

ORDINANCE NO. 2015-305

ORDINANCE OF THE TOWN OF WALDEN, TENNESSEE
ESTABLISHING CONDITIONS AND REGULATIONS FOR THE USE OF THE MCCOY
PROPERTY

WHEREAS, Ordinance No. 2010-286 established regulations governing the use of the real property owned by the Town and commonly known as the "McCoy Property"; and

WHEREAS, the Board desires to revise the regulations to reflect the current status of the property, its anticipated use, and to address liability and insurance issues identified by the Town and its insurer, the Tennessee Municipal League Insurance Pool.

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

SECTION 1: As of the effective date of this Ordinance, Ordinance No. 2010-286 be and the same hereby is repealed.

SECTION 2:

1. **Special Use Permit Required.** Any person desiring to use the McCoy Property for an event not sponsored by the Town government shall first apply for a "Special Use Permit" from the Town.

2. **Application Contents and Fee.** A Special Use Permit will be issued only upon the submission of an application on a form provided by the Town Recorder. 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 14 days prior to the anticipated date of the use of the McCoy Property. Such application must be accompanied by a \$40.00 application fee.

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 for the following "standard" uses: **a group of under 50 persons with no alcohol.** If the applicant requests a use that is outside the foregoing "standard" use, or adds an unusual feature to a standard use, or if the Town Recorder deems the application to require further examination, the Town Recorder will refer the application for consideration by the Board of Mayor and Aldermen at the next regularly scheduled town meeting if said meeting is held within thirty (30) days of the planned event. 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. Any approval shall be conditioned on the applicant entering into an McCoy Property Facility Rental Agreement. 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.

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.

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.

6. **Use of Alcohol.** Use of alcohol on the McCoy Property is generally prohibited. If a Special Use Permit allows the consumption of alcohol, the following applies:

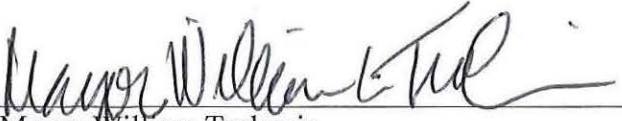
- a) The permittee is required to purchase a special event liability insurance policy with \$1,000,000 limits for each occurrence, with the Town of Walden listed as an additional insured. Proof of insurance shall be provided the Town Recorder at least seven (7) days before any event in which alcohol is served.
- b) All state laws pertaining to the serving of alcohol, including beer and wine, must be strictly followed. Alcohol may not be served to any person under the age of 21.
- c) Alcoholic beverages may not be sold unless a special permit is obtained from the Alcoholic Beverage Commission.
- d) The serving, possession or consumption of alcohol, including beer and wine on the premises may be ordered discontinued at any time at the discretion of the Town authorities or the Hamilton County Sheriff's Department. Such discretion may be exercised in the case of inappropriate behavior, exposure to liability due to excessive drinking, intoxication of individuals, underage drinking, damage to property or injury to individuals, and other such activities can result in the closing of the bar and the discontinuance of the serving, possession or consumption of alcohol, including beer and wine.

7. **Fires.** The kindling of any fire is only allowed by special permit. Where permitted, the following applies:

- a) Fires are allowable in designated camping and picnic areas when the fire is confined in a fireplace/fire ring provided for the use of visitors, or grills, or in other locations specifically marked by the Town; or
- b) Fires are allowable in stoves or lanterns using gasoline, propane, butane gas or similar fuels.
- c) Fires must be kindled in such manner that no tree, shrub, grass, or other inflammable or combustible matter will be set on fire or caused to be set on fire.
- d) When no longer needed the fire shall be completely extinguished. Leaving a fire unattended is prohibited.
- e) Throwing or dropping a lighted cigarette, cigar, pipe heel, match or other burning material is prohibited.
- f) The gathering of wood for use as fuel in campgrounds or picnic areas shall be limited to dead material on the ground. No material should be brought to the property that originated from outside a fifty mile radius of the property, to avoid the spread of pests and diseases.

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

SO ORDAINED, this 11 day of August 2015.



Mayor William Trohanis



Fern Lockhart, Recorder

PASSED ON FIRST READING:

VOTE ON FIRST READING:	2	AYE
	0	NO
Date: 7/14/2015	1	ABSENT

PASSED ON SECOND READING:

VOTE ON SECOND READING:	3	AYE
	0	NO
Date: 8/11/2015		

Approved as to form:

Town Attorney

September 9, 2015

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TOWN OF WALDEN, TENNESSEE

PUBLIC NOTICE

THE TOWN OF WALDEN'S BOARD OF MAYOR AND ALDERMEN PASSED ON FINAL READING ORDINANCE NO.
2015-305, AN ORDINANCE ESTABLISHING CONDITIONS AND REGULATIONS FOR THE USE OF THE MCCOY
PROPERTY.

MAYOR WILLIAM TROHANIS

If any further information is required regarding this matter, please contact me at 886-4362.

Sincerely,

Fern Lockhart, Recorder

09/09/2015 9:29 AM

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PUBLIC NOTICE

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MAYOR WILLIAM TROHANIS

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