

**ORDINANCE 13-O-14** amending the Murfreesboro City Code, Chapter 21—Offenses and Miscellaneous Provisions, adding Article II—Special Events.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

SECTION 1. Chapter 21 of the Murfreesboro City Code is hereby amended by deleting “Reserved” from the title of Article II and substituting in lieu thereof:

**“ARTICLE II. SPECIAL EVENTS”.**

SECTION 2. Section 21-61 of the Murfreesboro City Code is hereby amended by deleting “Reserved” and substituting in lieu thereof the following:

**“SECTION 21-61 PURPOSE.**

The occurrence in the City of special events, including parades, not only provides a public amenity that enhances the character of the City, but also provides a method of personal expression and enjoyment to the citizens of the City. The City seeks to encourage such activities to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their business uninterrupted. This article seeks to balance the interests of personal expression and enjoyment of such activities with those of the residents and businesses of the City through the use of consistent, non-discriminatory and uniformly approved standards.”

SECTION 3. Section 21-62 of the Murfreesboro City Code is hereby amended by deleting “Reserved” and substituting in lieu thereof the following:

**“SECTION 21-62 DEFINITIONS.**

City Manager. The City Manager or designee for purposes of application, review and approval under this article.

Parade. Any march or procession consisting of people, animals, cyclists, or vehicles, or combinations thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with the normal and usual traffic regulations or controls.

Permit. A special event permit required by this article unless otherwise specified.

Special event. Any event which occurs in whole or in part on public property or public right-of-way which affects the ordinary use of public streets, rights-of-way, sidewalks or other public infrastructure. This includes, but is not limited to, parades, fairs, carnivals, foot races, bicycle races, and block parties. Private gatherings which make no use of public property or streets other than for lawful parking are not included, unless the event constitutes a use of private property that is not usual or customary for that property and zoning district, and any of the following apply: (a) event duration of more than two consecutive days or two consecutive weekends, (b) overnight camping, (c) sale and/or consumption of alcoholic beverages, including beer, or (d) estimated daily attendance of more than 250 people.”

SECTION 4. Section 21-63 of the Murfreesboro City Code is hereby amended by deleting “Reserved” and substituting in lieu thereof the following:

**"SECTION 21-63 SPECIAL EVENT PERMIT REQUIRED.**

No person shall engage in, participate in, aid, form or start any special event, unless a permit has been granted by the City Manager or designee.

- (A) *Special event location exceptions.* A special event permit is not required for events taking place entirely on the grounds of any:
- (1) church;
  - (2) private or public school;
  - (3) athletic field;
  - (4) arena;
  - (5) auditorium;
  - (6) any other similar place of permanent public assembly;
  - (7) County-owned property located within the City, such as the County owned area surrounding the Rutherford County Courthouse in the downtown square;
  - (8) City-owned property under the operation and control of the Parks and Recreation Department; or
  - (9) any site at which a special event is sponsored entirely by the City of Murfreesboro or facilitated and staffed entirely by City of Murfreesboro personnel.
- (B) *Special event permit exceptions.* A special event permit is not required for:
- (1) Funeral processions;
  - (2) Wedding processions;
  - (3) Governmental agencies acting within the scope of their functions; and,
  - (4) Spontaneous events occasioned by news or affairs coming into public knowledge within five (5) days of such public assembly so long as the ability of pedestrians and motor vehicles to use public streets and sidewalks is not compromised.
- (C) *Carnivals.* Nothing in this Ordinance shall affect the authority of the Board of Zoning Appeals to regulate the holding of or participation in carnivals within the City."

SECTION 5. Section 21-64 of the Murfreesboro City Code is hereby amended by deleting "Reserved" and substituting in lieu thereof the following:

**"SECTION 21-64 SPECIAL EVENT PERMIT APPLICATIONS.**

A person seeking issuance of a special event permit shall file an application with the City Manager on forms provided by the City.

- (A) *Filing period.* An application for a special event permit shall be filed not less than thirty (30) nor more than three hundred sixty-four (364) days prior to the scheduled date(s) of such special event. Early filing is highly encouraged to facilitate the application review process.
- (B) *Contents of application.* The application for a special event permit shall set forth the information specified below; the applicant shall have a duty to update the application if there are material changes to the required information after the application has been submitted. However, a new application rather than an update is required for a change in date, location or route unless such change is initiated by the City. The application shall state:
- (1) The name, residence and business address, email address, and phone and fax numbers 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, addresses, and phone numbers of the president or board chair thereof, and all other persons known at the time of the application to : (a) have 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; the beginning and ending hours should include both the hours of the event itself and the time required for any setup or take-down;
  - (3) The location, including blocks, streets, or intersections, in which such special event will occur and the location of any temporary structures (e.g. tents) and their anchors, if any, and a map of same, including where a street closure is required, if any;
  - (4) The estimated number of persons who will participate or attend;
  - (5) The purpose of the special event;
  - (6) Whether parking is requested to be restricted or prohibited during such event;
  - (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 any way contrary to the applicable City ordinance on sound amplification and noise, or contrary to the City ordinance on noise pollution or other disturbance;
  - (8) Whether or not fees will be charged, or donations will be solicited or accepted;
  - (9) Whether sales of food or beverages, including alcohol or beer, or other merchandise will occur, along with the name, contact information and information regarding all necessary licenses and/or permits for such food and beverage vendors;
  - (10) Whether any street closure is required and will occupy all or any portion of any street or intersection;
  - (11) Whether the special event includes any amusement attraction or amusement ride;
  - (12) If the special event is or includes a parade:
    - (a) The route to be traveled, the starting point, and the termination point;
    - (b) The approximate number of entities (e.g. persons, animals, vehicles, etc.) participating in the parade;
    - (c) The hours when the parade will start and terminate;
    - (d) A statement as to whether the parade will occupy all or only a portion of the width of the proposed streets to be traveled;
    - (e) The location by street of any assembly areas for such parade, including any areas intended to be used for parking;
    - (f) The time at which units of the parade will begin to assemble at any such assembly area or areas; and,
    - (g) If the parade is designated to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the City Manager a written communication from that person authorizing the applicant to apply for the permit on the person's behalf; and,
  - (13) Such other information as the City Manager or designee deems reasonably necessary in order to carry out the duties under this article.
- (C) *Street Closures.* Where a special event permit has been granted which includes a temporary street closure, applicants shall provide such barricades and traffic warning devices as are deemed necessary by, and acceptable to, the City and shall also remove same.
- (D) *Litter collection, sanitary devices.* All applicants for a special event permit shall provide for the collection and prompt removal of all trash, garbage, and litter caused by or arising out of such special event and for sanitary facilities if they are deemed necessary by the City.
- (E) *Late applications.* The City Manager, where good cause is shown, shall have the authority to consider any application for a special event permit which is filed late.

- (F) *Beer Permit.* A separate beer permit application must be submitted to the City and approved. Submittal (or approval) of a special event permit which mentions beer is not submittal (or approval) of a beer permit application.
- (G) *Insurance.* If the special event involves the sale of food, or the sale or consumption of beer or other alcoholic beverage, on any City owned property (including streets and sidewalks) then the applicant shall be required to obtain adequate liability insurance coverage for the event, which includes coverage for the food or alcohol and which names the City as an additional insured, and provide proof of same to the City”

**SECTION 6.** Section 21-65 of the Murfreesboro City Code is hereby amended by deleting “Reserved” and substituting in lieu thereof the following:

**“SECTION 21-65        STANDARDS FOR SPECIAL EVENT PERMIT ISSUANCE.**

- (A) *Standards.* The City Manager will make a decision on whether to issue a special event permit after the application has been reviewed by the City. An incomplete application will be returned to the applicant and will not be considered for approval. Review and consideration of the application may include, but is not limited to, the following criteria:
- (1) Whether the conduct of the special event would be likely to so substantially interrupt the safe and orderly movement of traffic within the City on and contiguous to the proposed location so as to create a danger to the health, safety, and welfare of the pedestrians, cyclists and vehicle drivers of the City or substantially interfere with construction projects;
  - (2) Whether the conduct of the special event would be likely to create a danger to the health, safety, and welfare of the citizens of the City by preventing firefighting equipment, ambulances, rescue vehicles, first response vehicles, and/or police vehicles from being able to reach any property in the City;
  - (3) Whether the concentration of persons, animals, and vehicles gathering for the special event or at assembly points for a parade would be likely to unduly interfere with proper fire and police protection or ambulance services to areas contiguous to such assembly areas;
  - (4) Whether a special event permit application for the same time and location is already granted or has been received;
  - (5) Whether a special event permit application for a similar date and time has been granted or has been received, and whether police resources required for the other special event are so great that in combination with the subsequent proposed application, the resulting deployment of police services would likely have an immediate and adverse effect upon the welfare and safety of persons or property;
  - (6) Whether, if the applicant proposes for the erection or placement of any structure or markings, whether permanent or temporary, on a City street, sidewalk or right-of-way, such applicant has obtained advance approval for the placement of the structure or markings from the City Council, Planning Commission, or other appropriate City department.
  - (7) Whether the applicant or the person or organization on whose behalf the application is made has on a prior occasion damaged City property, violated the terms and conditions of a City permit, or has outstanding debts to the City.
  - (8) Whether the application contains a material falsehood, misrepresentation or omission.
- (B) *Nondiscrimination.* The City shall uniformly consider each application for a special event permit upon its merits and shall not discriminate in granting or denying permits under this article based upon political, religious, ethnic, race, disability, or gender related grounds. The

viewpoint of the applicant or the content of the special event shall not be a basis for approval or denial.

- (C) *Approval.* Approval of a special permit application can be subject to conditions and requirements not requested by the applicant. These conditions, requirements and changes can include, but are not limited to: requirements for crowd and/or traffic control (e.g. barricades, warning devices, law enforcement personnel); solid waste services and containers; sanitary facilities; security personnel; inspections of electrical and mechanical equipment; and modifications to the location(s) or hours requested. The City shall not specify or require that any such service or equipment be provided by the City. The approval of a special use permit can be rescinded or revoked before the event by the City Manager for any reason which would have justified its denial and, on the day of the event, by the Police Department as specified in §21-67(F). In the event of any such rescission or revocation, the applicant shall have only the right to appeal the rescission or revocation on the same basis as a denial as specified in §21-67(A) and shall have no other rights or claims.
- (D) *Denial.* If the City Manager denies, in whole or in part, a special event permit application, the reasons for the denial shall be identified with reference to narrow, objective and definite standards in this article or in another City ordinance, resolution, policy or standard, with which the proposal would conflict. No denial shall be arbitrary, capricious or without factual basis. Denials may be time, place and manner specific as an activity at one time or location may pose a different traffic or other risk than the same activity at a different time or location.”

SECTION 7. Section 21-66 of the Murfreesboro City Code is hereby amended by deleting “Reserved” and substituting in lieu thereof the following:

**“SECTION 21-66        CONTENTS OF PERMIT.**

- (A) *Special Event permit.* Each special event permit shall state the following:
- (1) The name, address, email address, and phone and fax numbers of each person and organization sponsoring the special event; this shall include all phone numbers in use by persons in charge of the event on the day of the special event.
  - (2) The date, or dates, and beginning and ending hours of such special event, and the location of the event.
  - (3) The purpose of the event, and whether any fees or offerings are approved to be charged or solicited.
  - (4) The estimated number of persons who will participate or attend.
  - (5) Approved parking plan, if any.
  - (6) Approved sound amplification equipment, if any.
  - (7) Approved sales of food or beverages, including alcohol or beer, or other merchandise, along with the name and contact information for such food and beverage vendors. In no event shall the special event permit be considered a substitution for any beer and/or alcohol permits necessary for such vendors to engage in the sale of beer or alcohol or for any permit required for the sale of food.
  - (8) If there is a temporary street closure, the location of all barricades and traffic warning devices, the name and contact information of the entity providing the traffic control devices and the time of their installation and removal.
  - (9) If the permit includes a run or race, the route map of the course.
  - (10) If the permit includes a parade:
    - (a) The starting and estimated ending time.
    - (b) The portions of the streets to be traveled that may be occupied by the parade.
    - (c) The maximum length of the parade in mile or fractions thereof.
    - (d) Emergency contact information for the persons responsible for

the parade, including cell phone information if available.

(e) Such other information as either the City Manager or designee, or the Police Department, shall find necessary to the enforcement of this article.

(11) Whether special sanitary facilities are required and, if they are, the name and contact information of the entity providing them, and their location.

(12) Whether special solid waste receptacles or services are required and, if they are, the name and contact information of the entity providing them.

(13) Whether special law enforcement or security services for traffic control or other purposes (in excess of the standard number of on-duty Police Department officers provided to each permit holder) are required and, if they are, the name and contact information of the entity providing them.”

**SECTION 8.** Section 21-67 of the Murfreesboro City Code is hereby amended by deleting “Reserved” and substituting in lieu thereof the following:

**“SECTION 21-67 MISCELLANEOUS PROVISIONS; NOTICE; APPEAL; DUTIES.**

- (A) *Time limits for decisions; notice of approval or denial.* The City Manager and appropriate City departments reviewing an application for a permit shall act upon the application promptly and expeditiously. If the application is denied, notice of the denial shall be mailed, faxed, emailed, or hand-delivered to the applicant within five business days after the day upon which the denial decision was reached. Said notice shall contain advice to reapply if the application is incomplete and/or advise the applicant of the right to appeal and the process in which to appeal. Nothing in this section shall prevent the City, if in its sole discretion it deems the incompleteness of an application to be minor, to contact the applicant prior to the expiration of the five business days to obtain the missing information and with the consent of the applicant complete the application.
- (B) *Appeal procedure.* Any applicant shall have the right to appeal the denial of a special event permit to the City Council. The denied applicant shall make the appeal within five days after receipt of the denial by filing a written notice with the City Manager or the City Recorder. Council shall act upon the appeal at the next scheduled meeting following the receipt of the notice of appeal. In the event that Council rejects the applicant’s appeal in whole or in part, the applicant may file an immediate request for review with a court of competent jurisdiction.
- (C) *Notice to officials.* Upon the issuance of a special event permit, the City Manager will send a copy to the Police Chief, Fire Chief, Director of Solid Waste, Director of Water and Sewer, the Transportation Director, Director of Parks and Recreation, and any other appropriate department heads.
- (D) *Duties of permittee.* A permittee under this article shall comply with all permit directions and conditions and with all applicable laws. The special event chair or other person heading or leading such activity shall carry the permit or a copy thereof upon their person during the special event.
- (E) *Fees and Charges.* The City shall set a reasonable fee for a special event permit by resolution which fee amount may change over time. The City may by resolution also establish reasonable charges and deposit fees for City services and equipment and may, but is not required to, allow a special event permit holder to utilize them including, but not limited to, solid waste services and law enforcement services. The fee and charges may vary in amount or be waived if the City is a co-sponsor of the event.

(F) *Revocation of permit.* The Police Department shall have the authority to revoke a special event permit instantly upon violation of the conditions or standards for issuance set forth in this article or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an adverse effect upon the welfare and safety of persons or property. In such case of permit revocation, the Police Department will make reasonable efforts to notify the persons responsible for the special event as far in advance of the revocation as is practicable.

SECTION 9. Section 21-68 of the Murfreesboro City Code is hereby amended by deleting "Reserved" and substituting in lieu thereof the following:

**"SECTION 21-68 PUBLIC CONDUCT DURING A SPECIAL EVENT OR PARADE.**

- (A) No person shall unreasonably hamper, obstruct, impede or interfere with any person, vehicle, or animal participating in a special event properly permitted under this article.
- (B) No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (C) The Police Department and/or the City Engineer or designee shall have the authority when reasonably necessary to prohibit or restrict parking of vehicles along a street constituting a part of a lawfully permitted parade, race or run route, or to restrict parking on any public property or street contiguous to the location of a lawfully permitted special event. The Police Department and/or the City Engineer or designee may post signs to this effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street not so posted."

SECTION 10. Section 21-69 of the Murfreesboro City Code is hereby amended by deleting "Reserved" and substituting in lieu thereof the following:

**"SECTION 21-69 PENALTIES.**

Any person violating the provisions of this article shall be subject to punishment as provided in Code §1-8."

SECTION 11. Section 21-70 of the Murfreesboro City Code is hereby amended by deleting "Reserved" and substituting in lieu thereof the following:

**"SECTION 21-70 SEVERABILITY.**

If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this article. It is hereby declared by the City that this article would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part not been included herein."

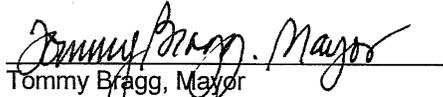
SECTION 12. Section 32-202 of the Murfreesboro City Code shall be repealed upon the effective date of this ordinance.

SECTION 13. All parade permits or street closures which have received final City approval prior to the effective date of this ordinance shall be deemed valid even if the date of the event is subsequent to the effective date of the ordinance.

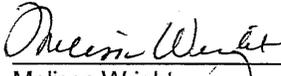
SECTION 14. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed:

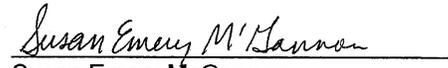
1<sup>st</sup> reading April 18, 2013  
2<sup>nd</sup> reading May 9, 2013  
3<sup>rd</sup> reading May 16, 2013

  
\_\_\_\_\_  
Tommy Bragg, Mayor

ATTEST:

  
\_\_\_\_\_  
Melissa Wright  
City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Susan Emery McGannon  
City Attorney

