

**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 .**

**WHEREAS**, to promote the health, safety, human rights, prosperity, and general welfare of the people of Franklin, Tennessee, the Board of Mayor and Aldermen is authorized to prescribe regulations and standards relating to the use of the public property and rights-of-way within the City; and

**WHEREAS**, the Board approved Ordinance 2019-19 on October 13, 2020, setting forth rules and regulations for public gathering and expression events; and

**WHEREAS**, it has come to the City's attention that Title 16, Chapter 5 needs further amendment, specifically relating to public gathering and expression events involving amplification and/or frequency of events; and

**WHEREAS**, the Board of Mayor and Aldermen find that this action to be in the best interest of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN BOARD OF MAYOR AND ALDERMEN, AS FOLLOWS:**

**SECTION I.** Section 16-515 is deleted in its entirety and substituted with the following:

**Sec. 16-515. – Public Gathering and Expression Event.**

This chapter is intended to facilitate the safe exercise of First Amendment rights under the United State Constitution and ensure that the City provides protection to all who wish to exercise those rights. The City of Franklin supports these events and has developed the following regulations for groups wishing to gather in the City to enable the City to provide a safe environment for participants, bystanders and the community. It shall be the policy of the City that no permits for Public Gathering and Expression Event be granted nor shall any Public Gathering and Expression Event that does not require a permit take place after dark any place within the City or from Friday from 5:00 p.m. through Saturday at 7:00 a.m. or Saturday from 5:00 p.m. through Sunday at 7:00 a.m. in the DD District. Additionally, no Public Gathering or Expression Event take place during a permitted Special Event in the permitted space.

As used in this chapter, a Public Gathering and Expression Event is a noncommercial public assembly, the primary purpose of which is the exercise of the participants' constitutional rights of free speech and peaceable assembly:

- (1) Which is scheduled to take place on public property such as a city sidewalk, alley or other right-of way, city park, and/or city facility;
- (2) Which is likely to obstruct, delay, or interfere with the normal flow of vehicular or pedestrian traffic;
- (3) Which, due to the crowd it generates, may restrict access to or use of sidewalks, parks, benches, or other public areas;
- (4) Which may result in donations for non-profit organizations;

- (5) Which will have more than twenty (20) participants;
- (6) Which requires amplification; or
- (7) Which occurs more than once per month at the same location.

**SECTION II.** Section 16-517 is deleted in its entirety and substituted with the following:

**Sec. 16-517. – Exceptions for Public Gathering and Expression Event Permit.**

A Permit is not required when the event Involves less than twenty (20) participants; and

- (1) Participants will assemble and/or march only on sidewalks;
- (2) Participants will cross streets only at crosswalks
- (3) Participants will obey all traffic controls and regulations;
- (4) Participants will not obstruct sidewalks or otherwise impede the orderly flow of foot traffic on sidewalks;
- (5) Participants will obey all applicable laws, statutes and ordinances;
- (6) Participants will not obstruct necessary maintenance and cleaning of streets, sidewalks, or other public facilities;
- (7) Participants will not use amplification;
- (8) The event occurs only once in a month at the same location; and
- (9) Any signage used will not be of such a dimension or used in such a manner that such signage may impede or obstruct pedestrians on sidewalks or vehicles on streets.

**SECTION III.** Section 16-527(6) is deleted in its entirety and substituted with the following:

**Sec. 16-527. - Violations of a public gathering and expression event permit.**

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(6) It shall be a misdemeanor for a public gathering and expression event participant or observer to fail or refuse to comply with Chapter. Generally, such violations shall be cited as public nuisance. Other state, local, and federal laws will also apply and shall be citable.

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**SECTION IV.** BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on second and final reading, the health, safety, and welfare of the citizens of Franklin, Tennessee, requiring it.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE:**

By: \_\_\_\_\_  
**Eric Stuckey**  
 City Administrator/Recorder

By: \_\_\_\_\_  
**Dr. Ken Moore**  
 Mayor

Approved as to form by:

\_\_\_\_\_  
Shauna R. Billingsley  
City Attorney

PASSED FIRST READING

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PASSED SECOND READING:

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