ORDINANCE NO.______

AN ORDINANCE TO AMEND LITTLE ROCK, ARK., REV. CODE § 32-546 (1988) TO CLARIFY THE DEFINITION OF THE TERM PUBLIC ASSEMBLY IN THE CITY CODE PROVISIONS THAT ADDRESS THE PERMIT PROCESS FOR PARADES AND PUBLIC ASSEMBLIES; AND FOR OTHER PURPOSES.

WHEREAS, on September 18, 2001, the Board of Directors passed Little Rock Ordinance No. 18,569, which provided for, among other things, a permitting process for parades and public assemblies; and,

WHEREAS, the definition of public assembly did not contain a specified number of persons required to meet the definition of the term consistent with court decisions in existence at the time of the passage of the ordinance, and

WHEREAS, subsequent court decisions have found that it is appropriate to specify the number of persons required to constitute a public assembly, and

WHEREAS, clarification of the number of persons required to meet the definition of a public assembly will assist the City Department responsible for issuing permits for public assemblies, and ensure that the City’s Code is consistent with the most recent court decisions.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. Little Rock, Ark., Rev. Code § 32-546 (1988) is hereby amended as follows:

Public assembly means any meeting, demonstration, picket line, rally or gathering of more than twenty (20) persons for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open to the general public.

Section 2. Severability. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, as if such invalid or unconstitutional provision was not originally a part of this ordinance.

Section 3. Repealer. All ordinances, resolutions, bylaws, and other matters inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.
Section 4. Emergency Clause. The ability to establish proper time, place and manner restrictions for the use of public areas and public rights-of-way for the robust expression of opinions, views, and speech, is essential to the maintenance of a democratic society, as is the ability to assure that the specific target of speech is entitled to appropriate protection without infringing upon the expressive rights of others; further the ability of a local government to establish reasonable time, place and manner restrictions on speech in public areas in order to assure public safety, and to address other necessary governmental concerns without infringing upon the expressive rights of others, is essential to protect the public health, safety and welfare; to the extent that the ordinance considers and addresses issues addressed by the United States Supreme Court and the United States Court of Appeals for the Eighth Circuit and other Federal and State Courts throughout the United States on the item addressed herein, and in doing so helps to clarify and modify the provisions of existing City ordinances, it is essential that this ordinance be, and hereby is declared to be, in full force and effect after the date of its passage.

PASSED: March 3, 2015

ATTEST:                                   APPROVED:

______________________________________   _____________________________________
Susan Langley, City Clerk        Mark Stodola, Mayor

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney

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