

## **CHAPTER 50 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 50-1. - Penalty.**

Except as otherwise stated in this article, violations of this article shall be punished as provided in section 1-10.

#### **Sec. 50-2. - Obstruction of right-of-way.**

- (1) No person shall place or cause to place in any street and/or sidewalk debris, rubbish, irrigation water, boxes, displays, signs, poles, goods, merchandise, or any other object so as to impede and/or endanger traffic on streets and/or sidewalks.
- (2) No person or company shall construct or maintain a drive, yard, or lot constructed of gravel, pebbles, or stone in such a manner that vehicles cause loose stones, pebbles or gravel to be thrown on to the adjacent street and/or sidewalk.
- (3) Any personal property placed on the right-of-way following an eviction is removed within 24 hours of physical eviction unless an extension of time is requested on behalf of the evicted tenant. For purposes of this chapter, such property is deemed abandoned property 24 hours following eviction unless the landlord by contract specifies a shorter time. If the property is not removed within 24 hours, the Town may commence removal and cite the property owner.

#### **Sec. 50-3. - Use by public utilities.**

Any public utility occupying or utilizing in any manner the Town streets, rights-of-way, easements, or any other Town property shall enter into a franchise agreement with the Town within a reasonable time period of commencing operations or activities with such time period not to exceed the term of 60 days; unless the Town Council grants an extension to such time period. A utility not currently granted a franchise agreement with the Town which shall use and occupy any Town streets, rights-of-way, easements, or on any other Town property is liable to the Town for the payment of reasonable franchise fees commensurate with those fees charged to similarly situated public utilities.

#### **Sec. 50-4. - Utility permits.**

No utility shall perform any construction, repairs or improvements in the public right-of-way without a permit issued by the director of the department of public works as designee. Such permit is issued upon a showing that there will be compliance with the utility permits, policies, and guidelines, which publication is hereby adopted by reference.

#### **Secs. 50-5—50-23. - Reserved.**

### **ARTICLE II. - INSTALLATION, REPAIRS AND MAINTENANCE**

#### **Sec. 50-24. - Penalty.**

Except as otherwise stated in this article, violations of this article shall be punished as provided in section 1-10.

#### **Sec. 50-25. - Permit required.**

- (1) No person or company shall perform construction work in the street right-of-way without a permit issued by the Town department of public works. Such permit is posted at the construction site at all times. Such construction must conform to the construction/maintenance guidelines and specifications of the Town and/or the state department of transportation.
- (2) No person or company shall construct a drive or entrance to any public road without a permit from the Town department of public works.
- (3) It is unlawful for any person to construct any permanent feature such as an irrigation system, sign or fence in the street right-of-way without a permit from the Town department of public works.

**Sec. 50-26. - Permit procedure.**

Any permit shall indicate in writing the following:

- (1) All proposed repair, work, maintenance, or alteration to existing Town sidewalks or streets, including, when possible, proposed measurements and plats of any repair, alteration, or maintenance.
- (2) A statement attesting to compliance with applicable local, state, and federal laws.

The department of public works is authorized to establish additional guidelines for applying for permits. Said guidelines are consistent with this Code and must be approved by the Mayor. Permits are issued upon a showing that the work to be permitted will comply with all applicable laws, ordinances and standards.

**Sec. 50-27. - Road signage and warnings.**

- (1) Each person or company to whom a permit has been issued to perform construction work in the street right-of-way shall place appropriate traffic devices and signage as dictated by the current edition of the Manual on Uniform Traffic Control Devices.
- (2) It is unlawful for any person, firm, or corporation who obtains a permit under this chapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk, or public place of the Town without placing and maintaining proper guardrails and signal lights or other warnings at, in or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries.

**Sec. 50-28. - Repair after excavation.**

- (1) When any part of any street, alley, or other property of the Town is torn or dug up for any purpose, the person or company performing such construction work shall promptly restore the street, sidewalk, and landscaping to a condition as good as or better condition than before the construction commenced.
- (2) The Town department of public works may conduct a final inspection to ensure that the street, sidewalk, or public way is restored to a condition as good in all respects as before the excavation or work was made or done, and that all debris, materials, tools, and equipment are removed.

**Sec. 50-29. - Creation of roads.**

The Public Works Director or his designate shall approve the design for any new roads within the Town.

**Sec. 50-30. - Creation of sidewalks.**

Sidewalks are installed as follows:

- (1) All owners, developers, or occupiers of parcels of land where a development permit or building permit is issued is required to provide a sidewalk adjacent to any public street along the entire lot frontage.
- (2) The sidewalk is installed and the construction accepted by the director of the department of public works or his designee prior to a certificate of occupancy being issued for any building or structure for any lot or project on the designated sidewalk side of the roadway. Such sidewalk shall conform to the American Association of State Highway and Transportation Officials (AASHTO) and Americans with Disabilities Act (ADA) requirements and to all applicable overlay district guidelines and standards.
  - (a) In the case of non-single-family development, sidewalks are required to be represented on design plans and development plans and installed in accordance with such plans along the total property frontage on public streets as required by the director of the department of public works.
  - (b) In the event of private roadways in non-single-family developments, sidewalks are installed as required and approved by the director of the department of public works.
  - (c) Where the director of the department of public works determines the topography of the road frontage is such that a special hardship exists on the property, he may authorize a payment to the Town in lieu of the required installation of the sidewalk. Criteria is established for all such approved hardships by the director of

the department of public works to determine how the amount of payment will be calculated. Such criteria to determine the method of calculating such payment is approved by the Mayor or thereupon may be amended by the Mayor thereafter upon recommendation of the director of the department of public works.

- (d) Where trees exist or other conditions exist, the director of the department of public works may require the sidewalks to meander in the right-of-way or into the lot where the permit is being sought. The director of the department of public works may encourage all sidewalks to meander where conditions allow such to occur.
- (e) The director of the department of public works shall require the sidewalk to be installed at least two feet from the edge of the road pavement or the back of curb along the road unless the director determines a practical difficulty exists. Where the director has determined a practical difficulty exists, the sidewalk is installed no closer than the edge of the road or the back of the curb.
- (f) Exceptions. This section shall not apply to any lot or parcel for which a development permit or building permit is issued but where the community development director determines that the permit is for an accessory use or structure to the principal use or structure or for minor repairs or additions to the principal building or structure in existence.
- (g) Along public roads where a Town sidewalk project is being or has been awarded for construction, the director of the department of public works may accept payment in lieu of the actual installation of the required sidewalk where, in his opinion, the acceptance of funds would be appropriate. Any payment in lieu of the installation of the required sidewalk is in an amount determined by the director of the department of public works or his designee. The funds received are deposited in an account of the Town and restricted to use for the installation of sidewalks.
- (h) The installation of the required sidewalk is completed prior to a certificate of occupancy being issued for the building or structure on the affected parcel.

**Sec. 50-31. - Existing sidewalks.**

- (1) For any land or building development where sidewalks are required as outlined in section 50-30, and there is an existing sidewalk along the road or street frontage, an inspection of the sidewalk is made by the director of the department of public works or his agent. If the inspection shows the sidewalk is deficient or does not exist along the entire frontage, the owner must construct or repair the sidewalk to current design specifications including material revisions, such as concrete to brick, as required by the director of the department of public works.
- (2) The property owner is required to maintain the sidewalk along the entire lot frontage by maintaining the grass or landscaping installed between the sidewalk and the edge or curb of the roadway. This section applies to newly created sidewalks.
- (3) No person is permitted to erect any drain, gutter, downspout, valley, flat, or sloping roof of any character that will in any manner drain or shed water on any sidewalk of this Town.

**Secs. 50-32—50-50. - Reserved.**

**ARTICLE III – ASSEMBLAGES IN PUBLIC PLACES**

**DIVISION 1. - GENERALLY**

**Sec. 50-51. - Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Mayor* means the Mayor of the Town of Trion, Georgia. The Mayor may delegate his authority or be assisted by other employees as required.

*Event* means any march, meeting, demonstration, picket line, procession, motorcade, rally, or gathering for a common purpose, consisting of persons, animals, or vehicles or a combination thereof upon or in the streets, parks, or other public grounds within the Town that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or that endangers or has the possibility of endangering the public's health, safety, or welfare.

*Organization or group of private persons* means a group of three or more persons, or their representatives, acting as a unit.

*Private purpose* means any purpose not commanded or directed by law, statute, ordinance, or regulation to be performed.

**Sec. 50-52. - Violations and penalties.**

Any person who violates, or fails to comply with, any provision of this article may be punished as provided in section 1-10.

**Sec. 50-53. - Exceptions.**

This article shall specifically not apply to funeral processions; neighborhood parades, provided activities remain solely within the boundaries of such neighborhood; sporting events; school students going to or from classes or participating in properly supervised and sponsored activities; governmental entities acting within the scope of their functions; and other activities as provided for by law or regulation.

**Sec. 50-54. - Duties of Mayor.**

The Mayor or designee shall have the following duties:

- (1) To prepare and provide the necessary forms for the application of a permit and for the submission of any required information needed to review an application, administer, and enforce this article.
- (2) To review an application submitted for completeness and to collect a permit licensing fee in the amount to be determined by resolution of the Council which is equal to the administrative costs of processing the application plus the costs for the use of Town services or property, unless the activity is conducted for the sole purpose of public issue speech protected under the First Amendment for which no costs are assessed for Town services and property.
- (3) To designate or coordinate sites and set time schedules; to coordinate with county authorities; and, where appropriate, to receive the approval of the state department of transportation, the county sheriff, or other necessary public officials.
- (4) To issue a permit within ten days of receipt of an acceptable and complete application.
- (5) To deny a permit within ten days of receipt of an application if the application is not complete or if any of the circumstances described in section 50-82 are found to be existing.

**Secs. 50-55—50-79. - Reserved.**

**DIVISION 2. - PERMIT**

**Sec. 50-80. - Required.**

Every person, organization, or group of private persons wishing to use public property or public roads in the Town for an event is required to obtain a permit from the Town for the privilege of engaging in the event within the Town, unless such permit is prohibited under state law or the event is otherwise protected from this requirement by federal or state law.

**Sec. 50-81. - Application.**

Every person, organization, or group of private persons required to procure a permit under the provisions of this article shall submit an application for the permit to the Mayor, which application shall conform to the requirements of this article in addition to the following:

- (1) Unless otherwise provided herein, each application is a written statement upon forms provided by the Town and submitted to the Mayor within a reasonable time prior to the planned event for security purposes, verifications, and arrangements. A reasonable time shall in this instance be construed to mean a time of at least 15 days but no more than 60 days prior to the planned event. The Mayor shall act upon the application within ten days of the receipt of a completed application. A person may make an emergency application to the Mayor's office if an unforeseen circumstance arises requiring a response within less than ten days. The Mayor shall have discretion to determine if an emergency exists and, subject to this article, grant or deny such permit.
- (2) Each application shall set forth the following information:

- (3) The name, address, and telephone number of the person, if the applicant is an individual, or the name, address, and telephone number of an applicant corporation, partnership, organization, or group;
- (4) Date, time, and location where the proposed event is to take place, including proposed routes of travel on public streets to be used for the event;
- (5) Description of activity involved with the event;
- (6) An approximate number of persons, animals, and vehicles which will be involved with the event;
- (7) Names, home addresses, and telephone numbers of individuals involved with the applicant, if not an individual, who have oversight responsibility for the organization and conduct of the event on behalf of applicant;
- (8) A description of any recording equipment, sound amplification equipment, signs, or other attention getting devices proposed to be used during the event;
- (9) Plans for disposal of trash and clean-up of the event area; first aid provisions; vehicle and trailer storage provisions; and toilet facilities available to event participants; and
- (10) Any additional information which the Mayor may find reasonably necessary to the fair administration of this article which may include a complete record of all arrests and convictions against the applicant and every partner, officer or director of the applicant for violations of any and all laws and ordinances of the Town, county, state, or federal government, other than minor traffic violations.
- (11) The application is signed and sworn to by the applicant if an individual, or by a partner, if a partnership, or by an officer, if a corporation.
- (12) All information furnished or secured under the authority of this article is kept and maintained by the Town and is utilized only by the officials of the Town responsible for administering these provisions.
- (13) Any false statement in an application for a permit may be grounds for revocation or denial of the permit application.

**Sec. 50-82. - Procedure for application review.**

- (1) Upon receipt of a complete application for permit, the Mayor shall have it reviewed by the Town departments, the services of which may be impacted by the event.
- (2) Upon receiving reports from the Town departments, the Mayor shall consider the impact of the event as whether it will unreasonably disrupt and obstruct the necessary flow of pedestrian or vehicular traffic or endanger the public's health, safety, or welfare.
- (3) As part of the Mayor's review, conditions may be made for alternate routes and locations of the event to ameliorate issues of traffic flow and public safety, which conditions shall attach to the permit, if issued.
- (4) The Mayor shall also review an applicant's plans for:
  - (a) Trash clean up and disposal provisions
  - (b) First aid provisions
  - (c) Vehicle and trailer storage provisions; and
  - (d) Toilet facilities available to participants.

Should the Mayor determine an applicant's plans presented for these services to be inadequate, the application may be denied.
- (5) Upon completion of the review of the application, the Mayor shall issue a permit for the event, including its proposed routes of travel, if the Mayor finds the event can occur without unreasonably impacting upon the use of

the public streets, public property, and resources of the Town and without endangering the public's health, safety, and welfare.

- (6) Any person whose application under this article is denied by the Mayor may appeal such denial within three business days after the denial to the Town Council, which shall consider such appeal at the next regularly scheduled meeting following the filing of the appeal.
- (7) The Council, in considering the appeal, shall determine if good cause exists for denial of the permit and, after hearing and receiving all evidence, shall either uphold the decision of the Mayor or reverse the decision and grant a permit. In reversing, the Council may attach any requirements deemed necessary to the permit, as conditions to its issuance for protection of the public health and safety.
- (8) The Town hall grounds may not be used for holding a parade, assembly, demonstration, or other event on any weekday prior to 8:00 a.m. or after 5:00 p.m. or on any Sunday prior to 1:00 p.m. or after 5:00 p.m.

**Secs. 50-83—50-107. - Reserved.**

**ARTICLE IV. - SPECIAL EVENTS**

**Sec. 50-108. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Producer* means any person responsible for planning, producing and conducting a special event.

*Special event* means any organized for-profit or nonprofit activity having as its purpose entertainment, recreation and/or education which (i) takes place on public property or (ii) takes place on private property, but requires special public services and which is permitted by the Town under this article. Gatherings or activities that take place on private property and that make no use of Town streets, other than for lawful parking, are not subject to the provisions of this article, but shall comply with all other requirements specified by ordinance as to the use of residential property. No special event shall be allowed to exceed six days in any 30-day consecutive period of time.

By way of example, special events include, but are not limited to, fairs, tours, grand opening celebrations, races, parades, marches, rallies, assemblies, festivals, concerts, holiday celebrations, bicycle runs, and block parties. Private social gatherings which will make no use of Town streets other than for lawful parking are not included. Garage sales, lawn sales, rummage sales, flea market sales, or any similar casual sale of tangible personal property are not included.

A parade, march, or procession subject to this article is defined to be a group or number of people or vehicles, or the combination thereof, consisting of five or more vehicles and ten or more persons, or a combination of three or more vehicles and five or more persons, proceeding or moving in a body or in concert along the streets or sidewalks of the Town. Specifically excepted from this definition are funeral processions.

*Vendor* means any person or persons or entity who engages in the sale to the public of any food or food products, goods, services, or merchandise of whatever nature from any location, either mobile or stationary, on a temporary itinerant basis on any public street, sidewalk, or right-of-way as an authorized participant of the special event.

**Sec. 50-109 - Penalties for violation.**

Violation of any of the sections of this article or any part thereof shall be punished as provided in section 1-10.

**Sec. 50-110. - Permit conditions.**

- (1) It shall be unlawful for a special event to occur in the Town without having first obtained a permit for such special event.
- (2) All permits issued pursuant to this article shall be temporary and shall not vest in the holder any permanent property rights in a permit.
- (3) The location of a special event must comply with all existing zoning requirements of the Town, and there must be sufficient lawful parking available. An application for a permit shall be subject to review of the director of the

department of community development to determine compliance with zoning requirements. Administrative exceptions are subject to the approval of the Mayor.

- (4) Parades, marches, and processions shall follow such designated route or routes as may be on file with the Mayor and shall be preceded by a police vehicle.
- (5) Unless specifically provided otherwise, a special event is subject to and must comply with any and all other applicable ordinances of the Town.

**Sec. 50-111. - Application.**

- (1) The producer of a special event shall make application for a permit for the special event on a form prescribed by the Town.
- (2) An application for a special event permit shall be filed at least 60 days prior to the date the special event is scheduled to take place; provided, however, no application shall be accepted earlier than one year prior to the date of the special event.
- (3) Each application for a special event permit shall be accompanied by a nonrefundable application fee in such amount as may be set from time to time by resolution of the Town Council.
- (4) All producers of a special event shall be properly identified on the application; provided, however, a special event permit shall be issued only to an individual person. Therefore, if a group, organization, association, or other entity is producing the special event, a designated agent of the producer shall be named for purposes of the permit, and this individual shall be solely and fully responsible for compliance with all provisions, including all financial requirements of this article and other applicable laws.
- (5) The application shall include the following information:
  - (a) Purpose of the special event;
  - (b) Name, address, e-mail address, and telephone number of the sponsoring entity or person in addition to the person named in subsection (d) of this section;
  - (c) Proposed date, location, and hours of operation, but in no event earlier than 8:00 a.m. nor later than 11:00 p.m. in residential zoned locations and in no event earlier than 8:00 a.m. nor later than 12:00 midnight in commercial zoned locations;
  - (d) Schedule of proposed activities;
  - (e) Projected attendance at the special event;
  - (f) Plans for parking, restroom facilities, and sanitation concerns;
  - (g) Plan for crowd and traffic control.
  - (h) In addition, the Town or any of its departments may require any other information deemed reasonably necessary to determine that the permit meets the requirements of this article.
- (6) Two copies of a to-scale survey of the proposed location for the special event shall accompany the application and shall accurately depict the proposed location of the special event, all buildings, structures, parking, and curb cuts permanently located on the site. The survey shall further show the proposed temporary location of any and all buildings, structures, and parking to be associated with the proposed special event. Moreover, the entire location shall comply with the Town's standards for setbacks.
- (7) Each Town department and/or agency whose services would be impacted by the special event shall review the application and recommend in writing any conditions or restrictions deemed necessary. Special conditions or restrictions recommended by the Mayor, or his designee, shall become a condition of the permit.
- (8) The following standards shall be considered in reviewing the application:

- (a) A special event permit may be issued only after an adequate plan for crowd and traffic control, as well as security, and, when deemed necessary, employment of off-duty uniformed and P.O.S.T. certified police officers has been verified by the Town and obtained by the producer.
- (b) A special event permit may be issued only after an adequate plan for fire inspection/prevention and/or fire code enforcement and, when deemed necessary, employment of off-duty uniformed fire personnel has been verified by the Town and obtained by the producer.
- (c) A special event permit may be issued only after an adequate EMS plan and, when deemed necessary, employment of off-duty medics who are state-certified EMT or paramedics has been verified by the Town and obtained by the producer.
- (d) A special event permit may be issued only after adequate waste disposal facilities have been determined by the Town and obtained by the producer. The producer shall be required to clean the right-of-way or public property of rubbish and debris, returning it to its pre-special event condition, within 24 hours of the conclusion of the special event. If the producer fails to clean up such refuse, cleanup shall be arranged by the Town, and the costs incurred for this service shall be charged to the applicant.
- (e) A special event permit granted by the Town may provide for the Town to close designated streets and intersections to allow use of the public right of way for the special event during designated hours and days.
- (f) The sound level of any special event must comply with the Town noise ordinance (section 38-81 et seq.).
- (9) After all of the requested information pertaining to the special event has been submitted, reviewed, and approved, a permit may be issued upon payment of all applicable fees and costs. The special event permit, as well as any other permits required in conjunction with the special event, shall be posted on site during the special event.
- (10) Should a permit be denied, the producer shall be notified in writing of the denial.

**Sec. 50-112. - Permit fees.**

- (1) Each Town department and/or agency whose services would be impacted by the special event shall itemize the departmental activity required for the special event, showing the hourly rate and the actual and reasonable total cost. The "total costs to the Town" shall be the sum of each department's costs. The Mayor shall determine and calculate a reasonable fee to reimburse the Town for its services.
- (2) A cash bond may be determined to be appropriate by the Town, and in this event the Town shall advise the producer of the amount, and this bond shall be remitted to the Town before the special event permit is issued.
- (3) The initial permit fee shall be paid in full prior to the issuance of the permit and in any event no later than 72 hours prior to the date of the event.
- (4) The fees required in this article shall be in addition to any other fees which may be required by any other applicable ordinances or regulations.
- (5) No producer of any special event, except as may otherwise be provided herein, shall be exempt from the payment of the appropriate fees and charges required under this article.
- (6) Should a producer desire to have use of any equipment owned by the Town, such as barriers, traffic cones, and the like, an additional fee, as may be established from time to time by resolution of the Town Council, shall be paid so as to cover the reasonable cost for use of the equipment, as well as the delivery and return of the items by Town employees.
- (7) Notwithstanding any provision to the contrary, the producer of any special event associated with and benefiting the cause of a charitable organization, recognized as such by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code, shall be excused by the Mayor from the permit fee requirement, but may be required to post the bond described in subsection (b) of this section. Criterion to be considered in determining the appropriateness of requiring a bond shall include the impact of the event on the cost of services to be provided by the Town and on the general public health, welfare, or safety of the Town.

**Sec. 50-113. - Liability.**

- (1) At the discretion of the Town, prior to issuance of a permit, the producer shall provide to the Town proof of comprehensive liability insurance naming the Town as an additional insured. The insurance requirement is a minimum of \$300,000.00 personal injury per person, \$1,000,000.00 maximum, and \$100,000.00 property damage against all claims arising from permits issued pursuant to this article.
- (2) The producer of any special event shall provide a written agreement in a form satisfactory to the Town providing the producer shall defend, pay, and save harmless the Town, its officers, employees, and agents from liability of all personal or property damages arising from any acts or omissions emanating from a special event and from any and all claims, attorney fees or lawsuits for personal injury or property damage arising from or in any way connected to the special event. The agreement shall be filed with, and made a part of, the application form.
- (3) The Town, its officials, employees, or agents shall not incur any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit has been issued. The Town, its officials, employees, or agents shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of the right-of-way or other public property.

**Sec. 50-114. - Vendors of food and merchandise.**

- (1) The sale of food and/or merchandise by vendors shall be allowed as a component of a special event provided each vendor is authorized to participate in writing by the producer of the event and provided further each vendor shall be subject to all conditions and limitations as shall be imposed in writing by the producer and submitted as part of the application for a permit.
- (2) The producer of a special event shall have sole responsibility and control of all food and merchandise vendors as a component of a special event and to designate the location and activities of such vendors.
- (3) Authorized vendors of the producer, providing food and/or merchandise, shall not be required to obtain a separate vendor permit to operate during the special event.
- (4) Notwithstanding the provisions of subsection (c) of this section, food vendors authorized by the producer shall be required to comply with rules and regulations of the county health department as to the preparation and service of food.

**Sec. 50-115. - Miscellaneous provisions regarding vendors.**

- (1) Each vendor authorized by the producer of the special event shall prominently display on his or her person a badge provided by the producer and identifying the vendor as an authorized participant in the special event which shall bear the signature of the producer or his designated agent.
- (2) It shall be unlawful for any vendor not authorized by the producer as provided herein to engage in any business within a distance of 100 yards of the special event from one hour before the start of the special event, and until one hour after the special event.
- (3) A special event permit granted by the Town may provide for the Town to close designated streets and intersections to allow use of the public right-of-way for the special event during designated hours and days. The producer shall bear all responsibility for having all vendors remove any structures and all trash and debris from the designated area by not later than the time stated under the permit for re-opening of all streets.

**Sec. 50-116. - Other permits.**

- (1) The purpose of this article is to allow the Town's departments and staffs to review an application for a special event permit outside the regular ordinance standards in order to determine how disruptive a special event may be to the ordinary use of parks, public streets, rights-of-way, or sidewalks and to make recommendations and allowances. Administrative guidelines issued by the department of community development shall be followed by the Town in allowing specified signage and advertising which may not be in compliance with existing zoning ordinances for banners and vendors. Upon approval by the Mayor, or his designee, recommendations and allowances made shall become conditions of the permit to be followed and carried out by the producer.
- (2) Notwithstanding subsection (a) of this section:

- (a) ***A permit allowing fireworks shall be approved and permitted by the chief of the Town's fire department or his designee. Further, the person to be performing the firework display shall be pyrotechnics licensed and qualified in the state.***

**Sec. 50-117. - Denial or revocation of a special event permit.**

Reasons for denial of a special event permit include, but are not limited to:

- (1) The special event will unnecessarily disrupt traffic within the Town beyond practical solution;
- (2) The special event will interfere with access to fire stations and fire hydrants;
- (3) The location of the special event will cause undue hardship to adjacent businesses or residents;
- (4) The special event will cause unnecessary disruption of public services which would unreasonably impact the remainder of the Town;
- (5) The application contains incomplete or false information; and
- (6) The producer fails to comply with any terms required by this article.

Reasons for revocation of a special events permit include, but are not limited to:

- (1) False or incomplete information on the application;
- (2) Failure to comply with all terms and conditions of the permit;
- (3) Failure to arrange for or adequately remit all fees, deposits, insurance or bonds to the Town; and
- (4) Existence of disaster, public calamity, riot or other emergency as the Town determines, in its sole discretion, to be an impact upon the public health, safety and welfare.

***Further, a special event permit may be denied, suspended, or revoked by the Town, if the Chief of Police, the chief of the fire department, or their designees, determines that the health, welfare, or safety of the public may be endangered.***

**Sec. 50-118. – Appeals**

- (1) Any producer whose special event permit application has been denied or revoked may request in writing a review of this decision by the Mayor. This request must be in writing and received by the Mayor within five days of the permit denial or revocation.
- (2) The Mayor shall review the application and reasons for the denial or revocation of the special event permit and shall issue a decision, within five days, whether to uphold or reverse the previous decision and grant or reinstate the permit with such additional conditions as the Mayor may deem justified by the evidence.
- (3) Should the producer be dissatisfied with the decision of the Mayor, an appeal may be filed with the Town Council within five days of the decision of the Mayor. The Council shall set a hearing date within 30 days of receiving an appeal. At the hearing, evidence may be submitted by the producer addressing why the permit should have been granted or not revoked and by the Mayor addressing why the permit was denied or revoked. The Town Council shall determine whether the denial or revocation of the permit is justified, or it may reverse the previous decision and grant or reinstate the permit with such additional conditions as deemed justified by the evidence.