

ORDINANCE NO. 1704

An ordinance adding Title 16, Chapter 5, to the Crossville Municipal Code pertaining to streets and sidewalks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSSVILLE, TENNESSEE that,

SECTION I. That Title 16, Chapter 5, of the Crossville Municipal Code be added as follows:

Chapter 5: Temporary Street Closures

§ 16-501 PURPOSE

The purpose of this chapter is to provide procedures for the issuance of temporary street closure permits with the general intent of promoting public safety and welfare; providing the City with a standard logistical timeframe to accommodate requests for temporary street closures; ensuring temporary street closures do not interfere with the daily activities of the community; ensuring streets and sidewalks remain accessible and safe; and ensuring access to public property by other members of the community not involved in the requested event.

§ 16-502 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply:

- (A) City Manager. The City Manager or city employee designated by the City Manager to act on his/her behalf.
- (B) City Clerk. The City Clerk or city employee designated by the City Clerk to act on his/her behalf.
- (C) City Sponsored Event. Any event solely planned, administered, coordinated, held and paid for by the City of Crossville.
- (D) Co-Sponsored Event. Any event planned, administered, coordinated, held, and paid for in conjunction with another event sponsor and the City of Crossville.
- (E) Event. Any public gathering to be conducted on public or private property within the City of Crossville.
- (F) Event sponsor. Any organizer, promoter, coordinator, person, group, corporation, partnership, governing body, association, or any other public or private organization, or owner of property that is responsible for the event requiring a temporary street closure.
- (G) Financial Assurance. Liability insurance which shall indemnify and hold harmless the City of Crossville and its agents, officers, and employees from any liability or causes of action which might arise by reason of granting a temporary street closure permit, and from any cost incurred in clean-up of the

event.

- (H) Independent Event. Any event not co-sponsored or sponsored by the City of Crossville.
- (I) Permit. An approved temporary street closure permit application.
- (J) Private Gathering. Any event 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 street closure is requested.
- (K) Public Gathering. Any public activity to be conducted within or on any public property and conducted within any street or intersection within the City of Crossville.
- (L) Temporary Street Closure. A condition created by an event, private gathering, or public gathering to be conducted within or on any street or intersection within the City of Crossville that requires one or more lanes of travel to be closed for a public safety purpose.

§ 16-503 TEMPORARY STREET CLOSURE PERMIT REQUIRED

An event sponsor seeking a temporary street closure permit shall submit an application to the City Clerk not less than sixty (60) days prior to the date on which the temporary street closure is needed. Late applications may be considered for special circumstances at the City Clerk's discretion.

§ 16-504 APPLICATION FEE REQUIRED

A non-refundable application fee of \$100.00 must be submitted with the completed application for temporary street closures involving State/Federal highways, \$50.00 for all other requests. The application fee may be waived for special circumstances at the City Manager's discretion.

§ 16-505 CLEAN-UP DEPOSIT REQUIRED

A refundable cash deposit or other security of \$250.00 must be submitted with the completed application to cover any cost incurred by the City in clean-up of the event including, but not limited to excessive trash, debris or property damage. An evaluation will be made by Crossville Public Works and/or Crossville Police departments at the conclusion of the event and reported to the City Manager. The clean-up deposit fee may be waived for special circumstances at the City Manager's discretion. In case of inclement weather and the event is cancelled, the deposit will be refunded.

§ 16-506 EXEMPTIONS

A temporary street closure permit, application fee, and clean-up deposit shall not be required for the following events:

- (A) Governmental agencies acting within the scope of its functions;
- (B) Events sponsored or co-sponsored by the City of Crossville or other events

commemorating a holiday, special event, or special circumstance may be granted a waiver;

- (C) Funeral processions; and
- (D) Unplanned events deemed exempt by the City Manager including, but not limited to, temporary construction and necessary repair events. The Crossville Public Works Department and the Crossville Police Department must be notified prior to the temporary street closure.

§ 16-507 TEMPORARY STREET CLOSURE PERMIT APPLICATION

For temporary street closures, an application for a permit shall be made to the City Clerk upon a form provided by the City of Crossville and shall contain the following information:

- (A) The name of the event sponsor requesting the temporary street closure;
- (B) The name, email address, and phone number of the individual representing the event sponsor;
- (C) The date and beginning and ending hours of the request;
- (D) A description of the reason for the request;
- (E) The location, route, streets, and/or intersections, in which the temporary street closure will occur and a map of the same, and indicate where a temporary street closure is required;
- (F) A description of any recording equipment, sound amplification equipment or other devices to be used in connection with the event; and
- (G) Such information deemed reasonably necessary by the City Manager.

§ 16-508 TEMPORARY STREET CLOSURE PERMIT ISSUANCE STANDARDS

The City Manager shall have the authority to issue a temporary street closure permit if the temporary street closure does not involve State/Federal highways. If the street closure does involve State/Federal highways, the application will be reviewed by the City Council for approval subject to any state or federal laws. An incomplete application will be returned to the event sponsor and will not be considered for approval. Issuance of a temporary street closure permit will be granted after a consideration of the application and from such other information as may otherwise be obtained, and all of the following circumstances exist:

- (A) The event sponsor has not knowingly and with intent to deceive, made any false, misleading, or fraudulent statements of material fact in the application or in any document required pursuant to this chapter;
- (B) The event sponsor has met the standards in this chapter and has submitted in advance any required fees, deposits and assurances, and has agreed to such conditions as are imposed in the permit;
- (C) The times, duration, and size of the event will not cause undue hardship to adjacent businesses or residents
- (D) There are no other events requiring a temporary street closure for the same time and location that have been or will be granted, unless the parties have

agreed to work in conjunction. A written statement of cooperation from all of the parties involved will be required. A list of approved events will be available on the City's website. In the event two applications are submitted for the same date and time, the date received will be relied upon as a determining factor in the approval process.

- (E) The concentration of persons and the temporary street closure will not unduly interfere with proper fire and police protection, or ambulance service, or with the movements of fire and police equipment.
- (F) The event sponsor has not previously held a temporary street closure and demonstrated an inability or unwillingness to conduct an event pursuant to the terms and conditions of this chapter; and
- (G) Written authorization to utilize any public property for such event has been provided.

The City Council reserves the right to approve the temporary street closure with changes, including but not limited to location, date, and time.

§ 16-509 FINANCIAL ASSURANCE/LIABILITY INSURANCE REQUIRED

The event sponsor shall provide proof of liability insurance in the amount of one million dollars (\$1,000,000) and naming the City of Crossville as additional insured for the date and times of the event. Proof of insurance shall be submitted prior to the issuance of a permit. Failure to provide proof of liability insurance will result in the permit being denied.

§ 16-510 NOTIFICATION OF BUSINESSES AFFECTED BY THE TEMPORARY STREET CLOSURE

The event sponsor shall notify in writing the Tennessee Department of Transportation Maintenance Office and all businesses around the temporary street closure, concerning the date and times, at least ten (10) days prior to the temporary street closure utilizing a list to be provided by the City. Failure to provide notification may result in the suspension of the permit by the City Manager and may result in the event sponsor being ineligible for any future temporary street closure permits.

§ 16-511 ANTI-NOISE REGULATIONS

The anti-noise regulations of § 11-402 of the Crossville Municipal Code are applicable for any event requiring a temporary street closure permit.

§ 16-512 NONDISCRIMINATION

The City of Crossville shall uniformly consider each application for a

temporary street closure permit based upon its merits and shall not discriminate in granting or denying permits under this chapter upon political, ethnic, religious, race, disability, or gender related grounds.

§ 16-513 APPROVAL, DENIAL, AND REVOCATION

Permit applications shall be approved, denied, or revoked as follows:

- (A) Approval. The submitted temporary street closure permit application and all requested additional documentation shall be reviewed by the City Clerk and City Manager. Upon review, completed applications that meet the standards provided in this chapter shall be approved for a temporary street closure permit, which shall be issued by the City Clerk to the event sponsor.
- (B) Denial. If a temporary street closure permit application is denied, the reasons for denial shall be identified with reference to the standards in this chapter with which the temporary street closure permit application would conflict. No denial shall be arbitrary, capricious, or without factual basis.
- (C) Revocation. The City Manager or his designee shall have the authority to revoke a temporary street closure permit instantly upon violation of the standards set forth in this chapter or when a public emergency arises where the Crossville Police and/or Crossville Public Works departments' resources required for that emergency are so great that any services provided for the temporary street closure would hinder the welfare and safety of persons or property.

§ 16-514 LIMIT ON NUMBER OF TEMPORARY STREET CLOSURE PERMITS

No individual event sponsor shall be issued more than four (4) temporary street closure permits in a calendar year unless approved by the City Manager for special circumstances. Requests for multiple temporary street closures on one application will not be allowed.

§16-515 EVENT SPONSOR RESPONSIBILITIES


- (A) The event sponsor is required to provide at the event sponsor's expense, adequate rest room facilities either through permanent and/or temporary facilities, for events scheduled more than two hours. Temporary facilities must be removed within 48 hours after the event concludes, unless the event is on a Friday then an additional 24 hours will be allowed.
- (B) The event sponsor is required to provide at the event sponsor's expense, adequate waste receptacles throughout the event area for events scheduled more than two hours. Temporary Waste receptacles must be removed within 48 hours after the event concludes, unless the event is on a Friday then an additional 24 hours will be allowed.
- (C) The City of Crossville reserves the right to require additional traffic

control devices, an Emergency Event plan, volunteer traffic control personnel and/or off-duty police officers. These items shall be deemed necessary upon approval by the City Council or City Manager.


(D) Failure to provide any of the requirements specified for the day of the activity may result in the suspension of the permit by the City Manager or his designee.

This ordinance shall take effect January 1, 2024 and reviewed every year thereafter, the public welfare requiring it.

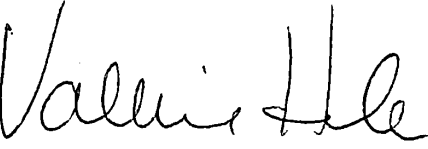

Mayor

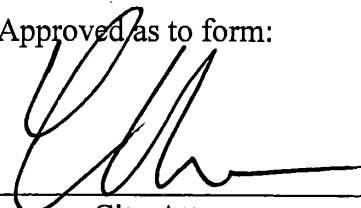

Council Member


Council Member


Council Member


Council Member

Attest:

City Clerk

Approved as to form:

City Attorney

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Passed 1st Reading: July 11, 2023
Passed 2nd Reading: August 8, 2023
Passed 3rd Reading: September 12, 2023