

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

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2. EXCAVATIONS AND CUTS.
3. SIDEWALK IMPROVEMENT AND MAINTENANCE.
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CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
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- 16-113. Installation of mailboxes.
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16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1984 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1984 Code, § 12-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1984 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1984 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of commissioners after a finding that no hazard will be created by such banner or sign. (1984 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1984 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1984 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1984 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1984 Code, § 12-109)

16-110. [Deleted]. (1984 Code, § 12-110, as deleted by Ord. #2017-1014, Nov. 2017)

¹Municipal code reference
Building code: title 12, chapter 1.

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1984 Code, § 12-112)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1984 Code, § 12-113)

16-113. Installation of mailboxes. The installation or erection of mailboxes or mail receptacles on, about, or near the public streets, rights-of-way, or sidewalks of the City of Mount Pleasant, Tennessee, is hereby prohibited. (1984 Code, § 12-114)

16-114. Trees and shrubs near streets or sidewalks. It shall be unlawful to plant any tree or shrub within five (5) feet of any street or sidewalk. When any tree or shrub already planted within five (5) feet of any street or sidewalk causes such street or sidewalk to buckle or break, it shall be the responsibility of the owner of such plant to pay the city for repairing the damage. (1984 Code, § 12-115)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business and said permit shall be retroactive to the date when the work was begun. (1984 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1984 Code, § 12-202)

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1984 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1984 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1984 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not

been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1984 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than three hundred thousand dollars (\$300,000.00) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than seven hundred thousand dollars (\$700,000.00) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and one hundred thousand dollars (\$100,000.00) for injury or destruction of property of others in any one (1) accident, occurrence, or act. (1984 Code, § 12-207, modified)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1984 Code, § 12-208)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1984 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in

width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1984 Code, § 12-210)

CHAPTER 3**SIDEWALK IMPROVEMENT AND MAINTENANCE****SECTION**

16-301. Sidewalk improvement and maintenance program established.

16-302. Funding.

16-303. Customer request--plans and specifications.

16-304. [Deleted.]

16-301. Sidewalk improvement and maintenance program established. A periodic sidewalk improvement and maintenance program within the corporate limits of the City of Mount Pleasant, Tennessee is hereby established. This program incorporates existing ordinances including but not limited to §§ 16-101, 16-102, 16-103, 16-107, 16-109, 16-112, 16-114, 16-115, 16-205 and 16-210 relative to curbing, sidewalks and streets of the Mount Pleasant Municipal Code. On a periodic basis the city will designate and establish sidewalk improvement areas within budget constraints to be repairs and/or improved. (Ord. #90-718, Feb. 1990, as replaced by Ord. #2011-928, June 2011)

16-302. Funding. This program shall also allow the city's director of public works and city manager the flexibility to work with property owners on special projects which involve direct funding for sidewalk repairs and/or replacement that is done with city funding under the city capital plan and/or through grants from third parties. This section shall further allow the City of Mount Pleasant to apply for and receive state and/or federal funds to be used in reconstruction of existing sidewalks, in connection with new curbing, sidewalks and roadways or repairs thereof. In these circumstances the city would be responsible for one hundred percent (100%) of material, construction and replacement cost. (Ord. #90-718, Feb. 1990, as replaced by Ord. #2011-928, June 2011)

16-303. Customer request--plans and specifications. As an alternative process, in the event any property owner requests sidewalk improvements and/or repairs which are not otherwise associated with the sidewalk improvement and maintenance program set forth in §§ 16-301 and 16-302 hereof wherein the city identifies, on an annual basis, sidewalk improvement areas within budget constraints to be repaired and/or improved, and the city accepts the property owner's improvement and/or repair request, said property owner will be responsible for one hundred percent (100%) of the costs of materials and the city will be responsible for one hundred percent (100%) of the costs for the labor associated with said repairs and/or improvement. Material costs must be paid in full by the property owner prior to the city commencing with any improvement and/or repair work. Moreover, the

city has the right to accept and/or reject property owner's proposals, on a case by case basis, regarding requested improvements and/or repairs. In the event such request is accepted, the city will prepare appropriate plans and specifications for the proposed improvement and/or repairs and will submit same for bids. Upon receipt of bids and prior to the acceptance of the lowest qualified bid, the material cost from property owner will be due. (Ord. #90-718, Feb. 1990, as replaced by Ord. #2011-928, June 2011)

16-304. [Deleted.] (Ord. #90-718, Feb. 1990, as deleted by Ord. #2011-928, June 2011)

CHAPTER 4

PROPERTY NUMBERING

SECTION

- 16-401. Numbering required; style.
- 16-402. Uniform plan.
- 16-403. Changing existing numbers.
- 16-404. Rules, regulations, etc., for compliance.
- 16-405. Enforcement.
- 16-406. Noncompliance, fine.

16-401. Numbering required; style. All primary structures or a portion thereof within the corporate limits of the City of Mount Pleasant, Tennessee, shall be numbered in an orderly sequence, said numbers to be Arabic numerals of at least three (3) inches in height or of sufficient height so as to be visible from the public street or highway and same are to be placed upon the primary structure or a portion thereof itself when practicable. Said numbers are to be in a contrasting color with that of the structure and the responsibility for the installation of said numbers shall be upon the property owner. (Ord. #90-721, July 1990)

16-402. Uniform plan. The Department of Community Development and the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Department, are hereby authorized to establish and place into force and effect a uniform plan for the numbering of all primary structures or portions thereof. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

16-403. Changing existing numbers. The Department of Community Development and the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Departments, are further authorized to change existing numbers on primary structures to comply with the overall plan for numbering contemplated by the E-911 System. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

16-404. Rules, regulations, etc., for compliance. The Department of Community Development and the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Department, are authorized to establish reasonable rules, regulations and requirements for compliance with the provisions of this chapter prior to the issuance of a certificate of occupancy. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

16-405. Enforcement. The Department of Community Development and the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Department, are authorized and empowered to enforce compliance with the provisions of this chapter. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

16-406. Noncompliance, fine. In the event of noncompliance with the provisions of this chapter, the Department of Community Development and/or the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Department, are authorized to notify the property owner of the subject property of noncompliance with the provisions of the chapter and of the terms and provisions of same. Said notice may be verbal but shall be confirmed in writing and shall include, but not be limited to notification to the affected property owner that a citation and judicial proceedings will ensue in the event of continuing noncompliance following thirty (30) days after such notification. In the event of continuing noncompliance, any individual convicted thereof shall be subject to a fine of twenty-five dollars (\$25.00) for such violation, and each day any such violation continues shall constitute a separate offense. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

CHAPTER 5

MASS GATHERING/SPECIAL EVENTS

SECTION

- 16-501. Purpose.
- 16-502. Definitions.
- 16-503. Exemptions.
- 16-504. Special event permit required, violations, and penalties.
- 16-505. General provisions.
- 16-506. Financial assurance.
- 16-507. Amount and type of services and equipment required.
- 16-508. Fees and types of payment.
- 16-509. Special plan for event contingencies.
- 16-510. Dissemination of SPEC.
- 16-511. Application process.
- 16-512. Authority to alter, suspend, or terminate a special event.
- 16-513. Grievance procedures.
- 16-514. Severability.
- 16-515. State of Tennessee guidelines for a mass gathering/special event.

16-501. Purpose. The purpose of this legislation is to set forth permitting procedures and requirements for special events in a way that will attempt to protect, preserve, and promote the physical health of the public; reduce the incidence of communicable diseases; reduce hazards and pollution to the environment; maintain adequate sanitation and public health; protect the safety of the public; and reduce the threats or effects of terrorism or weapons of mass destruction. (as added by Ord. #2017-1014, Nov. 2017)

16-502. Definitions. (1) "City/City of Mount Pleasant" shall mean all of the incorporated areas of the City of Mount Pleasant, Tennessee.

(2) "City sponsored events" shall mean events that are solely planned, administered, coordinated, held by, and paid for by the City of Mount Pleasant. City sponsored events shall not be exempt from obtaining a special event permit.

(3) "Co-sponsored events" shall mean events that are planned, administered, coordinated, and held in conjunction with another event sponsor and the City. Co-sponsored events shall not be exempt from obtaining a special event permit.

(4) "Event sponsor" shall mean any organizer, promoter, coordinator, person, group, corporation, partnership, governing body, association, or other public or private organization, or property owner that is responsible for the operation of a special event.

(5) "Extraordinary or exceptional demands on services." Regardless of how many people an event attracts, it may be determined by the Mount Pleasant City Manager that the regular and/or emergency services could have

extraordinary or exceptional demands placed upon them by an event. Any/all events that are determined to likely place extraordinary or exceptional demands upon the regular and/or emergency services shall be considered a special event and a special event permit shall be required.

(6) "Financial assurance" shall mean liability insurance underwritten by a company licensed to underwrite business in the State of Tennessee, which shall indemnify and hold harmless the City of Mount Pleasant and its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of granting a special events permit, and from any cost incurred in cleaning up any waste material produced or left after the event.

(7) "Independent events" shall mean those events that are not co-sponsored or city sponsored events.

(8) "Mass gathering" shall mean any outdoor temporary public gathering, including but not limited to block parties, parades, festivals, music concerts, celebrations, carnivals, fairs, exhibits, trade shows, food truck rallies, or any similar occurrence to be conducted on any public or private property within the City of Mount Pleasant that is reasonably expected to simultaneously bring together two hundred fifty (250) or more people and that could result in extraordinary or exceptional demands being placed on the regular and/or emergency services of our City. Mass gatherings shall also mean any indoor temporary public gathering held within a building owned by the City of Mount Pleasant that is reasonably expected to simultaneously bring together two hundred fifty (250) or more people and that could result in extraordinary or exceptional demands being placed on the regular and/or emergency services of our City. All mass gatherings, as defined, shall require a mass gathering permit.

(9) "Mass gathering permit" shall mean a written form of authorization in accordance with these regulations.

(10) "Property owner" shall mean any person who alone, jointly, or severally with others has legal title to any premises, with or without accompanying actual possession thereof; or has charge, care, or control of any premises, and legal or equitable owner, agent, or the owner, or lessee of a piece of property where a special event is to be held.

(11) "Special event" shall mean any outdoor temporary public gathering including but not limited to block parties, parades, festivals, music concerts, celebration, carnivals, fairs, exhibits, trade shows, food truck rallies, or any similar occurrence to be conducted on any public or private property within the City of Mount Pleasant that is reasonably expected to simultaneously bring together anywhere from two (2) to two hundred-fifty (250) people and that could result in extraordinary or exceptional demands being placed on the regular and/or emergency services of our city. Special events shall also mean any indoor temporary public gathering held within a building owned by the City of Mount Pleasant that is reasonably expected to simultaneously bring anywhere from two (2) to two hundred-fifty (250) people and that could result in extraordinary or exceptional demands being placed on the regular and/or emergency services of our City. All special events, as defined, shall require a special events permit.

(12) "Special event permit" shall mean a written form of authorization in accordance with these regulations.

(13) "Special Plan for Event Contingencies (SPEC)" shall mean an approved written safety plan that will attempt to protect, preserve, and promote the physical health of the public; reduce the incidence of communicable diseases; reduce hazards and pollutions to the environment; maintain adequate sanitation and public health; and protect the safety of the public.

(14) "Temporary street closure" shall mean any condition created by a mass gathering or special event that is conducted within or upon any street, public way, road, highway, boulevard, parkway, alley, lane, service road, viaduct, bridge, and the approaches thereto, sidewalks, or other public rights-of-way. Any/all events that create a temporary street closure shall be considered a special event or mass gathering and the appropriate permit shall be required. (as added by Ord. #2017-1014, Nov. 2017)

16-503. Exemptions. Special event permit or mass gathering permits shall not be required for the following events:

- (1) Funeral processions;
- (2) Students going to and from classes;
- (3) Participation in educational or other school activities, providing that such conduct is under the immediate direction and supervision of the property authorities and an adequate safety plan has been developed (homecoming and other parades that cause or could result in temporary street closures shall not be exempt);
- (4) Sporting events, providing that such conduct is under the immediate direction and supervision of the proper authorities and an adequate safety plan has been developed (an electronic repository of these plans shall be maintained and access shall be granted to the regular and/or emergency services);
- (5) Activities conducted in the normal operation of a licensed campground;
- (6) An event wholly contained on property specifically designed or suited for the special event and which has an appropriate certificate of occupancy, appropriate zoning, and an adequate safety plan. (as added by Ord. #2017-1014, Nov. 2017)

16-504. Special event permit required, violations, and penalties.

- (1) Special event permit required. No event sponsor shall hold any special event unless a special event permit is first obtained.
- (2) Mass gathering permit required. No event sponsor shall hold any mass gathering unless a mass gathering permit is first obtained.
- (3) Violations. Any person who violates any provision of this legislation shall be subject to fines and penalties. It is a violation to hold a special event or mass gathering within the City of Mount Pleasant without obtaining the appropriate permit as outlined herein.

(4) Penalties. Any person found in violation of this legislation. shall be subject to the maximum fine allowable by law plus all allowable court costs, any and all costs incurred to the City of Mount Pleasant to enforce this legislation. (as added by Ord. #2017-1014, Nov. 2017)

16-505. General provisions. Nothing in this regulation relieves the obligations or liability of any event sponsor to comply with any other applicable regulation, ordinance, law, standard, or provision issued by other entities, the City of Mount Pleasant, the State of Tennessee, or the federal government. This shall include but not limited to:

- (1) Beer and alcohol permitting regulations;
- (2) Zoning regulations and restrictions;
- (3) Park fees and permit;
- (4) Health department regulations and requirements;
- (5) Any/all applicable taxes;
- (6) Any/all additional required fees and permits. (as added by Ord. #2017-1014, Nov. 2017)

16-506. Financial assurance. The event sponsor must comply with the following insurance requirements to be considered for a mass gathering permit. The event sponsor must comply with the following insurance requirements to be considered for certain special event permits, at the discretion of the city manager. Proof of insurance covering the dates and times of the event including set up and dismantling must be submitted during the permit application process. Failure to provide proof of insurance will result in the permit being denied. The following types of insurance must be provided:

(1) Comprehensive general liability insurance. A general liability insurance policy, or its equivalent, written on an occurrence basis (or yearly basis), with a minimum of one million dollars (\$1,000,000.00) combined single limit of liability per occurrence for bodily injury, personal injury, and property damage is required. If food or beverages are to be served, then product liability coverage must also be included with a minimum of one million dollars (\$1,000,000.00) per occurrence. Insurance coverage must include all areas used by the event including any/all assembly areas, routes, disbanding areas and event location(s).

(2) Additional insurance requirements. The City of Mount Pleasant must be listed as additional insured for the event on all insurance policies with regards to the event.

(3) Additional insurance required. The city manager reserves the right to increase the minimum acceptable limits of liability insurance based on the nature or type of event and the potential hazards posed by the event. (as added by Ord. #2017-1014, Nov. 2017)

16-507. Amount and type of services and equipment required. The amount, kind, and type of services or equipment required for a special event or

mass gathering shall be determined based on the nature and type of event and the potential hazards posed by the event. Nothing in this regulation is intended to limit the number of resources or services required. At a minimum, the recommendations outlined in the Federal Emergency Management Agency (FEMA) Special Events Contingency Planning Job Aids Manual shall be followed when determining the amount and type of services required.

(1) Additional services required. The city manager reserves the right to increase the minimum required amount and type of services required based on the nature or type of event and the potential hazards posed by the event. After consulting with the emergency and regular services, the city manager may determine that the FDMA recommendations are not adequate.

(2) Amount of equipment required. Contracts with vendors for meeting the necessary requirements for the amount and type of equipment required shall be allowed. However, any/all contractors shall be licensed to do business in the State of Tennessee. All traffic control devices (signs, barricades, etc.) shall comply with the standards outlined in the Manual on Uniform Traffic Control Devices (MUTCD). The current edition, MUTCD is use by the City of Mount Pleasant at the time of the permit application shall apply. Any/all contracts shall be completed and executed prior to the issuance of a mass gathering or special event permit.

(3) Type of services required. Any/all contractors for professional services including but not limited to law enforcement, fire suppression, and/or emergency medical providers shall be certified and/or licensed to provide services in the State of Tennessee. All professional service contractors shall be in uniform and readily identifiable while providing contracted services during special events. (as added by Ord. #2017-1014, Nov. 2017)

16-508. Fees and terms of payment. There shall be fees associated with the special event and mass gathering permit application process, and additional fees for personnel services and equipment provided by the City of Mount Pleasant.

(1) Special event permit. A non-refundable application fee of twenty-five dollars (\$25.00) is due at the time of application. The event sponsor shall be responsible for paying these fees.

(2) Mass gathering permit. A non-refundable application fee of fifty dollars (\$50.00) is due at the time of application. The event sponsor shall be responsible for paying.

(3) Personnel services provided by the City of Mount Pleasant. The costs associated with the city employees required to provide services for a special event or mass gathering may be billable based upon an average of personnel costs. This rate may be based on the information provided in the application. The even sponsor shall be responsible for paying these fees.

(4) Equipment provided by the City of Mount Pleasant. The costs associated with the operation of equipment provided by the city shall be billable at rates based on the Federal Emergency Management Agency's (FDMA)

schedule of equipment rates. The event sponsor shall be responsible for paying these fees.

(5) Co-sponsored events. Based on the nature and type of event and the positive impact that a particular event has on our community, a portion or portions of fees and/or insurance requirements in accordance with this regulation can be waived by the city manager for approval co-sponsored events. A special event or mass gathering permit shall be required for co-sponsored events.

(6) City sponsored events. Fees in accordance with this regulation shall be waived by the city manager for approved city sponsored events. The city manager may require additional insurance for specific hazards or functions at city sponsored events. A special event or mass gathering permit shall be required for city sponsored events.

(7) Calculation of additional fees. Fees owed for equipment or personnel services required for the event shall be calculated by each involved emergency and/or regular service and forwarded to the city manager no later than five (5) business days after each special event. The city manager shall compile all applicable charges and an invoice shall be sent to the event sponsor no later than ten (10) business days after the event.

(8) Terms of payment of additional fees. All monies due and payable upon receipt of invoice. Payment not received by the thirtieth (30th) day after the date of invoice shall be subject to accrue interest at a rate of fifteen (15%) annum or the maximum finance charge allowed by law, whichever is less. Any attorney's fees, collection fees, arbitration fees, or other costs incurred in collection any delinquent account shall be paid by the event sponsor. No additional permits shall be processed and/or approved for an event sponsor that has any outstanding balance, until full payment of all monies due is received. (as added by Ord. #2017-1014, Nov. 2017)

16-509. Special Plan for Event Contingencies (SPEC). A written plan that attempts to establish safety procedures for dealing with a mass gathering is required for all mass gatherings. It must attempt to minimize injury, suffering, death, or damage to the environment that may result as a result of poor planning or preventable incidents during the event. The SPEC template shall be used as a guide for developing SPEC plans. The plan must provide for a sound command structure utilizing the National Incident Management System (NIMS) Incident Command System (ICS) and assign roles and responsibilities for the implementation of the plan during an emergency. (as added by Ord. #2017-1014, Nov. 2017)

16-510. Dissemination of SPEC. Special Plans for Event Contingencies (SPEC) will contain safety sensitive information and contact information that should remain confidential. Therefore, completed SPECs shall only be disseminated to all emergency and/or regular agencies that could possibly be required to assist. SPECs shall not be disseminated to the public or news media.

Evacuation routes, short term shelter locations, and .specific safety measures for events shall be posted and disseminated, as needed. (as added by Ord. #2017-1014, Nov. 2017)

16-511. Application process. (1) The application must be completed and submitted along with the non-refundable application fee to the city recorder's office at least thirty (30) days before the scheduled event. Applying for a special event or mass gathering permit does not grant authorization to conduct a special event or mass gathering.

(a) Upon receipt of the application, it shall be electronically forwarded to all involved or affected emergency and/or regular agencies and the city manager.

(b) Each involved or affected agency shall have ten (10) business days to review the application and complete their respective part of the SPEC.

(c) Once each involved or affected agency has completed their respective part of the SPEC (including required personnel, services, and equipment) it shall be electronically forwarded to emergency management for compilation.

(d) Emergency management shall have ten (10) business days to compile all agencies' information into the SPEC.

(e) Once the SPEC has been compiled, it shall be electronically forwarded to the city recorder's office.

(f) The city recorder shall then forward the SPEC requirements including all required types of services and equipment, insurance requirements, etcetera to the event sponsor.

(g) The event sponsor shall complete and execute any/all necessary contracts for services and/or equipment and appropriate certificates of insurance in accordance with this legislation and submit proof to the city manager at least five (5) business days before the scheduled event.

(h) Once all applicable requirements have been satisfactorily completed, the special event or mass gathering permit shall be signed by the city manager and then be issued to the event sponsor.

(2) The signed special event or mass gathering permit shall be kept on side and immediately available for inspection by the city manager or his/her designee during the entire special event or mass gathering, including set up and dismantling.

(3) The entire application packet shall be available electronically on the city website, in the city recorder's office, and park office. Included in this packet shall be the SPEC template, FDMA' s schedule of equipment rates, and the annual rate schedule of costs for personnel services.

(4) A repository for completed SPECs shall be available to authorized personnel. This will be located on emergency management's website and will be password protected.

(5) It is recognized that certain events may occur that could result in the inability of a group to meet the thirty (30) day application process for a parade. These events could include but may not be limited to:

- (a) A local ball team winning a championship;
- (b) A local group winning a major award;
- (c) A local military unit returning from active duty.

In these types of situations, the city manager shall have the authority to reduce the thirty (30) day application process provided that it does not result in extraordinary or exceptional demands being placed upon the regular and/or emergency agencies affected by the event. A special event or mass gathering permit and an adequate safety plan shall still be required for these types of events. (as added by Ord. #2017-1014, Nov. 2017)

16-512. Authority to alter, suspend, or terminate a special event.

The city manager, emergency management director, police chief, fire chief, or their designee shall have the authority to cause the event sponsor to alter, suspend, or terminate any special event or mass gathering that is found to pose a significant threat to the health, safety, and/or welfare of the public or that is found to be in noncompliance with any part of this regulation or special event or mass gathering permit. (as added by Ord. #2017-1014, Nov. 2017)

16-513. Grievance procedures. Any/all appeals for permit denial, required types of services and equipment, insurance requirements, and etcetera shall be submitted in writing to the city manager at least fifteen (15) calendar days before the event. The city manager shall have ten (10) days to respond in writing to the appeal. (as added by Ord. #2017-1014, Nov. 2017)

16-514. Severability. Should any provision of this legislation be determined to be invalid, illegal, or unforeseeable by a court of competent jurisdiction, then such provisions shall be amended to make it valid, legal, and enforceable. The invalidity or unenforceability of any provisions shall not affect in any manner the other provisions herein contained, which remain in full force and effect. (as added by Ord. #2017-1014, Nov. 2017)

16-515. State of Tennessee guidelines for a mass gathering/special event. that is to be conducted on any public or private property within the City of Mount Pleasant that is reasonably expected to simultaneously bring together five thousand (5,000) or more people than the State of Tennessee requirements for a mass gathering/special event must be complied with. See Tennessee Code Annotated, § 68-112-105. (as added by Ord. #2017-1014, Nov. 2017)