting time and termination time of the fireworks display.
- C. Such other information as the Fire Official shall deem appropriate or find necessary to the enforcement of this article. (Ord. 2331, codification, 12-19-89)

Sec. 19-18. Revocation of permit.

The Fire Official shall have the authority to revoke a fireworks display permit issued hereunder upon violation of the standards for issuance as herein set forth. (Ord. 2331, codification, 12-19-89)

Sec. 19-19. Indemnification and insurance.

A. The applicant and any other persons, organizations, firms or corporations on whose behalf the application is made, by filing such application do represent, stipulate, contract and agree that they will jointly and severally indemnify and hold the city harmless against liability for any and all claims for damage to property, or injury to, or death of persons arising out of or resulting from the issuance of the permit or the conduct of the fireworks display or its participants.

B. In addition, no fireworks display permit shall be issued unless the applicant therefor shall furnish a bond or certificate of insurance in the amount of one million dollars (\$1,000,000.00) issued by an insurance company authorized to do business in the State of Mississippi, with coverage for all damages which may be caused to a person or persons or to property by reason of the permitted display. The city shall be named as an additional insured on the policy.

C. At the time of the application for the fireworks display permit satisfactory proof that the required insurance has been obtained must be presented to the Fire Official. The requirement for satisfactory proof may be complied with either by depositing the insurance policy itself with the Fire Official or by furnishing a certificate of insurance, meeting the following specifications to the Fire Official:

- 1. The insurance policies issued should be listed and for each policy the type of insurance, policy number, expiration date and limits of liability should be shown.
- 2. The certificate should designate the City of Hattiesburg as certificate holder and as an additional insured, and should contain a statement to the effect that the policies listed are in force and that in the event of cancellation or any material change in a policy affecting the certificate holder, at least ten (10) days prior written notice will be given to the certificate holder.

3. Below the schedule of insurance in force, the certificate should include a statement substantially as follows:

"The comprehensive general liability policy above includes coverage of designated premises and coverage for contractual liability in compliance with the provisions of Ordinance No. 1708 of the City of Hattiesburg, for a parade to be held on _____, 19____."

4. The certificate should be signed or countersigned by an authorized local agent of the issuing company or companies and should have attached a copy of power of attorney evidencing the agent's authority. (Ord. 2331, codification, 12-19-89)

Sec. 19-20. Penalties.

A. It shall be unlawful for any person to stage, present, or conduct, or attempt to stage, present, or conduct a fireworks display without first having obtained a permit therefor as herein provided or who shall otherwise violate any of the provisions of this article. (Ord. 2331, codification, 12-19-89)

B. It shall be unlawful for any person to participate in a fireworks display on the city streets for which a permit has not been granted.

C. It shall be unlawful for any person to fail to comply with all directions and conditions of the fireworks display permit.

D. Any person violating the provisions of any section of this article shall, upon conviction, be fined not more than three hundred dollars (\$300.00) or be imprisoned for not more than ninety (90) days, or shall be fined and imprisoned in the discretion of the municipal judge. (Ord. 2331, codification, 12-19-89)

Sec. 19-21 --- 19-25. Reserved.

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Article III. Parades

Sec. 19-26. Short title.

This chapter shall be known and may be cited as the "Parade Ordinance of the City of Hattiesburg, Mississippi." (Ord. 1708, sec. 1, 4-21-71)

Sec. 19-27. Definitions.

Chief of police is the Chief of Police of the City of Hattiesburg, Mississippi.

City is the City of Hattiesburg, Mississippi.

Parade is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or rallies or demonstrations, or any similar display, in or upon any street, park or other outdoor places owned or under the control of the city.

Parade permit is a permit as required by this chapter.

Person is any person, firm, partnership, association, corporation, company or organization of any kind. (Ord. 1708, sec. 2, 4-21-71)

Sec. 19-28. Permit required; exceptions.

A. 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.

B. This chapter shall not apply to:

1. Funeral processions.
2. Lawful picketing or other orderly processions on the sidewalks that do not violate any laws of the city, State of Mississippi or the United States of America.
3. A governmental agency acting within the scope of its functions. (Ord. 1708, sec. 3, 4-21-71)

Sec. 19-29. Application.

A. **Required.** A person seeking the issuance of a parade permit shall file an application with the Chief of Police on forms provided by the chief of police.

B. **Filing period.** An application for a parade permit shall be filed with the Chief of Police not less than ten (10) days before the date which the parade is proposed to be conducted. The application shall be signed by applicant and notarized.

C. **Contents.** 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 authorized and responsible heads 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 and the name, address and telephone number of the persons, not less than three (3), who will be marshals.
4. The date when the parade is to be conducted.
5. The route to be traveled, the starting point, the termination point, any intermediate stopping points and the length of time of such stops.
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, and what portion.
9. The location by streets of any assembly areas for such parade.
10. The time at which units of the parade will begin to assemble at any such assembly area or areas.
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.
12. The purpose of the parade.
13. Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.
14. A receipt for the fee hereinafter prescribed.

D. Late applications. The Chief of Police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than ten (10) days but at least forty-eight (48) hours before the date such parade is proposed to be conducted.

E. Application fee. A twenty-five dollar (\$25.00) fee to cover the expenses incident to processing shall be paid to the Chief of Police by the person applying for the permit at the time of the filing of the application, which fee shall be delivered into the general fund of the city. (Ord. 1708, sec. 4, 4-21-71)

Sec. 19-30. Standards for 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:

- A. The conduct of the parade will not substantially interrupt the normal, safe and orderly movement of other traffic contiguous to its route.
- B. The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city.
- 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, or ambulance service to, areas contiguous to such assembly areas.
- D. The conduct of such parade will not interfere with the movement of fire-fighting equipment en route to a fire or the movement of other emergency equipment
- E. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
- F. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- G. The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit. Provided, however, the prohibition against advertising any product, goods or event, shall not apply to signs identifying organizations or sponsors furnishing or sponsoring floats or transportation for the parade. (Ord. 1708, sec. 5, 4-21-71)

Sec. 19-31. Notice of rejection.

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 time upon which the application was filed, a notice of his action stating the reasons for his denial of the permit. (Ord. 1708, sec. 6, 4-21-71)

Sec. 19-32. Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the governing authorities of the city. The appeal shall be taken within two (2) days after receipt of the notice of denial. The governing authorities shall act upon the appeal within twenty-four (24) hours after its receipt. (Ord. 1708, sec. 7, 4-21-71)

Sec. 19-33. Alternative permit.

The Chief of Police in denying an application for a parade permit shall be empowered to authorize the conduct of the parade on a date, 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 Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this chapter. (Ord. 1708, sec. 8, 4-21-71)

Sec. 19-34. Notice to city and other officials.

Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

- A. The governing authorities.
- B. The City Attorney.
- C. The Fire Chief.
(Ord. 1708, sec. 9, 4-21-71)

Sec. 19-35. Contents of permit.

Each parade permit shall state the following information:

- A. Date of the parade.
- B. Starting time and termination time of the parade.
- C. The portions of the streets to be traversed that may be occupied by the parade.
- D. The number of persons, animals and motor vehicles that will be in the parade.
- E. Such other information as the Chief of Police shall deem appropriate or find necessary to the enforcement of this chapter. (Ord. 1708, sec. 10, 4-21-71)

Sec. 19-36. Duties of permittee; possession of permit.

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

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. (Ord. 1708, sec. 11, 4-21-71)

Sec. 19-37. Public conduct during parades.

A. **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.

B. **Driving through parades.** No driver of any vehicle, except emergency vehicles, shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

C. **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 the route of a parade. The Chief of Police 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 unposted in violation of this chapter. (Ord. 1708, sec. 12, 4-21-71)

Sec. 19-38. Revocation of permit.

The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon violation of the standards for issuance as herein set forth. (Ord. 1708, sec. 13, 4-21-71)

Sec. 19-39. Indemnification and insurance.

A. The applicant and any other persons, organizations, firms or corporations on whose behalf the application is made, by filing such application do represent, stipulate, contract and agree that they will jointly and severally indemnify and hold the city harmless against liability for any and all claims for damage to property, or injury to, or death of persons arising out of or resulting from the issuance of the permit or the conduct of the parade or its participants.

B. In addition, no parade permit shall be issued unless the applicant therefor shall obtain a comprehensive general liability insurance policy, issued by an insurance company authorized to do business in the State of Mississippi, with coverage that includes the assembly area, the parade route, the disbanding area of the parade, and any other area used by the participants of the parade. The city shall be named as an additional insured on the policy. The policy limits of said insurance shall not be less than:

- Property damage ----- \$ 5,000 each occurrence
- Bodily injury or death ----- \$25,000 each person
\$50,000 each occurrence

C. At the time of the application for the parade permit satisfactory proof that the required insurance has been obtained must be presented to the Chief of Police. The requirement for satisfactory proof may be complied with either by depositing the insurance policy itself with the Chief of Police or by furnishing a certificate of insurance, meeting the following specifications to the Chief of Police:

1. The insurance policies issued should be listed and for each policy the type of insurance, policy number, expiration date and limits of liability should be shown.
2. The certificate should designate the City of Hattiesburg as certificate holder and as an additional insured, and should contain a statement to the effect that the policies listed are in force and that in the event of cancellation or any material change in a policy affecting the certificate holder, at least ten (10) days prior written notice will be given to the certificate holder.
3. Below the schedule of insurance in force, the certificate should include a statement substantially as follows:

"The comprehensive general liability policy above includes coverage of designated premises and coverage for contractual liability in compliance with the provisions of Ordinance No. 1708 of the City of Hattiesburg, for a parade to be held on _____, 19____."

4. The certificate should be signed or countersigned by an authorized local agent of the issuing company or companies and should have attached a copy of power of attorney evidencing the agent's authority.

D. The requirements of subsections (B) and (C) of this section shall not be applicable to parades composed of pedestrians only and not including any vehicles or animals. If motor vehicles are to be included, evidence of public liability insurance with the same limits on said vehicles may be accepted in lieu of the insurance required in subsections (B) and (C). (Ord. 1708, sec. 12, 4-21-71)

Sec. 19-40. Penalties.

A. It shall be unlawful for any person to stage, present, or conduct, or attempt to stage, present, or conduct a parade without first having obtained a permit therefor as herein provided or who shall otherwise violate any of the provisions of this chapter.

B. It shall be unlawful for any person to participate in a parade on the city streets for which a permit has not been granted.

C. It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

D. Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than three hundred dollars (\$300.00) or be imprisoned for not more than ninety (90) days, or shall be fined and imprisoned in the discretion of the municipal judge. (Ord. 1708, sec. 16, 4-21-71)

Secs. 19-41 --- 19-45. Reserved.

Article IV. Reserved.

Secs. 19-46 --- 19-55. Reserved.

Amendment Note--Ord. 2399, sec. 1, enacted 3-17-92, repealed Ord. 1569, secs. 1 -12, enacted 3-9-66; as amended by Ord. 1778, sec. 1, enacted 12-20-72; Ord. 2077, sec. 1, enacted 6-8-82; and Ord. 2393, sec. 1, enacted 12-19-91; and codified as Sec. 19-46 through 19-55, regulating Poolrooms and Billiard Parlors. These sections were reserved to maintain sequence.

Secs. 19-56 --- 19-59. Reserved.

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**Article V. Public Dance House,
Dance Hall or Dance Room**

Sec. 19-60. Inapplicability of provisions.

This article shall apply to organizations chartered by the United States Congress with the exception of Section 4*. (Ord. 2269, sec. 2, 6-2-87; Ord. 1762, sec. 8, 8-23-72)

**Cross reference--see sec. 19-64 for exception.*

Sec. 19-61. Requirements generally.

No public dance house, public dance hall or public dance room shall be permitted to be conducted or operated in the City of Hattiesburg unless the following requirements are met:

- A. Such activity may be conducted only in commercially zoned areas.
- B. In addition to the amount prescribed by state law, an annual fee of three hundred dollars (\$300.00) must be paid by the owner or operator of such establishment to the City of Hattiesburg for a license authorizing the conduct of such public dancing, and the owner or operator must file with the City Clerk proof of liability insurance in the amount of fifty thousand dollars (\$50,000).
- C. No license shall be issued until an application describing the proposed public dance premises is filed with the tax collection department of the City of Hattiesburg, and the Chief of the Hattiesburg Fire Department has inspected and approved said premises as meeting existing state fire code standards, including adequate fire and emergency exits and in accordance with the fire prevention code recommended by the National Board of Fire Underwriters.
- D. No such public dancing shall be permitted on any property any part of which is within two hundred (200) feet of the property of any educational institution, university, college, high school, grammar school, private school, kindergarten, children's nursery, church or funeral home. (Ord. 1762, sec. 1, 8-23-72)

Sec. 19-62. Inspection.

The interior and exterior premises of any building hereunder may be inspected at any reasonable times by the fire department and/or the police department of the city. (Ord. 1762, sec. 2, 8-23-72)

Sec. 19-63. License termination; reinstatement.

In the event there occur disturbances or misconduct of such nature or frequency as, in the opinion of the governing authorities of the City of Hattiesburg render the continued operation of the public dancing licensed hereunder a menace, danger or hazard to the public safety, health, morals or general welfare, such licenses activity and the license issued hereunder shall be terminated upon order of the governing authorities and not resumed until and unless the governing authorities reinstate said license. No such termination or reinstatement shall occur until after public hearing thereon by the governing authorities preceded by the issuance of written notice to the owner or operator of such establishment at least seven (7) days prior to such hearing. (Ord. 1762, sec. 3, 8-23-72)

Sec. 19-64. Operation on Sundays, secular days prohibited.

It shall be unlawful for any activity hereby licensed to be conducted on Sunday after the hour of 2:00 A.M. and on weekdays between the hours of 2:00 A.M. and 12:00 noon. For organizations chartered by the United States Congress, it shall be unlawful to operate between the hours of 2:00 A.M. and 12:00 noon. (Ord. 2485, sec. 1 & 2, 6-7-94, Ord. 2269, sec. 2, 6-2-87; Ord. 1762, sec. 4, 8-23-72)

Sec. 19-65. Violation; penalties.

Any person, firm or corporation who shall violate any provisions of this article shall, upon conviction, be punished by a fine of not to exceed three hundred dollars (\$300.00) or by imprisonment of not to exceed ninety (90) days or by both such fine and imprisonment and each day of violation shall be considered a separate offense. (Ord. 1762, sec. 5, 8-23-72)

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