

## ORDINANCE NO. 2016-03

### **AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE AMENDING THE FAYETTEVILLE MUNICIPAL CODE TITLE 15, CHAPTER 8, ENTITLED ROADBLOCKS AND TITLE 16, CHAPTER 1, SECTION 16-108 ENTITLED PARADES AND ASSEMBLIES REGULATED.**

**WHEREAS**, the City of Fayetteville, Tennessee maintains regulations as to when and under what conditions roadblocks can be conducted currently codified in Section 15-801 of the City of Fayetteville Municipal Code; and

**WHEREAS**, the City of Fayetteville, Tennessee maintains regulations for parades and assemblies currently codified in Section 16-108; and

**WHEREAS**, the existing ordinances needs to be updated to delete certain anomalies and to add other elements to ensure that roadblocks, parades, foot or bicycle races, assemblies or other events are conducted in a safe and reasonable manner; and

**WHEREAS**, due to the similar nature of the regulations for roadblocks and the regulations for parades, foot or bicycle races, assemblies and other events, combining the such regulations in the same chapter of the City of Fayetteville Municipal Code is appropriate.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Fayetteville Board of Mayor and Alderman that the Municipal Code shall be amended to read as follows:

#### **CHAPTER 8**

#### **REGULATION OF ROADBLOCKS, PARADES, FOOT OR BICYCLE RACES, ASSEMBLIES OR OTHER EVENTS**

**15-801. Roadblocks.** It shall be unlawful for any individual, group, club or organization to hold a roadblock for the solicitation of contributions on the streets of the City of Fayetteville without securing a permit to conduct such activities. The granting or denial of such permits shall be regulated as follows:

- (1) Any individual, group or organization seeking to conduct a roadblock for the solicitation of contributions shall apply to the Chief of Police for a roadblock solicitation permit. In considering whether to grant such applications, the Chief of Police shall following the criteria set out in the City of Fayetteville Municipal Code in Title 9, Chapter 3, Section 9-302. In the event an application is denied, the applicant may appeal the denial pursuant to the terms of Title 9, Chapter 3, Section 9-303.
- (2) At the time the application is presented, the applicant shall provide a current driver's license as part of the application.
- (3) The Chief of Police and/or the City Administrator shall have the authority and responsibility to deny or revoke any roadblock solicitation permit if, in his or her opinion, conditions are unsafe for the conduction of such activities, violation(s) of any ordinance or event rules or regulations have occurred or for any other reason he or she deems it in the best interest of the community to do so.
- (4) Applications for such permits shall not be made more than twelve months prior to the date of the proposed event.
- (5) The Chief of Police shall issue no more than two (2) roadblock permits in any month and no more than eighteen (18) in any calendar year.

- (6) Permitted roadblocks shall be operated only between the hours of 9:00 a.m. and 12:00 p.m. (noon) and shall be limited to the following intersections:
  - a) Intersection of South Main Avenue (Huntsville Highway) and Thornton Taylor Parkway/Wilson Parkway.
  - b) Intersection of Winchester Highway and Thornton Taylor Parkway.
  - c) Intersection of North Main Avenue and Washington Street.
  - d) Intersection of West College Street and Lincoln Avenue.
- (7) No one younger than eighteen (18) years of age shall be permitted to participate in any roadblock in any capacity. No children or pets shall be allowed to participate in any roadblock.
- (8) Roadblock participants shall wear bright, highly visible clothing or vests prescribed by the Chief of Police.
- (9) Solicitors, including all street sale vendors, shall operate in the legal rights of way of intersections where activities are being conducted.
- (10) In the event an emergency vehicle approaches an intersection where a roadblock activity is being conducted, all roadblock participants shall exit the intersection until such time that the emergency vehicle has passed through the intersection and resumption of roadblock activities can be done in a safe manner without interference with such emergency vehicle.

**15-802. Parades, Foot or Bicycles Races, Assembly or Other Events.** It shall be unlawful for any individual, group or organization to hold any parade, foot or bicycle race, assembly or other event on the public streets of the City of Fayetteville without securing a permit to conduct such activities. The granting or denial of such permits shall be regulated as follows:

- (1) Any group, club or organization seeking to conduct a parade, foot or bicycle race, assembly or other activity shall obtain an application from the City Administrator and shall fully complete said application and return it to the City Administrator or a member of the administrative staff of the City of Fayetteville.
- (2) The City Administrator and/or the Chief of Police shall be authorized to issue permits for parades, foot or bicycle races, assemblies or other such events.
- (3) Permits shall not be issued for multiple events occurring at the same time unless in the opinion of the City Administrator and Chief of Police the events can be conducted without interfering with each other, without unduly burdening the Fayetteville Police Department and/or unduly interfering with traffic. In the event multiple applications are submitted for a particular date, priority shall be given to events being conducted by the City of Fayetteville, its various departments, the Fayetteville-Lincoln County Chamber of Commerce or Fayetteville Main Street, Inc.
- (4) In the event an application is denied, the applicant may appeal to the Board of Mayor and Aldermen by providing written notice of the applicant's intention to do so to the City Administrator.
- (5) At the time the application is presented, the applicant shall provide a current driver's license as part of the application.
- (6) The Chief of Police and/or the City Administrator shall have the authority and responsibility to deny or revoke any parade or event permit if, in his or her opinion, conditions are unsafe for the conduction of such activities, violation(s) of any ordinance or event rules or regulations have occurred or for any other reason he or she deems it in the best interest of the community to do so.
- (7) Any group, club or organization obtaining a permit under this section shall be responsible for immediately cleaning all litter left on the streets, sidewalks and surrounding areas as a result of the activity, and the failure to do so shall be unlawful. In the event a group, club or organization fails to clean litter associated with its activity and it becomes necessary for employees of the City of Fayetteville to conduct such cleaning activities, the group,



club or organization that failed to clean such litter shall be liable to the City of Fayetteville for the costs associated with having its employees perform such cleaning. Failure of a group, club or organization to adequately clean litter shall be an appropriate consideration in future applications by such groups.

- (8) Applications for such permits shall not be made more than twelve months prior to the date of the proposed event.
- (9) No more than one permit per year shall be issued for a specific event to any group, club or organization.

**15-803. Unlawful Assembly.** It shall be unlawful for any group or assembly of persons to stand, congregate or remain upon any public street, sidewalk or entrance to any public or private building or structure in the City of Fayetteville in such a way to obstruct, prevent or interfere with the free or unobstructed use of said streets, sidewalks or entrance by other persons. It shall be unlawful for any person to fail or refuse to move or disperse upon being ordered to do so by any police officer of the City of Fayetteville or other peace officer.

**BE IT FURTHER ORDAINED** that this amendment shall take effect from and after its, passage, the public welfare requiring it.

Adopted this 12<sup>th</sup> day of January, 2016.

  
Jonathan D. Law, Mayor

Attest:

  
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Scott Collins, City Clerk