



File #: 21-03472

DATE: August 11, 2022
TO: Board of Mayor and Aldermen
FROM: Eric Stuckey, City Administrator
Shauna Billingsley, City Attorney

SUBJECT:

Consideration Of Ordinance 2022-03, An Ordinance To Amend Title 16, Chapter 5 Of The City Of Franklin Municipal Code, Special Events And Temporary Street Closures To Address Public Gathering And Expression Events. SECOND AND FINAL READING
WS 6/14/22; 7/12/22
BOMA 8/9/22, 7-0

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning the proposed amendment to Title 16, Chapter 5 of the Franklin Municipal Code relative to Public Gathering and Expression Events.

BACKGROUND/STAFF COMMENTS:

Proposed Amendments to the Public Gathering and Expression Events

The City encourages community gatherings, demonstrations and assemblies. The purpose of the Ordinance is to promote public safety and welfare, to provide the City with a minimum amount of time to logistically accommodate requests for Special Events, Public Gathering and Expression Events, and temporary street closures; to assure that the First Amendment rights of those who wish to peacefully participate in Special Events and Public Gathering and Expression Events on City public property are preserved and protected; to coordinate multiple uses of limited space; to ensure that streets and sidewalks remain safe and accessible; and to assure reasonable access to public property by other community members not involved in the requested events. The Ordinance is intended to facilitate the safe exercise of our First Amendment rights and ensure that the City provides protection to all who wish to exercise those rights. The City welcomes those events in our community, and we have developed the following regulations for groups wishing to gather in the City to provide a safe environment for participants, bystanders and the community.

Under this Ordinance, the definition of a Public Gathering and Expression Event shall be expanded to include events which require amplification or which occur more than once per month (regardless of size).

As amended, this Ordinance provides that no permits shall be granted for any Public Gathering and Expression Event after dark any place within the City. In addition, no permits shall be granted within the downtown historic district on weekend evenings/early mornings, Friday at 5:00 p.m. through Saturday at 7:00 a.m. and Saturday at 5:00 p.m. through Sunday at 7:00 a.m. Public gathering and expression events shall not be permitted in areas and at times where a community special event permit has previously been issued.

It shall be a misdemeanor resulting in a citation for a Public Gathering and Expression Event participant or observer

for failing or refusing to comply with the Chapter.

Additions to the Ordinance would also offer an exception to the permitting requirement for Public Gathering and Expression Events involving less than twenty participants who will not use sound amplification, or where the event occurs only once in a month.

Compliance with Laws and BOMA Responsibilities

Recently, City staff has been asked to review the current code relative to compliance with laws and the responsibilities of BOMA. For a Public Gathering and Expression Event, the current code states that the City Administrator can deny an application before the event and can revoke a permit during the event or disband an event that did not require a permit for myriad reasons including failing to follow federal, state, and local law. While not the subject of this particular ordinance, similarly, Special Event permits require the applicant to follow all ordinances and laws (Section 16-509) and failure to do so could result in a long-term permit being reviewed and either denied or new conditions added, or future requests being denied or conditions added.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends that the Board of Mayor and Aldermen approve Ordinance 2022-03 on Second Reading.