

ORDINANCE NO. 2010—286

ORDINANCE FOR THE TOWN OF WALDEN, TENNESSEE
REQUIRING PERSONS TO OBTAIN A SPECIAL USE PERMIT
IN ORDER TO USE THE MCCOY PROPERTY

WHEREAS, the Board of Mayor and Aldermen of the Town of Walden, Tennessee (the "Board") has determined that in promoting the health, safety, morals and general welfare of the inhabitants of the Town of Walden, Tennessee (the "Town"), it is necessary to adopt regulations governing the use of the real property owned by the Town and commonly known as the "McCoy Property";

NOW, THEREFORE, BE IT ORDAINED by the Board as follows:

Section 1. Special Use Permit Required. Any person desiring to use the McCoy Property shall first apply for a "Special Use Permit" from the Town.

Section 2. Application Contents and Fee. A Special Use Permit will be issued only upon the submission of an application. Unless otherwise waived by the Board of Mayor and Aldermen, an application for a Special Use Permit must be filed with the Town Recorder a minimum of forty-five (45) days prior to the anticipated date of the use of the McCoy Property. Such application must contain the following information:

- (a) The date(s) on which the McCoy Property will be used.
- (b) The exact name, address, and telephone number of the applicant and/or person to contact for all communications from the Town.
- (c) A detailed description of the event to be held at the McCoy Property and the approximate number of persons that will be attending the event.
- (d) A statement whereby the applicant acknowledges that the applicant will be required to execute the Town's standard Agreement for Facility Use upon the approval of the applicant's application.
- (e) The payment of a \$40.00 application fee.

Section 3. Approval/Denial of the Special Use Permit. Upon the submission of a complete application to the Town Recorder, the application shall be considered for approval by the Board of Mayor and Aldermen at the next regularly scheduled town meeting. The application shall be deemed approved if approved by a majority of the Board of Mayor and Aldermen present at the meeting. When considering the approval of an application, the Board of Mayor and Aldermen may impose reasonable conditions upon the issuance of a Special Use Permit and shall authorize the Mayor, or his or her appointed representative, to execute the Agreement for Facility Use on behalf of the Town. Any approval by the Board of Mayor and Aldermen shall be conditioned on the applicant entering into an Agreement for Facility Use with

the Town. The Board of Mayor and Aldermen may deny a Special Use Permit if it finds that the granting of the Special Use Permit would result in conditions detrimental to the health, safety and welfare of the public.

Section 4. General Regulations. All activities relating to the Special Use Permit shall comply with the terms of the Agreement for Facility Use and all other applicable laws, rules and regulations.

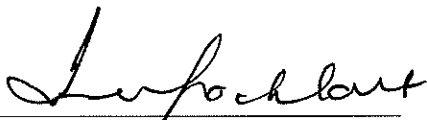
Section 5. Exercise of Police Power. This Ordinance is enacted as an exercise of the Town's police powers and shall not be construed to impose any duty by the Town to the applicant or to any member of the public, nor shall any Special Use Permit be construed as a waiver of any violation of the Ordinances, rules and regulations of the Town or the State of Tennessee.

Section 6. Violation; Penalties. It shall be a misdemeanor for any person, corporation or other organization to violate any of the provisions of this Ordinance or the conditions imposed upon any Special Use Permit issued hereunder, which shall be punishable by a fine not to exceed one thousand dollars (\$1,000).

Section 7. Effective Date. The ordinances and amendment describe above shall take effect upon their adoption and publication, the public welfare requiring it.

SO ORDAINED, this 12 day of October, 2010.

Mayor J. Peter Hetzler



Fern Lockhart, Recorder

PASSED ON FIRST READING:

VOTE ON FIRST READING: 3 AYE
0 NO

Date: 9-14-2010

PASSED ON SECOND READING:

VOTE ON SECOND READING: 3 AYE
0 NO

Date: 10-12-2010