

## TITLE 16

### STREETS AND SIDEWALKS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
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#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 16-101. Parades and funeral processions regulated.
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**16-101. Parades and funeral processions regulated.** No funeral procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles, except the forces of the United States Army or Navy, the military forces of the state and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued therefor by the chief of police. (1973 Code, § 16-1)

**Definitions.** The following words, for the purpose of this chapter, shall have the following meanings:

- (1). "Parade" is any meeting, parade, demonstration, exhibition, festival, homecoming, assembly, or other such event to be held in or upon any street, park, or other public place in Newport.
- (2). "City" is the City of Newport.
- (3). "Board of Mayor and Aldermen" is the Board of Mayor and Aldermen of Newport.
- (4). "City Recorder" is the city recorder of Newport.
- (5). "Chief of Police" is the chief of police of Newport.
- (6). "Parade permit" is a permit as required by this chapter.
- (7). "Person" is any person, firm, group, partnership, association, corporation, company, or organization of any kind.

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

**Purposes.** (1). The City of Newport recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.

(2). The city passes this chapter to regulate the time, place, and manner of parades.

(3). The city passes this chapter in the interest of all its citizens' public safety, health, welfare, comfort, and convenience.

(4). The City of Newport has limited resources and passes this chapter so that it may properly allocate these resources among its citizens.

(5). The purpose of this chapter is to promote order, safety, and tranquility in the streets of the City.

(6). This chapter is passes to help minimize traffic and business interruptions during parades. (Ordinance #2002-, March 2002)

**Permit.** (1). No person shall parade unless a parade permit has been obtained from the Board of Mayor & Aldermen. Any parade held without the proper permit shall be unlawful.

(2). This chapter shall not apply to funeral processions, students going to and from school classes or participation in education activities or other school activities such as sports events, providing that such conduct is under the immediate direction and supervision of the proper school authorities and a governmental agency acting within the scope of its functions and in events sponsored by the city. (Ordinance #2002-, March 2002)

**Application.** (1) Any person seeking issuance of a parade permit shall file an application with the city recorder on forms provided by the city recorder. The city recorder shall place the request for a parade permit on the agenda of the next meeting of the board of mayor and aldermen for action by it in the normal course of business.

(2). The application for a parade permit shall be filed in writing with the city recorder not less than thirty (30) days prior to the contemplated parade or five (5) days prior to any regularly scheduled called meeting of the board of mayor and aldermen. No permit shall be granted sooner than one hundred eighty (180) days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and made a report to the board of mayor and aldermen.

(3). The application for a parade permit shall set forth the following information:

(a). The name, address and telephone number of the person seeking to conduct a parade or of the organization and its responsible heads;

(b). The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(c). The date when the parade is to be conducted;

(d). The route to be traveled, the starting point, and the termination point;

(e). The approximate number of persons who and animals which, will constitute such parade; the type of animal and description of the vehicles;

(f). The hours when the parade will begin and end;

(g). A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(h). The location by streets of any assembly area(s);

(i). The time at which units of the parade will begin to assemble at any

assembly area(s);

(j). The interval of space to be maintained between units of the parade;

(k). If the parade is to be held on behalf of any person other than the applicant, the authorization of that person; and

(l). Whether the applicant has been convicted for the violation of the city parade ordinance of the City of Newport.

(4). The board of mayor and aldermen shall decide whether to grant the application for a permit. The board of mayor and aldermen may consult with the chief of police in making their decision.

(5). The board of mayor and aldermen in cooperation with the chief of police shall have then authority to designate the starting point, route, terminal point, or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruptions, public safety, health, welfare, convenience, peace, or order. (Ordinance #2002-, March 2002)

**Standards for issuance.** (1) The mayor and board of aldermen shall issue a parade permit upon consideration of the application and other information obtained when they find that:

(a). The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;

(b). The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire, or ambulance services;

(c). The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay.

(d). The applicant has satisfied the bond requirement; and

(e). No other permit has been granted for the same day.

(2). A permit shall be granted to the first person properly applying under the requirements of this chapter.

(3). No permit shall be granted for a parade except those restricted to the following time: No earlier than 11:00 a.m. and no later than 12:00 midnight prevailing time.

(4). No permit shall be granted to any person until the applicant has posted in advance a two hundred fifty (\$250.00) bond to cover the reasonable expenses incurred in the cleanup efforts after the parade. The mayor and board of aldermen may waive this fee upon application of a certified nonprofit organization.

(5). The city recorder shall notify the applicant within five (5) days after the action of the board of mayor and aldermen whether the permit has been granted or denied if the permit has been denied, the city recorder shall set forth the reasons why the board of mayor and aldermen denied the permit.

(6). In computing any period of time set out in this chapter, no Saturdays, Sundays, or holidays are to be computed in the time period. (Ordinance #2002-, March 2002)

**Contents of permit.** Each parade permit shall state the following:

(1). Assembly and disassembly time and place

(2). Starting time

(3). The route and the portions of the streets to be traversed that may be occupied by the parade

- (4). Minimum speed
- (5). Maximum speed
- (6). Interval of space between parade units
- (7). The maximum length of the parade in miles or fractions thereof
- (8). Other information as the board of mayor and aldermen in cooperation with the chief of police shall find necessary to the enforcement of this chapter. (Ordinance #2002-, March 2002)

**Duties of permittee** (1). A permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and chapters.

- (2). The permittee shall advise parade participants of such permit requirements.
- (3). The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade.
- (4). All permittees who hold a parade permit that includes animals shall be responsible for the clean up after the animals immediately after the parade.
- (5). The applicant shall assure the board that neither the parade nor the assembly point will interfere with or unreasonably obstruct the response capabilities of the firefighting equipment and other emergency response vehicles. (Ordinance #2002-, March 2002)

**Revocation of permit.** (1) The board of mayor and aldermen or their designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that:

- (a). Applicant materially misrepresented facts or information in the application; and/or
  - (b). Applicant failed to meet the standards for issuance set forth herein.
- (2). The board of mayor and aldermen or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if:
- (a). A public emergency arises requiring such revocation to protect the safety of persons or property; or
  - (b). Disorderly conduct, riots, lawless activity, violence, or breach of the peace, incited by the parade participants, occurs. (Ordinance #2002-, March 2002)

**Notice to city officials.** Immediately upon the issuance of a parade permit, the city recorder shall send a copy of the permit to the following:

- (1). The mayor
- (2). The city attorney
- (3). The fire chief;
- (4). The ambulance authority; and
- (5). The chief of police. (Ordinance #2002-, March 2002)

**Violation and penalty.** (1) It shall be unlawful for any person to parade without first having obtained a permit as required by this chapter.

(2). It shall be unlawful for any person to participate in a parade on the streets of Newport for which a permit has not been granted.

(3). It shall be unlawful for any person to fail to comply with all directions and conditions of the paradepermit.

(4). Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each violation. (Ordinance #2002-, March 2002)

**16-102. "Vehicle" defined.** "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon streets, roads, highways or public thoroughfares, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. #2001-1-A,)

**16-103. Load restrictions upon vehicles using certain streets.**

(1) Definitions. (a) "Truck" means a vehicle or trailer possessing two or more rear axles and/or weighing in excess of 10,000 pounds empty weight.

(b) "through truck traffic" means trucks entering the City of Newport from any point outside the city and destined for any other point located outside the city proceeding entirely through without unloading or loading freight within the city of Newport.

(c) "Local truck traffic" means trucks entering the City of Newport for the purpose of unloading or loading freight. (Ordinance #2017-12, July 2017)

(2) Load restrictions on vehicles using certain streets. All streets in the City of Newport, Tennessee, are restricted from "truck" passage unless such streets are designated as "through truck traffic routes" or unless such streets are being used as "local truck traffic routes" in accordance with Section 4 herein. (Ordinance #2017-12, July 2017)

(3) "Through truck traffic routes". The City of Newport shall cause "through truck traffic routes" to be designated by appropriate signs. The following streets are hereby declared to be through "truck traffic routes": Main Street, Highway 25 W / 70, Broadway Street, Highway 321, North Street, and Cosby Highway. (Ordinance #2017-12, July 2017)

(4) "Local truck traffic routes". No local truck traffic shall drive on any street not designated as a "through truck traffic route" with the following exemptions: (a) Trucks that seek an egress and ingress to a location for the purpose of loading or unloading freight and provided that the driver of such truck shall have in the cab of the truck a bill of lading, move ticket, work order or receipt of service bearing an address along the route to or line of the restricted street.

(b) The operation of heavy trucks owned or operated by the city or contractor under contract while engaged in repair, maintenance or construction of streets, street improvements or street utilities within the city limits.

(c) The operation of school buses and buses used to transport persons to and from a place of worship, which run a designated route.

All local truck traffic shall use the most direct and/or accessible route which connects a "through truck traffic route" to the origination or destination address within the City of Newport. All local truck traffic loading or unloading must be parked in a designated loading zone or parking space(s) identified for loading or unloading. When available, rear entrances shall be used for loading and unloading.

The only street excluded from this designation is McMahan Avenue for local and through truck traffic that must travel east on Broadway to reach its destination. Right turns are prohibited at the intersection of Broadway and McMahan. Only left turns are permitted for local and through truck traffic. (Ordinance #2017-12, July 2017)

(5) Owners and operators of trucks held responsible. Whenever any truck is operated in violation of this ordinance, the owner and/or driver of such truck shall be deemed guilty of such violation and either or both the owner and driver of such truck may be prosecuted for such violation. (Ordinance #2017-12, July 2017)

(6) Penalty. A violation of this ordinance shall be punishable by a mandatory fifty dollar (\$50.00) fine without eligibility for Driving Safety School. (Ordinance #2017-12, July 2017)

**16-104. Banners or Signs Across State Highway.** It shall be unlawful for any person to place or have placed any banner or sign across any State highway, public street, or alley. (Ordinance #2014-05, August 2014)

**16-105. Blowing Mown Grass on to City Streets Prohibited.** It shall be unlawful for any person to allow mown grass, weeds or other type debris to be blown onto, and left upon, city streets while mowing or bush hogging property or any method of maintaining yard. A first violation will be a warning to the property owner or person in charge of the property by the code's enforcement officer. A second violation will result in a citation to city court that can result in a fine, not to exceed fifty dollars (\$50) per day violation. (Ordinance #2019-09, December 2019)

## CHAPTER 2

### EXCAVATIONS

#### SECTION

16-201. Permit required.

16-202. Remedies for violation of this chapter.

**16-201. Permit required.** No person, including any public utility, shall dig any holes or cut any pavement in the streets, sidewalks or alleys of the city without first obtaining a permit therefor from the street superintendent.

Any person receiving a permit required by this section shall repair the excavated street, sidewalk or alley in a manner satisfactory to the street superintendent or his designated agent. (1973 Code, § 16-17)

**16-202. Remedies for violation of this chapter.** (1) Any person failing to repair a damaged street, alley or sidewalk in a manner satisfactory to the street superintendent shall be guilty of an offense punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense and each day that a person fails to satisfactorily repair the damaged property shall constitute a separate offense.

(2) In addition to the provisions of subsection (1), the person failing to restore the public way shall be liable to the city for the amount required to repair the damage to the street, alley or sidewalk. (1973 Code, § 16-18) pal code. (1973 Code, § 11-243, modified)