

CHAPTER 4

SPECIAL EVENTS

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12-401. General. Special events sponsored by local groups, associations or individuals and taking place within the town limits impact public safety, solid waste collection, use of public streets and/or right-of-ways but often celebrate heritage, enhance community spirit, improve quality of life, support economic development and provide educational opportunities. (as added by Ord. #2000-14, Sept. 2000, and replaced by Ord. #2005-16, Aug. 2005)

12-402. "Special event" defined. A "special event" is any occasion including but not limited to fairs, shows, exhibitions, city-wide celebrations, and festivals taking place within a specifically defined area of the Town of Jonesborough for a period of time. A special event may include the use of public facilities in the Town of Jonesborough, including, but not limited to parks, streets, alleys, sidewalks, or other municipal owned facilities, and which includes a general invitation to all members of the public to either participate in and/or view such event, or part thereof. Special events may be one-time or recurring occasions. (as added by Ord. #2000-14, Sept. 2000, and replaced by Ord. #2005-16, Aug. 2005)

12-403. Special event permit required. Whenever any person, group, association, club, business, firm or corporation desires to sponsor a "special event," such person, group, association, club, business, firm, or corporation shall first obtain a "special event permit" from the Town of Jonesborough. (as added by Ord. #2000-14, Sept. 2000, and replaced by Ord. #2005-16, Aug. 2005)

12-404. Permit application procedure. (1) Application. Special event permits will be issued only upon the submission of an application filed with the town recorder. Such application must contain the following information:

- (a) Name, description, and purpose of event.
- (b) Name and purpose of sponsoring organization.
- (c) List of pre-events and post-events held in conjunction with the main event. (including parade, fireworks, etc.)
- (d) Days and hours of events.
- (e) Event boundary including a map with city streets showing requested including registration, tents, booths, food, office/administration, etc.
- (f) Estimated number expected to attend.
- (g) Outline of publicity plan with examples of previous efforts, if available.
- (h) Security plan, including crowd control, pedestrian safety, etc., and general request for public safety assistance.
- (i) Emergency procedures, first aid services, and plan for appropriate emergency communication. Also include outline of activities involving moving vehicles and safety related procedures used to avoid or prevent injury.
- (j) Names, street addresses and phone numbers including home phone, work phone and cell phone, and title/area of responsibility of at least two contacts with event sponsors.
- (k) Proof of liability insurance, provided by insurance company and sent, if requested, directly by the carrier to the town recorder.
- (l) A list of anticipated vendors and concession booths. A final revised list of vendors and concession booths shall be filed with the town recorder at least 48 hours before the event begins.
- (m) Services provided by or through the event sponsor. List should include erection of temporary stages or facilities including tents, efforts to address refuse collection, security, etc.
- (n) Services requested from the Town of Jonesborough including:
 - (i) Police and security
 - (ii) Refuse collection
 - (iii) Street cleaning
 - (iv) Event preparation/beautification
 - (v) Signage
 - (vi) Parking
 - (vii) Use of facilities, including days and hours, space and staffing needs.
 - (viii) Communication/publicity
- (o) Detailed clean-up plan stating person or persons responsible, schedule, and any repairs or grounds remediation expected.
- (p) The approximate number of citizens expected to either participate in and/or view the event.

(q) If street closure is requested, a complete listing of such streets or portions thereof, together with the dates and hours of closure.

(r) The payment of a \$35.00 fee for processing the application.

(2) Hold harmless clause required. The special event sponsor shall hold the Town of Jonesborough harmless for any damages or injuries caused by any action or activities of the sponsoring organization. The sponsor shall sign a hold harmless clause approved in form by the town attorney.

(3) Town staff review. The request to hold a special event shall be reviewed by the appropriate town staff. Town staff will work with event sponsors to the extent necessary to clarify and resolve any issues or concerns. Any written comments resulting from the staff review shall be provided to the board of mayor and aldermen before board action is taken. (as added by Ord. #2000-14, Sept. 2000, and replaced by Ord. #2005-16, Aug. 2005)

12-405. Insurance required. (1) A special event permit will be issued by the town recorder only after the sponsor has presented the town recorder with a certificate of insurance, with the Town of Jonesborough named as an additional insured; protecting the town from any and all claims and liabilities arising out of the event, in an amount equal to the upper limits of liability the town is exposed to under the Tennessee Governmental Tort Liability Act at the time of the event.

(2) Insurance coverage shall include all activities and the individuals carrying them out as well as vendors permitted within the special event boundaries.

(3) Any individual or organization carrying out a special event activity within the special event boundary involving the general public, whether on public or private property, shall be covered by insurance with the minimum limits listed above. Proof of coverage shall be obtained through a permit issued through the special event sponsor or through a certificate of insurance provided by the carrier.

(4) Events sponsored by the town shall be covered under the town's general liability insurance policy. (as added by Ord. #2000-14, Sept. 2000, and replaced by Ord. #2005-16, Aug. 2005)

12-406. Board approval required. (1) Approval in part or whole. The board of mayor and aldermen shall review all requests for special events and the associated request for services. At least one of the designated contacts with the event sponsor shall be at the board meeting to answer questions and provide any additional information needed. The board may approve, reject or modify any request in whole or part.

(2) Schedule of approval. Although the board of mayor and aldermen may authorize the carrying out of an event at any time, the board will normally require documentation necessary for a request to be presented to the board for review a minimum of thirty-five (35) days in advance of the special event.

Special events sponsors should submit preliminary event plans with the information outlined in section (9) to the town administrator so the request can be reviewed by the appropriate town staff forty-five (45) days prior to the special event.

(3) Annual action required for recurring special events. Special events that are recurring require the annual approval of the board of mayor and aldermen. The permit application shall provide a schedule for the term of the special event within the special event permit request.

(4) Town sponsored special events. The board of mayor and aldermen may choose to sponsor a special event for any reason. Special events sponsored by the Town of Jonesborough may be approved by the board of mayor and aldermen, at its discretion, through the annual budget process or through the criteria established in this ordinance for all other special events. (as added by Ord. #2000-14, Sept. 2000, and replaced by Ord. #2005-16, Aug. 2005)

12-407. Fee for additional services. If the town determines that the special event is not expected to generate sufficient tax revenues sufficient to pay the town's expected costs for municipal services and utilities over and above the normal level of service provided to the general public, the town may charge the special event sponsor at rates for services rendered that are established by resolution of the board of mayor and aldermen. If the town chooses to levy a fee for additional services, the town shall estimate the fees for additional services which must be paid in advance of the issuance of the special event permit. Upon the conclusion of the special event, the town will itemize its fees for additional services actually provided and will bill the special event sponsor for any unpaid balance or refund any overpayment made. Fees levied for special services provided shall be due upon demand. (as added by Ord. #2000-14, Sept. 2000, and replaced by Ord. #2005-16, Aug. 2005)

12-408. Concession booths and vendors. (1) Definitions. (a) Goods, wares, merchandise shall include but not be limited to fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, crafts, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks.

(b) Vendor or concession booth means any person, traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the Town of Jonesborough. A vendor or concession

booth also includes any transient vendor, street vend, hawker, huckster, itinerant merchant, or persons or companies providing services for fees or other compensation.

(2) General. The special event sponsor shall be in charge of all concession booths and vendors. The sponsor shall determine what booths and vendors shall be allowed, and see that they comply with all ordinances, statutes, rules, and regulations, including, but not limited to, public health, safety requirements, and anti-discrimination laws. The special event sponsor shall also issue an identification badge to each vendor or concession booth operator.

(3) Vendors or concession booths shall not obstruct the entrance or display windows of fixed location businesses without the permission of the owner of the affected business. In no event shall a vendor or concession booth obstruct pedestrian access to other neighboring fixed located businesses.

(4) No vendor or concession booth shall be permitted to operate in the following areas of public space:

(a) Within ten (10) feet of any street intersection or pedestrian crosswalk, unless the street intersection is closed as part of the special event;

(b) Within five (5) feet of any driveway or loading zone;

(c) Within five (5) feet of any parking space or access ramp designated for persons with disabilities;

(d) Within ten (10) feet of a fire hydrant or fire escape. In no event, vendors or concession booths shall not obstruct public sidewalks.

(5) No vendors or concession booths shall be allowed within the boundary of the permitted special event without the approval of the special event sponsor or the board of mayor and aldermen.

(6) Vendors operating outside of a special event boundary must obtain a separate permit in the name of the vendor. (as added by Ord. #2000-14, Sept. 2000, and replaced by Ord. #2005-16, Aug. 2005)

12-409. Sales tax. Sales booths and/or activities, in which fees are charged, if allowed, shall be governed by the state flea market rules for license to sell. It shall be the responsibility of the special event sponsor to ensure that all individuals and groups permitted to conduct sales through the special event have paid any applicable local or state fee for sales, and to verify that all booths or fee generating activities are properly licensed. Upon request, permit and sales tax information for all permitted special event vendors and activities shall be provided to the town recorder within fifteen (15) days of the last day of the special event. (as added by Ord. #2000-14, Sept. 2000, and replaced by Ord. #2005-16, Aug. 2005)

12-410. Rules and regulations. (1) Alcoholic beverages. Alcoholic beverages of any kind in public use areas, which includes parks, public buildings, grounds, streets, sidewalks and other such public areas, are

prohibited except as may be authorized by permit under the ordinance of the town.

(2) Cancellation. The town reserves the right to cancel a special events permit if it is determined that the information provided is inaccurate or false, that the intended use is actually different than stated, or that the activities taking place create an unanticipated threat to public property or a public safety hazard.

(3) Compliance with town policies and ordinances and other laws. The event sponsor shall comply with all Jonesborough ordinances and policies and all local, state and federal laws, and will to the extent possible see that event participants comply as well.

(4) Fires. Fires or burning in the public areas within boundaries is prohibited. This restriction shall not apply to the use of grills or other such devices approved for use by vendors, or as specifically authorized in other designated areas through the special event application.

(5) Firearms. No person shall possess, carry or discharge any firearm, shotgun, rifle, pistol, bow and arrow, crossbow, blowgun, slingshot, BB gun, air gun, or paint gun in the special event boundary. This restriction shall not apply to duly authorized law enforcement officers acting in their official duty or to any town employee duly authorized by the Jonesborough Board of Mayor and Aldermen. The board of mayor and aldermen may permit the use of firearms in demonstration exercises, training supervised by qualified personnel, and may authorize "turkey shoots" or other such competitions or demonstrations of skill when the board determines such activity is in the public interest and the necessary safeguards for public safety are in place. "Firearm" means any device designed, made, or adopted to expel a projectile by the action of an explosive or any device readily convertible to do so.

(6) Fireworks, explosive devices. Fireworks, firecrackers, or any such explosive devices are prohibited from the special event area boundary. This restriction shall not apply to any explosive device utilized by duly authorized law enforcement officers acting in their official duties, or as a fireworks display or similar activity approved by the board of mayor and aldermen through the special event permit process.

(7) Non discrimination. It is the policy of the Town of Jonesborough to not discriminate against any person, group or organization based on the grounds of race, color, religion, gender, or national origin. Special event sponsors shall not discriminate against any person, group or organization based on the grounds of race, color, religion, gender, national origin except as may be allowed under state or federal law.

(8) Trash and refuse. Special event sponsors shall be responsible for picking up trash and refuse generated from their event in parks, parking lots and sidewalks. It is the responsibility of the special event sponsor to place trash and refuse collected in a location(s) approved by the public works director or town administrator. If proper disposal containers are not available, it shall be

the responsibility of the special event sponsor to collect trash and refuse and place it in a location that does not restrict normal activity but is also available for easy collection. (as added by Ord. #2000-14, Sept. 2000, and replaced by Ord. #2005-16, Aug. 2005)

12-411. Enforcement. Enforcement of permitting requirements outlined in this ordinance shall be the responsibility of the town recorder and the department of public safety. Any violation of these permitting requirements shall be a misdemeanor and subject to the fines associated thereof. (as added by Ord. #2000-14, Sept. 2000, and replaced by Ord. #2005-16, Aug. 2005)