

## ORDINANCE O-2018-002

### CHAPTER 3

#### SPECIAL EVENTS

**16-301. Purpose.** It is the general purpose of and intent of this section to require a permit for special events or activities. A special event is an event such as a festival, fair, carnival or other type of promotion that is outside the customary or usual activities conducted on the property where the special event will take place, or an event held on public property, including but not limited to a parade. It is a temporary outdoor use that extends beyond the normal business activities and is designed to draw large crowds to promote a specific charity, cause, city-wide event, hobby or festival.

**16-302. Performance Standards.** Special events shall comply with the following standards:

(1) Location.

- a. Special events that do not require the use of public right-of-way shall be conducted on private property in a commercial or manufacturing zoning district, except that non-profit organizations may conduct special events on any property where the owner has granted permission.
- b. For all special events that require the use of public right-of-way, the permit granted shall clearly specify the streets to be used for the event and the time that the streets will be closed, if applicable.

(2) Land-use compatibility.

The special event shall be compatible with adjacent land uses. The special event shall not impair the normal, safe and effective operation of a permanent use on the same site. The special event shall not endanger or be detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the special event, taking into consideration, among other things, the nature of the special event, its location on the site and its relationship to parking and access points.

(3) Compliance with other regulations.

- a. Compliance with the Building Code: All structures shall meet all applicable provisions of the Building Code. Any temporary structure shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event, the site shall be returned to its previous condition, including the removal of all litter, signage, attention-attracting devices or other

evidence of the special event. If the site is not returned to its previous condition, the City may restore the site at the event coordinator's expense.

- b. Compliance with the Fire Code. All special events shall meet all applicable provisions of the Fire Code and Life Safety Code. A Public Safety Plan is required for any indoor or outdoor gathering of persons that has an adverse impact on public safety, including but not limited to diminished access to buildings, structures, fire hydrants or fire apparatus access roads, or where the gathering adversely affects public safety services of any kind.

The Fire Chief or his designee shall be consulted for the following requirements and inspections as necessary:

1. All temporary cooking operations.
  2. A fire department access road a minimum of 20 feet in width and 13.6 feet in height shall be provided to within 150 feet of all structures and on at least on two sides of all two-story structures within 500 feet of the special event, unless the Fire Chief or his designee approves otherwise.
  3. A minimum of five (5) feet of clearance shall be provided around all fire hydrants within the event area and shall be accessible from the fire department access road(s).
  4. Open burning, recreational fires and portable outdoor fire places shall not be permitted without approval of the Fire Chief or his designee.
  5. Fire extinguishers shall be sized and placed as determined by the Fire Chief or his designee.
  6. All temporary electrical wiring for the special event shall meet the requirements of the National Electrical Code.
  7. A Fire Watch shall be maintained during the event. For purposes of this section, "Fire Watch" means a temporary measure intended to ensure continuous surveillance of an event or portion thereof by one or more qualified individuals for the purpose identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.
- c. Environmental Impacts: The special event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution, unless specifically authorized by the permit.
  - d. Area of parking lot dedicated to outdoor special events: No more than ten (10) percent of the parking stalls required for the structure associated with the parking lot in which the special event occurs shall be permitted to be used for a special event. Regardless of how many stalls are occupied by the special event,

no special event that occurs in the parking lot for a permanent structure may cause a parking shortage for primary and accessory uses associated with that structure.

- e. Public Damage: No spikes, nails, anchors or other devices shall be driven into any public street, sidewalk or parking lot surface or into any existing concrete or asphalt. Such devices may be used on private parking lots provided any damage resulting therefrom is repaired upon cessation of the event and removal of the devices.
- f. City Services: If the applicant requests that City provide services or equipment, including but not limited to traffic control or security personnel, or if the City otherwise determines that services or equipment are required to protect the public health, safety, or general welfare, the applicant shall reimburse the City for the cost of the services, according the schedule of fees adopted by the City.

### **16-303. Operating Regulations.**

(1) The operator(s) of all Special events at which alcohol, or food is served, inflatable amusement devices are used, goods or services are sold, fireworks are used, or bonfires are lit, must also obtain all required licenses, approvals, and permits for such activities. A special event is also subject to the following:

- a. Signage
  - a. A Main Event Sign on the premises of the event may not be larger than 100 Square feet
  - b. Off Premise Directional signs must receive the approval of the City as to location and number, and no such sign may be larger than 32 square feet
  - c. Any internal signage for vendors, directional signage for parking, or sponsorship signage may be no larger than 32 square feet, and must be oriented to be visible primarily to the special event participants.
- b. Vendors
  - a. All vendors must obtain all required state and local licenses, including but not limited to health, business licenses, as well as tax identification numbers.
  - b. Vendors must be at the special event primarily to serve the participants.
  - c. Vendors may operate only during the operating hours of the event.

**16-304. Criteria for Approval.** All applications for a special event permit shall be submitted to the Special Events Coordinator appointed by the City Director of Planning and Development, and shall be reviewed and acted upon by a Special Events

Committee (hereinafter referred to as the “Committee” ) of no fewer than 9 members, appointed by the City Administrator.

(1) When reviewing a request for a special event permit, the Committee may establish any additional conditions deemed necessary to ensure compatibility with adjacent land-uses and to minimize potential adverse impacts on nearby uses, including but not limited to the following:

- a. Limitations on signs.
- b. Temporary arrangements for parking and traffic circulation.
- c. Requirements for screening/buffering and guarantees for site restoration and cleanup following the special event.
- d. Modifications or restrictions on the hours of operation, duration of the event, size of the event or other operational characteristics.
- e. The provision of traffic control or security personnel to ensure the public safety and convenience.

(2) The Committee shall have the right to deny a special event permit for any reason whatsoever deemed sufficient by the Committee, including but not limited to: fraud, incompleteness of application, conflicts in time and location with other special events, timing of the event, location of the event, problems with past events by the same applicant or group represented, potential damage to public property, disapproval of site owner or property owners, potential harm to the public, noise, potential abuse of animals, lack of sanitary facilities for waste, site incapacity to handle crowds, disruptions to adjacent businesses by blocking of access to facilities, or any other unsafe conditions.

(3) The Special Events Committee may waive the requirements of municipal ordinances that would unduly interfere with the special event. Such waivers will be enumerated on the permit at the time of issuance, along with any stipulated conditions.

### **16-305. Fees and Deadlines.**

(1) All applications must be completed 60 calendar days prior to the start of the event. Applications shall be submitted on-line with all required questions answered and submittals provided. Any application submitted less than 60 days prior to the event will be subject to a late fee. No application submitted 15 days or less from the start of the event will be considered.

(2) A Non-refundable application of \$100 must be submitted with the completed application. A late fee of \$100 will be assessed for any application submitted less than 60 days prior to the event. If the primary sponsor of the event is an organization

exempt from tax under Section 501 of the Internal Revenue Code, \$100 of the applicable fees may be waived.

(3) Upon review of the permit application, the Committee will determine the appropriate charges for the required City services, if any. The total of such charges must be paid prior to the issuance of the Permit.

(4) If the event is cancelled at least to 15 days prior to the event, any charges paid to the City for services not provided will be refunded.

#### **16-306. Co-Sponsorship.**

(1) Upon approval by the Board of Mayor and Aldermen, the City may co-sponsor events, including but not limited to events sponsored by the Sevierville Chamber of Commerce or the Sevierville Commons Association, or events sponsored by Sevier County when County events are held around Courthouse Square.

(2) If an event is co-sponsored by the City, some or all of the applicable fees and charges may be waived by the Committee in exchange for the prominent display of the City's logo on all advertising, or upon such other terms and conditions as the Committee may determine.

**16-307. Liability.** Special event permit recipients must show proof of liability insurance at time of application, in an amount and in a form satisfactory to the City's Risk Manager. If the special event is to take place on public property, said certificate of insurance shall name the City as an additional insured in an amount determined by the City Risk Manager based on the nature of the special event.

#### **16-308. Review and Appeal Process.**

(1) All completed applications will be certified as complete by the Special Events Coordinator and submitted to the Committee, as designated by the City Administrator, for review, comment and approval.

(2) The Committee may approve a permit, deny a permit, or approve it with conditions. An appeal from the decision of the Committee is to the Planning Commission, which shall consider the matter according to its usual procedures.

(3) The provisions of this Chapter shall govern special events as defined herein. Any provisions of the Sevierville Municipal Code inconsistent with the provisions of this Chapter shall be deemed to not apply to special events as defined in and regulated by this Chapter.

**16-309. Penalty for Non-Compliance.** Any person violating any provision of this Chapter shall be subject to a fine of not more than fifty dollars (\$50.00) for each violation. In addition, violators may be denied permits for future special events. The City may also maintain an action in any court of competent jurisdiction for recovery of all damages suffered by the City as a result of said violations.

APPROVED: \_\_\_\_\_  
Bryan C. Atchley, Mayor

ATTEST:

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Lynn K. McClurg, City Recorder

Passed on *1<sup>st</sup> reading*: 1/22/2018

Passed on *2<sup>nd</sup> reading*: 02/05/2018

Passed on *3<sup>rd</sup> reading*: