

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. MASS GATHERINGS/SPECIAL EVENTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Obstruction of drainage ditches.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Parades, etc., regulated.
- 16-110. Operation of trains at crossings regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Violations and penalty.

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. (1997 Code, § 16-101)

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 over any street or alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (1997 Code, § 16-102)

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. (1997 Code, § 16-103)

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 (1997 Code, § 16-104)

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 mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1997 Code, § 16-105)

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 law. (1997 Code, § 16-106)

16-107. 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. (1997 Code, § 16-108)

16-108. 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. (1997 Code, § 16-109)

16-109. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the town recorder. (1997 Code, § 16-110)

16-110. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall also be unlawful to stop a

¹Municipal code reference

Building code: title 12, chapter 1.

railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1997 Code, § 16-111)

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 unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1997 Code, § 16-112)

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. (1997 Code, § 16-113)

16-113. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 2

EXCAVATIONS

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.
- 16-211. Violations and penalty.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts, 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 day on which the office of the town recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (1997 Code, § 16-201)

16-202. Applications. Applications for such permits shall be made to the town 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 town recorder within twenty-four (24) hours of its filing. (1997 Code, § 16-202)

16-203. Fee. The fee for such permits shall be twenty dollars (\$20.00). (1997 Code, § 16-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the town recorder a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area, and shall ensure 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 town 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 town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town 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 town recorder a surety bond in such form and amount as the town recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1997 Code, § 16-204)

16-205. Safety restrictions on excavations. 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. (1997 Code, § 16-205)

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 town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the town 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 town 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 town, 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. (1997 Code, § 16-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to ensure 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 town recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than one hundred thirty thousand dollars (\$130,000.00) for each person and three hundred fifty thousand dollars (\$350,000.00) for each accident, and for property damages not less than fifty thousand dollars (\$50,000.00) for any one (1) accident, and a seventy-five thousand dollar (\$75,000.00) aggregate. (1997 Code, § 16-207)

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 town if the town 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 town recorder. (1997 Code, § 16-208)

16-209. Supervision. The person designated by the board of mayor and aldermen 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 town 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. (1997 Code, § 16-209)

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 feet (35') 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 feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1997 Code, § 16-210)

16-211. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall be punishable by a civil penalty under the

general penalty provision of this code, by revocation of permit, or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense. (1997 Code, § 16-211)

CHAPTER 3

MASS GATHERINGS/SPECIAL EVENTS

SECTION

- 16-301. Purpose.
- 16-302. Definitions.
- 16-303. Exemptions.
- 16-304. Special event permit required, violations, penalties.
- 16-305. General provisions.
- 16-306. Financial assurance.
- 16-307. Amount and type of services and equipment required.
- 16-308. Fees and terms of payment.
- 16-309. Application process.
- 16-310. Authority to alter, suspend, or terminate a special event.
- 16-311. Grievance procedures.

16-301. 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; and protect the safety of the public. (Ord. #19-12, Nov. 2019)

16-302. Definitions. (1) "Amusement ride" or "amusement attraction" means and shall be defined as in *Tennessee Code Annotated*, § 68-121-101, excluding wholly inflatable attractions.

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

(3) "Event sponsor" means 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.

(4) "Extraordinary or exceptional demands on services" means, regardless of how many people an event attracts, it may be determined by the Town of Vonore Board of Mayor and Aldermen that the regular and/or emergency services could have extraordinary or exceptional demands, such as the event attracting a large crowd that may spill out in the street and interfere with traffic, creating a public safety problem; creation of traffic congestion requiring police presence to prevent injury or death; etc., 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.

(5) "Financial assurance" means liability insurance underwritten by a company licensed to underwrite business in the State of Tennessee, which shall indemnify and hold harmless the Town of Vonore 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.

(6) "Independent events" means those events that are not co-sponsored or town-sponsored events.

(7) "Mass gathering" or "special event" means any public gathering including, but not limited to, block parties, local special events, parades, festivals, concerts, celebrations, carnivals, fairs, exhibits, trade shows, or any similar occurrences to be conducted on any public or private property within the Town of Vonore that is reasonably expected to simultaneously bring together five hundred (500) or more people and/or that could result in extraordinary or exceptional demands being placed on the regular and/or emergency services of our town. All "special events," as defined, shall require a special event permit.

(8) "Private gatherings" means a special event that is held on private property and is not open to public. A "private gathering" shall not be subject to the requirements of this chapter unless:

(a) A temporary street closure is request;

(b) Two hundred (200) or more people gather in a residential area during the course of the event; or

(c) Five hundred (500) or more people gather during the course of the event.

(9) "Property owner" means 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, agents, or the owner, or lessee of a piece of property where a special event is to be held.

(10) "Special event permit" means a written form of authorization in accordance with these regulations.

(11) "Special Plan for Event Contingencies (SPEC)" means 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 pollution to the environment; maintain adequate sanitation and public health; and protect the safety of the public.

(12) "Temporary street closure" means any condition created by a 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, sidewalk, or other public right-of-way. Any/all events that create a temporary street closure shall be considered a special event and a special event permit shall be required.

(13) "Town/Town of Vonore" means all of the incorporated areas of the Town of Vonore, Tennessee.

(14) "Town sponsored events" means events that are solely planned, administered, coordinated, held by, and paid for by the Town of Vonore. "Town sponsored events" shall be exempt from obtaining a special event permit. (Ord. #19-12, Nov. 2019)

16-303. Exemptions. A special event permit 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 school 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 school, official sporting league or club 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; and/or

(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. (Ord. #19-12, Nov. 2019)

16-304. Special event permit required, violations, penalties.

(1) Special events permit required. No person, firm, corporation or organization shall participate for or in any way promote, organize, control, manage, solicit, or induce participation in a special event or a private gathering where two hundred (200) or more people gather in a residential area during the course of the event, five hundred (500) or more people gather during the course of the event, or a temporary street closure is requested unless a special event permit has first been obtained from the Town of Vonore.

(2) 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 within the Town of Vonore without a special events permit.

(3) Penalties. Any person found in violation of this legislation shall be subject to the maximum fine allowable by law plus all allowable court costs, and any and all costs incurred to the Town of Vonore to enforce this legislation. (Ord. #19-12, Nov. 2019)

16-305. 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 provisions issued by other entities, the Town of Vonore, the State of Tennessee, or the federal government. This shall include, but is not limited to:

- (1) Beer and alcohol permitting regulations;
- (2) Zoning regulations and restrictions;
- (3) Health department regulations and requirement;
- (4) Any/all applicable taxes; and
- (5) Any/all additional required fees and permits. (Ord. #19-12, Nov. 2019)

16-306. Financial assurance. The event sponsor must comply with the following insurance requirements to be considered for a special event permit. 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. If an event involves floats or other vehicles, 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 locations(s).

(2) Additional insurance requirements. The Town of Vonore must be listed as an additional insured for the event on all insurance policies with regards to the event. (Ord. #19-12, Nov. 2019)

16-307. Amount and type of services and equipment required.

The amount, kind, and type of services or equipment required for a special event 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 of the type of services required, a copy of which is available for inspection in the town recorder's office.

(1) 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 standards outlined in the *Manual on Uniform Traffic Control Devices* (MUTCD). Any/all contracts shall be completed and executed prior to the issuance of a special event permit.

(2) 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. (Ord. #19-12, Nov. 2019)

16-308. Fees and terms of payment. There shall be fees associated with the special event permit application process, and additional fees for personnel services and equipment provided by the Town of Vonore.

(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) Personnel services provided by the Town of Vonore. The costs associated with town employees required to provide services for a special event shall be billable based upon an average of personnel costs. This rate shall be determined annually by the board of mayor and aldermen. The event sponsor shall be responsible for paying these fees.

(3) Co-sponsored events. Based on the nature and event type 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 board of mayor and aldermen for approved co-sponsored events. A special events permit shall be required for co-sponsored events.

(4) Town sponsored event. Fees in accordance with these regulations shall be waived by the town mayor or town recorder for approved town sponsored events. The mayor may require additional insurance for specific hazards or functions at town sponsored events. A special event permit shall not be required for town sponsored events.

(5) Calculation of additional fees. Fees owed for personnel services required for the event shall be calculated by each involved emergency and/or regular service and forwarded to the town recorder no later than five (5) business days after each special event. The town recorder 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.

(6) Terms of payment of additional fees. All monies are due and payable upon receipt of invoice. Any attorney's fees, collection fees, arbitration fees, or other costs incurred in collecting 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. (Ord. #19-12, Nov. 2019)

16-309. Application process. (1) The application must be completed and submitted along with the non-refundable application fee to the town recorder's office at least sixty (60) days before a scheduled event. Applying for a special event permit does not grant authorization to conduct a special event. The process shall typically follow the following format:

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

(b) Each involved or affected agency shall have ten (10) business days to review the application.

(c) The event sponsor shall complete and execute any/all necessary contracts for services and/or equipment, and appropriate certificate(s) of insurance with the application and submit proof to the town recorder at least seven (7) business days before the scheduled board meeting.

(d) The application will then be placed at the agenda for the next available board meeting.

(e) Once all applicable requirements have been satisfactorily completed and approved by the board of mayor and aldermen, the special event permit shall be signed by the mayor, or the mayor's designee, and then issued to the event sponsor.

(2) The signed special event permit shall be kept on-site and immediately available for inspection by the town mayor, and/or his designee, during the entire special event, including set-up and dismantling.

(3) The entire application packet shall be available in the town recorder's office.

(4) It is recognized that certain events may occur that could result in the inability of a group to meet the sixty (60) day application process for a permit. 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; and/or

(c) A local military unit returning from active duty.

In these types of situations, the town mayor shall have the authority to reduce the sixty (60) 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 permit and an adequate safety plan shall still be required for these types of events. (Ord. #19-12, Nov. 2019)

16-310. Authority to alter, suspend, or terminate a special event. The town mayor, police chief, fire chief, or their designee, shall have the

authority to cause the event sponsor to alter, suspend or terminate any special event 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 permit. (Ord. #19-12, Nov. 2019)

16-311. Grievance procedures. Any/all appeals for permit denial, termination, required types of services and equipment, insurance requirements, etc. shall be submitted to the town recorder at least thirty (30) calendar days before the event. The Town of Vonore Board of Mayor and Aldermen shall have ten (10) business days to respond to the appeal. (Ord. #19-12, Nov. 2019)