

ORDINANCE 22-40

AN ORDINANCE TO AMEND TITLE 20, BY ADDING CHAPTER 6, SPECIAL EVENTS

WHEREAS, the City of Lewisburg is determined to keep city facilities, streets, sidewalks, and parks including all parks and public property safe for the public;

WHEREAS, the City of Lewisburg has recognized that a Special event permit is necessary for the general welfare of the City:

BE IT ORDNANIED BY THE CITY OF LEWISBURG THAT:

- 1. Title 20, Chapter 6, Municipal Code shall be added to include as follows:

TITLE 20

SPECIAL EVENTS

SECTION

- 20-601. Purpose.
- 20-602. Definitions.
- 20-603. Exemptions.
- 20-604. Special event permit required, violations, and penalties.
- 20-605. General provisions.
- 20-606. Financial assurance.
- 20-607. Amount and type of services and equipment required.
- 20-608. Fees and terms of payment.
- 20-609. Special Plan for Event Contingencies (SPEC).
- 20-610. Dissemination of SPEC.
- 20-611. Application process.
- 20-612. Barricades, litter collection, and sanitary facilities.
- 20-613. Authority to alter, suspend, or terminate a special event.
- 20-614. Grievance procedures.
- 20-615. Severability.

20-601. 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.

20-602. Definitions. (1) "City/City of Lewisburg" shall mean all of the incorporated areas of the City of Lewisburg, Tennessee.

(2) "City sponsored events" shall mean events that are solely planned, administered, coordinated, held by, and paid for by the City of Lewisburg. City sponsored events shall 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 Lewisburg 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 Lewisburg and its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of granting a special event permit,

and from any cost incurred in cleaning up any waste material produced or left after the event.

(7) "Special Event" shall mean any outdoor temporary public gathering including but not limited to block parties, parades, festivals, music concerts, celebrations, carnivals, fairs, exhibits, trade shows, or any similar occurrence to be conducted on any public or property within the City of Lewisburg that is reasonably expected to simultaneously bring together two hundred (200) or more people and/or 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 event permit.

(8) "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.

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

(10) "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 pollution to the environment; maintain adequate sanitation and public health; and protect the safety of the public.

(11) "Temporary street closure" shall mean 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, sidewalks, or other public rights-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.

20-603. Exemptions. A special event permit shall not be required for the following events:

- (1) Funerals and funeral processions;
- (2) Students going to and from classes;
- (3) Religious ceremonies or services
- (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.

20-604. 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) 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 City of Lewisburg without a special event 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, any and all costs incurred to the City of Lewisburg to enforce this legislation.

20-605. 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 Lewisburg, 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) Park fees and permits;
- (4) Health department regulations and requirement;
- (5) Any/all applicable taxes;
- (6) Any/all additional required fees and permits.

20-606. 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 location(s).

(2) Additional insurance requirements. The City of Lewisburg 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.

20-607. 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 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 minimum FEMA 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 standards outlined in the Manual on Uniform Traffic Control Devices (MUTCD). The current edition MUTCD in use by the City of Lewisburg at the time of permit application shall apply. Any/all contracts shall be completed and executed prior to the issuance of a 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.

20-608. 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 City of Lewisburg. There shall also be separate fees for beer and wine permits and any other fees required by local, state, and federal government.

(1) Special event permit. A non-refundable application fee of \$250.00 for a special event permit shall be accompanied by a permit review fee as established from time to time by the city council. Government entities shall be exempt from permit fees. The event sponsor shall be responsible for paying these fees.

(2) Personnel services provided by the City of Lewisburg. The costs associated with city 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 city manager. The event sponsor shall be responsible for paying these fees.

(3) Equipment provided by the City of Lewisburg. 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 (FEMA) schedule of equipment rates. The event sponsor shall be responsible for paying these fees.

(4) Deposit or bond. The city manager may also require as a condition of the permit a deposit or bond to cover clean-up, damage 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, or other costs.

(5) Co-sponsored events. Based on the nature and type 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 approved co-sponsored events. A special event permit shall be required for co-sponsored events.

(6) City sponsored event. 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 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 day after the date of invoice shall be subject to accrue interest at a rate of fifteen percent (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 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.

20-609. Special Plan for Event Contingencies (SPEC). A written plan that attempts to establish safety procedures for dealing with a special event is required for all special events. It must attempt to minimize injury, suffering, death, or damage to the environment that may result because 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.

20-610. Dissemination of SPEC. Special Plans for Event Contingencies (SPECs) 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.

20-611. Application process. For special events, an application for a permit shall be made upon a form provided by the city recorder and shall be filed not less than thirty (30) nor more than three hundred sixty-four (364) days prior to the scheduled date of such special event. The application 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 thereof, and all other persons:
 - (a) Having an interest or position of management or control in such organization;
 - (b) Who are or will be engaged in organizing, promoting, controlling, managing or soliciting participation in such special event; and
 - (c) Who will be vending or soliciting at the event under the special event permit.
- (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 of the special event;
- (6) Whether parking is requested to be restricted or prohibited during
- (7) Whether any sound amplification equipment is proposed to be used, and if so, information describing such sound amplification;
- (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 administrator deems reasonably necessary in order to carry out his duties under this chapter.

20-612. 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 administrator. 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

administrator.

20-613. Authority to alter, suspend, or terminate a special event. The city manager, 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.

20-614. 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 thirty (30) calendar days before the event. The city manager shall have ten (10) business days to respond in writing to the appeal.

20-615. Severability. Should any provision of this legislation be determined to be invalid, illegal, or unforeseeable by a court of competent jurisdiction, then such provision 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.


BE IT FURTHER RESOLVED that this Ordinance take effect 15 days from and after its passage on second and final reading, the municipal welfare requiring it.


Passed first reading this 13th day of December 2022

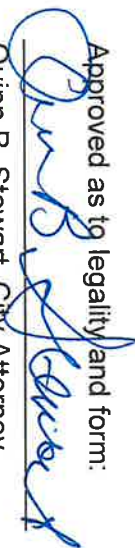
Passed 1st reading: December 13, 2022

Passed 2nd final reading: March 14, 2023

Date of Public Hearing: March 14, 2023


Jim Bingham, Mayor


Attest: Pamela R. Davis,
City Recorder

Approved as to legality and form:

Quinn B. Stewart, City Attorney