

## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. RIGHT-OF-WAY ACCEPTANCE.
4. SPECIAL EVENTS AND TEMPORARY STREET CLOSURES.

#### 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. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks, roads and in public areas.
- 16-113. Animals in parades.

**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. (1972 Code, § 12-201)

**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, alley or sidewalk at a height of less than fourteen (14) feet. (1972 Code, § 12-102)

**16-103. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1972 Code, § 12-203)

**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.<sup>1</sup> (1972 Code, § 12-204)

**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 any public street or alley except when expressly authorized by the governing body. (1972 Code, § 12-205)

**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. (1972 Code, § 12-206)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, 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. (1972 Code, § 12-207)

**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. (1972 Code, § 12-208)

**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. (1972 Code, § 12-209)

**16-110. Parades regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the finance director. No permit shall be issued by the finance director unless such activity will not unreasonably interfere with traffic

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1972 Code, § 12-210, as amended by Ord. #808, Jan. 1998)

**16-111. 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 be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1972 Code, § 12-211, modified)

**16-112. Animals and vehicles on sidewalks, roads and in public areas.** 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, street, public way or any public area within the city in such manner as to unreasonably interfere with or obstruct pedestrians, traffic or other usual activities occurring upon such sidewalk, street, public way or public area. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. Violations of the foregoing shall subject the offender to a fine of up to fifty dollars (\$50.00) for each violation. This provision shall be in expansion of and not in limitation of any ordinances prohibiting animals running at large. (1972 Code, § 12-212, as amended by Ord. #1188, Nov. 2007)

**16-113. Animals in parades.** (1) It shall be unlawful for any person to ride, lead, tie, pull, push or place any animal in a parade whether such parade is sponsored by a private or public organization or is conducted by the city unless such person has received approval of the chief of police and files with the chief of police a sworn statement as to the ownership of the animal and a liability insurance policy naming the owner(s) and rider(s) or handler(s) thereof as insureds.

(2) Violation of the forgoing shall subject the offender to a fine of up to fifty dollars (\$50.00) for each violation.

(3) The animal used by any person to violate or attempt to violate the forgoing may be immediately seized and secured by the police department until satisfactory arrangements are made to comply with the foregoing provisions or remove the animal. (as added by Ord. #1188, Nov. 2007)

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### 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 day on which the office of the health and code administrator is open for business, and said permit shall be retroactive to the date when the work was begun. (1972 Code, § 12-101)

**16-202. Applications.** Applications for such permits shall be made to the codes and health administrator, 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

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<sup>1</sup>State 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).

ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the codes and health administrator within twenty-four (24) hours of its filing. (1972 Code, § 12-102)

**16-203. Fee.** The fee for such permits shall be ten dollars (\$10.00) for excavations or tunnels.

This fee shall not be applicable to governmental entities. (1972 Code, § 12-103)

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the finance director 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, to insure the proper restoration of the ground and laying of the pavement, except that where the amount of the deposit is clearly inadequate to cover the cost of restoration the finance director may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality 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 finance director a surety bond in such form and amount as the finance director shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1972 Code, § 12-104, as amended by Ord. #808, Jan. 1998)

**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. (1972 Code, § 12-105)

**16-206. Restoration of streets, etc.** Any person, firm, corporation, association or others (collectively called contractor) making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley or public place to its original condition. During excavation and after it is completed, the contractor shall backfill the work site before the end of each work day with at least four (4") inches of cold or hot asphalt mix, which shall be checked periodically by the contractor and repaired or refilled, if necessary, until final resurfacing. Final resurfacing must be

completed within sixty (60) days after completion of construction, or within five (5) days after notice from the City of Manchester, whichever occurs first, by repairing the excavation site with concrete or a hot asphalt mix, and to the satisfaction of the City of Manchester, Public Works and Codes Department.

If the street, alley or public place is not restored according to the requirements of this section, the City of Manchester will do the work, and an accurate account of the expense involved shall be kept, and the total cost of the repair shall be charged to such person, firm, corporation or association which made the excavation. (1972 Code, § 12-106, as replaced by Ord. #1089, Jan. 2005)

**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 finance director in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one accident and a \$75,000 aggregate. (1972 Code, § 12-107, as amended by Ord. #808, Jan. 1998)

**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 municipality if the municipality 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 finance director. (1972 Code, § 12-108, as amended by Ord. #808, Jan. 1998)

**16-209. Supervision.** The contractor must give notice to the director of public works before excavation begins, immediately prior to, and on the same day, that the excavation is started, and on each day thereafter that any excavation is done, until the work is complete and the street or alley is restored in accordance with this ordinance. The director of public works 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 municipality to see to the enforcement

of the provisions of this chapter. (1972 Code, § 12-109, as replaced by Ord. #1089, Jan. 2005)

**16-210. Driveway curb cuts.** No one shall cut, build, or maintain a driveway to a public street without first obtaining a permit from the health and codes administrator and complying with these conditions:

(1) The health and codes administrator shall not issue a permit until the director of general services shall have examined the location of the driveway curb cut and specified the minimum diameter and/or length of the driveway tile, which specifications must be met during construction.

(2) A permit shall 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 within the discretion of the health and codes administrator.

(3) Driveway width and location shall be controlled by the zoning ordinance.<sup>1</sup>

(4) Driveway aprons shall not extend out into the street.

(5) If a driveway tile is necessary, it must be installed by the City of Manchester, Department of General Services.

(6) The driveway tile installation fee shall be three hundred dollars (\$300.00), plus the cost of the tile if furnished by the city. The installation fee for driveways wider than 20 feet shall be increased by \$12.50 per foot in excess of 20 feet, plus the cost of the tile.

(7) If the driveway crosses an existing sidewalk, the sidewalk cut shall be done at the expense of the owner and according to the specifications set out by the director of general services.

(8) The health and codes administrator shall not issue the permit to cut, build or maintain a driveway to the public street until the appropriate installation fee and/or tile cost has been paid to the finance director and a receipt for payment is attached to the permit. (1972 Code, § 12-110, as amended by Ord. #808, Jan. 1998, Ord. #914, Jan. 2001, and Ord. #1295, May 2011)

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<sup>1</sup>The zoning ordinance is of record in the office of the finance director.

## CHAPTER 3

### RIGHT-OF-WAY ACCEPTANCE

#### SECTION

16-301. Acceptance of rights-of-way.

16-302. New streets.

16-303. Existing streets.

16-304. Street class.

16-305. Maintenance standards.

16-306. City street list.

16-307. Street closure.

**16-301. Acceptance of rights-of-way.** All streets that are maintained by the city must be approved as city streets and included on the city street list. (as added by Ord. #768, July 1996)

**16-302. New streets.** All new streets constructed in the City of Manchester shall be approved in the following manner:

(1) The director of general services must certify to the Manchester Regional Planning Commission that the street meets the minimum roadway standards as specified by the Subdivisions Regulations of the City of Manchester, and

(2) The Manchester Regional Planning Commission must recommend acceptance to the board of mayor and aldermen, and

(3) The street must be accepted and named by resolution of the board of mayor and aldermen, and

(4) The right-of-way must be deeded to the city by the owner of the property, and

(5) The street must be entered into a city street list maintained by the recorder. (as added by Ord. #768, July 1996)

**16-303. Existing streets.** Existing streets will receive consideration for acceptance by the city if:

(1) The street serves two (2) or more property owners, has been maintained by the city in the past, has direct access to an existing street, and a minimum right-of-way of forty (40) feet, and

(2) The street is expressly dedicated by the owner, or

(3) The street has been open to public travel for a minimum of five (5) years with the permission of the owner, or

(4) The street has been adversely used for more than twenty (20) years, creating a prescriptive right, and

(5) The Manchester Regional Planning Commission must recommend acceptance to the board of mayor and aldermen, and

(6) The street must be accepted by resolution of the board of mayor and aldermen, and

(7) The street must be entered into a city street list maintained by the recorder. (as added by Ord. #768, July 1996)

**16-304. Street class.** Every street shall be classed by the city at the time it is accepted, and subsequently changed only by resolution of the board of mayor and aldermen. The four street classes shall be as follows:

(1) Class A: Streets that meet or exceed the minimum roadway standards of the City of Manchester at the time they are accepted.

(2) Class B: Paved streets that do not meet minimum roadway standards of the City of Manchester at the time they are accepted.

(3) Class C: Tar and chipped streets.

(4) Class D: Unimproved streets, including gravel roads. (as added by Ord. #768, July 1996)

**16-305. Maintenance standards.** Accepted streets shall be maintained in the same condition as they are classed. (as added by Ord. #768, July 1996)

**16-306. City street list.** The recorder shall maintain a city street list which includes:

(1) The name of the street.

(2) The length of the street to the nearest tenth of a mile.

(3) The beginning and ending points of the street.

(4) The width of the right-of-way.

(5) The width of the roadway.

(6) The street class.

(7) Street maintenance and paving records. (as added by Ord. #768, July 1996)

**16-307. Street closure.** Any city street which has been legally dedicated and accepted for public use may be closed by ordinance if recommended by the Manchester Regional Planning Commission, and, if requested, can be deeded to the adjacent property owner. The expense of closure shall be shared equally between the persons receiving the property. (1972 Code, § 12-213, as renumbered by Ord. #768, July 1996)

## CHAPTER 4

### SPECIAL EVENTS AND TEMPORARY STREET CLOSURES

#### SECTION

- 16-401. Definitions.
- 16-402. Permit or notice required for special events.
- 16-403. Application for a permit.
- 16-404. Time of filing application.
- 16-405. Barricades, litter collection and sanitary facilities.
- 16-406. Hold harmless; liability insurance.
- 16-407. Personnel cost; permit fee; grant program.
- 16-408. Compliance with laws.
- 16-409. Conditions in permits.
- 16-410. Standards for issuance of a permit.
- 16-411. Issuance or denial.
- 16-412. Appeals procedure.
- 16-413. Revocation of a permit.
- 16-414. Fee schedule

**16-401. Definitions.** (1) "Amusement ride or amusement attraction" shall be defined as in Tennessee Code Annotated, § 56-38-102, excluding wholly inflatable attractions.

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

- (a) A temporary street closure is requested;
- (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

(3) "Special event" shall mean any public gathering such as a block party, local special event, parade, festival, celebration, concert, carnival, fair, exhibits, trade shows or any similar occurrence to be conducted on public or private property within the City of Manchester, Tennessee. Special events occurring entirely within structures that have been approved by the city for occupancy by five hundred (500) or more people shall be exempt from the requirements of this chapter.

(4) "Temporary street closure" shall refer to a condition created by special event or private gathering to be conducted within or on any street or intersection in the City of Manchester, Tennessee that requires any lane of travel be closed for a public safety purpose. Any request for temporary street closure(s) is deemed a request for a special event and requires a special event permit. Any temporary street closure authorized in whole or in part by the city

for municipal purposes, including, but not limited to, conveyance of traffic or travel is exempt from this chapter.

(5) "Board" shall mean a board consisting of the mayor, police chief, fire chief, public works director and finance director, or their respective designees. The board of mayor and aldermen shall be designated as such. (as added by Ord. #1524, April 2017, as amended by Ord. #1539, June 2017)

**16-402. Permit or notice required for special events.** (1) Notice for private gatherings. No permit shall be required for a private gathering unless a temporary street closure permit is requested; however, seventy-two (72) hours notice to the police and fire departments shall be required. Such notice may be oral and shall contain the date, time and place of the gathering, as well as contact information.

(2) Permit required. No person, firm, corporation or organization shall participate in, advertise for or in any way promote, organize, control, manage, solicit or induce participation in a special event or a private gathering where a temporary street closure is requested unless a special event permit has first been obtained from the city finance director.

(3) No person, firm, corporation or organization shall violate any of the terms of a permit issued for a special event or this article nor join or participate in any permitted activity under this article over the objection of the permit holder nor in any manner interfere with the progress or orderly conduct of a special event.

(4) No permit shall be required for the following:

(a) Events sponsored fifty percent (50%) or greater by the City of Manchester or any of its departments or commissions;

(b) Saturday community market booth sales approved or sanctioned by the Coffee County Commission or appropriate committee of the county commission restricted to sale of the following:

(i) Agricultural commodities, which qualify for inclusion in the "Pick Tennessee Products" program of the Tennessee Department of Agriculture and produced by a member who is participating in that program, or grown within fifty (50) miles of the Coffee County Courthouse sold by the producer or

(ii) Arts, crafts and food stuffs created or prepared by the seller, excepting any liquid or beverage containing ethanol. (as added by Ord. #1524, April 2017)

**16-403. Application for a permit.** For special events, an application shall be made upon a form provided by the city finance director and shall contain all of the following information.

(1) The name, residence and business address and phone number of each person and organization sponsoring the special event. If an organization, the application shall indicate whether it is authorized to do business within the

State of Tennessee and contain the names, residences and business addresses and phone numbers of the president or chairman.

(2) The date or dates and beginning and ending hours of such special event;

(3) The location, including blocks, streets or intersections, in which such special event will occur and a map of same and indicate where a temporary street closure is required, if any;

(4) The estimated number of persons who will participate;

(5) The purpose or nature of the special event;

(6) Whether parking is requested to be restricted or prohibited during such closure;

(7) Whether any sound amplification equipment is proposed to be used and, if so, information describing such sound amplification. No sound amplification equipment shall be used in anyway contrary to the applicable city ordinance on sound amplification equipment or contrary to the city ordinance on noise;

(8) Whether or not charity, gratuity or offerings will be solicited or accepted or sales of food, beverages, including alcohol or beer, or other merchandise will occur;

(9) Whether any temporary street closure will occupy all or only a portion of the street or intersection involved;

(10) Whether the special event includes any amusement attraction or amusement ride; and

(11) Such other information as the city finance director deems reasonably necessary in order to carry out his duties under this chapter. (as added by Ord. #1524, April 2017)

**16-404. Time of filing application.** The application shall be filed no less than ten (10) days nor more than three hundred sixty-four (364) days prior to the scheduled beginning date of such special event. (as added by Ord. #1524, April 2017, and amended by Ord. #1539, June 2017)

**16-405. Barricades, litter collection and sanitary facilities.**

When a special event permit is granted and includes a temporary street closure, applicants shall provide and remove such barricades and warning devices as are deemed necessary by and are acceptable to the city finance director. In no event shall any barricades, signs or warning devices fall below the standards in the Manual on Uniform Traffic Control Devices. Applicants shall also provide for the collection and removal, at applicant's expense, of all trash, garbage and litter caused by or arising out of such special event and for adequate sanitary facilities as are deemed necessary by the city finance director. Each applicant shall enter into a written agreement specifying the duties to be performed under this section and the costs to be imposed. Such written

agreement shall be in a form approved by the city attorney and shall be binding after approval by the city finance director. (as added by Ord. #1524, April 2017)

**16-406. Hold harmless; liability insurance.** Applicants shall agree in writing to assume the defense of and indemnify and save harmless the city, its aldermen, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the city may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of special event and the activities permitted in connection therewith. The city finance director shall require the applicant to submit a certificate of liability insurance from a Tennessee state-licensed entity prior to the event in an amount no less than one million dollars (\$1,000,000.00), depending upon the nature, size and duration of the event, which names the City of Manchester as an additional insured. (as added by Ord. #1524, April 2017)

**16-407. Personnel cost; permit fee; grant program.** (1) In addition to a permit fee, applicants shall pay to the city the cost of city personnel who are required by the city to work overtime hours or other than regular shift or perform duties during or because of special event. An application for a special event permit shall be accompanied by a permit review fee of twenty-five dollars (\$25.00). Governmental entities and federally designated non-profit organizations shall be exempt from permit review fees.

(2) Organizers of events may apply for in-kind support from the City of Manchester, as provided in the "special event grant policy," which is hereby adopted by reference and made a part of this chapter as if fully set forth herein. The reviewing board shall have the authority to administer the special event grant policy and amend its terms as needed. (as added by Ord. #1524, April 2017)

**16-408. Compliance with laws.** Prior to the issuance of a permit under this chapter, all applicable ordinances and laws shall be complied with and all required permits and licenses shall be secured in connection with such special event, or the proposed activities therewith including, but not limited to, peddling, street vending, charitable solicitations, collections or acceptance of gratuities, the sale of food, beverages, including alcohol or beer, or other merchandise, or the use of candles, torches, fires or other combustibles, or amusement attractions or rides.

**16-409. Conditions in permits.** (1) Conditions. Any permit granted under this chapter may contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic or to the public health, safety, tranquility, morals or welfare, including, but not limited to, changes in time, duration, numbers of participants or noise levels.

(2) Deposit or bond. The city finance director may also require as a condition of the permit a deposit or bond to cover clean-up or other costs. The amount of the deposit or bond shall be related to the size, nature and duration of the event and shall be refundable, to the extent not exhausted by clean-up, damage and/or other costs. (as added by Ord. #1524, April 2017)

**16-410. Standards for issuance of a permit.** A permit shall be issued when, from a consideration of the application and from such other information as may otherwise be obtained, all of the following circumstances exist:

(1) The applicant has not knowingly and with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application for a permit or in any other document required pursuant to this chapter;

(2) The application has met the standards in this chapter and paid in advance any fee required and agrees to such conditions as are imposed in the permit;

(3) The time, duration and size of the special event will not substantially disrupt the orderly and safe movement of other traffic or create a public nuisance or danger;

(4) The special event is of a size or nature such that it will not require the diversion of so great a number of public safety officers of the city as to prevent normal public safety protection to the city;

(5) The concentration of persons, vehicles, equipment or facilities will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such special event;

(6) The special event will not unduly interfere with the movement of firefighting equipment on the way to a fire or 911 call;

(7) The special event will not unduly interfere with the orderly operation of parks, hospitals, churches, schools or other public and quasi-public institutions in the city; and

(8) The application has provided reasonable means for informing all persons listed in § 16-403(1) of this chapter and all other persons participating in the special event of the terms and conditions of such permit and all applicable laws. (as added by Ord. #1524, April 2017)

**16-411. Issuance or denial.** (1) Small special events. A special event where fewer than one thousand (1,000) people gather during the entire course of the event shall be considered a small special event. The board shall have authority to issue or deny a small special event permit. Written notice of the issuance or denial of a permit shall be provided to the applicant within fourteen (14) business days of receipt of a complete application.

(2) Large special events. A special event where one thousand one (1,001) or more people gather during the entire course of the event shall be considered a large special event. Applications for large special events shall be

considered by the board of mayor and aldermen. Applicant must be present at all meetings where the application is considered.

Failure to appear shall constitute good cause for denial of an application. At least ten days prior to any board meeting when a special event permit is to be considered, the applicant shall be given written notice by the city finance director that the application will be considered; such notice to contain the recommendation of the city finance director and staff.

(3) Calculation. For the purposes of this section, the total number of people shall include all special event participants, workers and attendees;

(4) Denial. Applicants must meet the standards for issuance of a permit in order to receive a permit. Additional criteria for denial may include, but are not limited to:

(a) Failure to submit a complete application with supporting documentation;

(b) Previous revocation of a special event permit;

(c) Previous convictions by the persons listed in § 16-403(1), of this chapter for any crime involving moral turpitude, alcohol or drugs within the past ten (10) years;

(d) A finding that the proposed activity or use will unreasonably interfere with the general public's use and enjoyment of the area at the time of the event or in the future due to repetitive use or damage to a public facility;

(e) A finding that the proposed activity or use will unreasonably interfere with or detract from the public health, safety or welfare, or involve violence, crime or disorderly conduct, at least to the extent that can be reasonably foreseen;

(f) A finding that the proposed activity or use will entail extraordinary or burdensome expense or emergency operations by the city; or

(g) A finding that the proposed activity or use will constitute a nuisance to adjoining property owners.

(5) Notice. Written notice of the issuance or denial of a small or large special event permit shall be provided to the applicant within five (5) business days of any final decision. If a permit is denied, said written notice shall state the reasons for denial. (as added by Ord. #1524, April 2017)

**16-412. Appeals procedure.** An appeal from denial of the permit by the board shall be made in writing to the board of mayor and aldermen. (as added by Ord. #1524, April 2017, and amended by Ord. #1539, June 2017)

**16-413. Revocation of a permit.** Any permit for a special event issued pursuant to this chapter may be revoked by the city finance director, chief of police, fire chief or fire marshal, or their designees, at any time when, by reason of emergency, disaster, calamity, disorder, riot, extreme traffic conditions,

violation of this chapter or of any permit conditions or undue burden on public services, it is determined that the health, safety, tranquility, morals or welfare of the public or the safety of any person or property requires such revocation in light of all the circumstances. Notice of revocation of a permit shall be delivered in writing to at least one person named upon the permit by personal service or by certified mail or, if the special permit has commenced, orally or in writing, by personal contact or service or by telephone. If the number of people attending the event exceeds the number permitted in the application, it shall constitute an undue burden on public services and the special event permit may be orally revoked. Continuance of a special event after such notice has been delivered is unlawful. Revocation of a permit, for any reason, shall constitute a valid reason for denial of any future special event application by the same persons or any combination thereof listed in § 16-403(1) of this chapter. (as added by Ord. #1524, April 2017)

**16-414. Fee schedule.** The following fee schedule is established:

- |     |                      |  |
|-----|----------------------|--|
| (1) | Up to 1,000 people   | \$25.00  |
| (2) | 1,001 - 2,500 people | \$50.00  |
| (3) | 2,501 - 5,000 people | \$100.00                                       |
| (4) | Over 5,000 people    | \$500.00. (as added by Ord. #1524, April 2017) |