



City of Charleston

JOHN TECKLENBURG
Mayor

South Carolina

LUTHER REYNOLDS
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POLICE DEPARTMENT

SMALL AND SPONTANEOUS FIRST AMENDMENT DEMONSTRATION GUIDELINES

The Charleston Police Department is committed to providing a safe, lawful, and peaceful environment for First Amendment demonstrations. The information in this document provides guidance on how to hold and/or participate in a safe and lawful event.

Organizers of a First Amendment demonstration consisting of less than twenty-five (25) persons or a spontaneous gathering are encouraged to give as much advanced notice as reasonably possible to permit the city to provide services necessary to promote, protect, and assure the safety and convenience of citizens in their use of city streets, sidewalks, parks, and of city property. *City Code § 25-39(b)*

First Amendment demonstration means any demonstration, assembly, picketing, speechmaking, marching, protesting, vigil or religious service, and all other like forms of conduct, in or upon any street, including the sidewalk area thereof, park or other public place in the city, that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to draw a crowd or onlookers. *City Code § 25-36*

Spontaneous gathering is a First Amendment demonstration that is occasioned by breaking news or affairs coming into public knowledge less than forty-eight (48) hours prior to the event and is conducted at a public forum. *City Code § 25-36*

Safety restrictions and prohibitions.

Threats to safety - (1) It shall be unlawful for any person to point or present a firearm (as defined in S.C. Code § 16.25.10(7)), or to brandish a weapon (as defined in City Code § 21-219), while participating in or attending a First Amendment demonstration as defined in this article. (2) For purposes of this section, brandish shall mean to wave or flourish menacingly, to display ostentatiously, threateningly, angrily or aggressively. (3) For purposes of this section, to present a firearm shall mean to offer to view in a threatening manner, or to show in a threatening manner.

Open carry prohibited - It shall be unlawful for any person(s) participating in a First Amendment demonstration for which a permit has been issued to openly carry a firearm. The person or entity organizing the First Amendment demonstration must post signs as approved and directed by the police department to indicate the specific area where the open carry of firearms are prohibited. *City Code § 25-38*

Authority of chief of police

(a) The chief of police shall have the authority to restrict First Amendment demonstrations from certain areas if conditions present a potential harm or threat to the public's safety, the free passage of pedestrian or vehicular traffic, or the unimpeded ingress and egress to and from city buildings, monuments or memorials, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements or structures, and any such restricted areas shall be subject to modification by the chief of police at any time.

(b) The chief of police shall have the authority to make reasonable adjustments in the date, time, frequency, duration, route, location, or manner of a First Amendment demonstration at any time in order to accommodate other concurrent demonstrations,



special events or city events, the rights of adjacent property owners, the needs of the public to use city streets or parks, and pedestrian and/or vehicular traffic using public right-of-ways and sidewalks, to prevent interference with the intended use of city parks or facilities by other groups or individuals, or with the tranquility of the neighborhood surrounding the area, or when the chief of police finds it is in the best interest of the public health, safety and welfare of the city and its citizens. The chief of police in his discretion may deny, reschedule, or provide alternate conditions for a permit to achieve this end. *City Code § 25-53*

First Amendment demonstration regulations *City Code § 25-52*

Notwithstanding the twenty-five (25) person threshold for First Amendment demonstration permits required in Division 2 of this article, the following regulations shall apply to First Amendment demonstrations and spontaneous gatherings of any size:

- 1) It shall be unlawful for demonstrations to disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic on or into any driveway, sidewalk, public right-of-way, building, pedestrian entrance, stairway, ramp, or other access to buildings, which abut the public sidewalks.
- 2) It shall be unlawful for a demonstration to occur within fifteen (15) feet from the outermost edge of any monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements or structures with commemorative, historical, symbolic, aesthetic, or artistic significance in order to preserve the intended use of a monument or memorial and to ensure all persons' use and enjoyment and safe and unimpeded ingress and egress to and from such property.
- 3) It shall be unlawful for a demonstration to remain stationary in front of or to pass repeatedly by an individual's residence or dwelling.
- 4) It shall be unlawful during a demonstration to place any structure, enclosure, tent, tables, chairs, bicycles, motor vehicles, golf carts, mopeds or other equipment on any city property, or park any bicycles, motor vehicles, golf carts, mopeds or other equipment, except in designated parking spots and except as specifically authorized by the permit.
- 5) It shall be unlawful during a demonstration to remove, deface, damage, or otherwise injure any structure, sign, fence, equipment, improvement, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements or structures, including hanging, attaching or placing signs, flags, placards or any other object of any kind on such city property.
- 6) It shall be unlawful during a demonstration to walk, stand, sit, lie, or climb upon any wall, fence, shelter, tree, shrub, or other vegetation, or any structure, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements not designed or intended for such purposes.
- 7) It shall be unlawful during a demonstration to damage landscaping, plantings, flowers, trees, shrubs, grass, ground cover or other vegetation located on city property.
- 8) It shall be unlawful during a demonstration to enter onto private property without prior written permission from the property owner.
- 9) It shall be unlawful during a demonstration to enter onto federal, state, or county property without prior written permission from the applicable governmental agency.
- 10) It shall be unlawful for any participant of a demonstration to harass or intimidate any bystanders; it shall also be unlawful for any participant to interfere with the movement of non-participants, including ingress or egress to or from any city building, driveway, stairway, ramp, sidewalk, public right-of-way, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements or structures.
- 11) Participants of a demonstration shall comply with lawful directions or instructions set forth on any sign posted pursuant to law or by the city for or in connection with the event.
- 12) Participants of a demonstration shall abide by city park rules if the demonstration is held in a city park and shall not interfere with the intended use of the park or interrupt the reasonable use and enjoyment of the park by non-participants.
- 13) Participants of a demonstration shall abide by and be subject to all local, state and federal laws, ordinances, and regulations and any directions given by a law enforcement officer.

Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in the event of a riot, breach of the peace, disorderly conduct or other unlawful assembly.

Nothing in this subsection shall preclude the city from enforcing other laws, ordinances, or regulations.

Nothing in this section is intended to restrict free speech or any other constitutional right.

Violations of any provision of these regulations or the First Amendment Demonstration Ordinance is a criminal violation and subject to criminal arrest and/or citation.