

Title 68 Health, Safety and Environmental Protection
Safety
Chapter 112 Mass Gatherings

68-112-101. Purpose.

It is the purpose of the general assembly to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in this state, in order that the health, safety and welfare of all persons in this state, residents and visitors alike, may be protected.

68-112-102. Chapter definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Assembly" means a gathering of five thousand (5,000) or more people that is conducted or can reasonably be expected to be conducted for eighteen (18) or more hours continuously, whether on public or private property;

(2) "Department" means the department of health; and

(3) "Person" includes any individual, natural human being, partnership, corporation, firm, company, association, society, or group.

68-112-103. Assembly prohibited without license.

No person shall permit, maintain, promote, conduct, advertise, act as an entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly, unless a license to hold the assembly has first been obtained from the department.

68-112-104. Requirements for issuance of license.

Before an applicant may be issued a license, the applicant shall first:

(1) Determine the maximum number of people who will be assembled or admitted to the location of the assembly; provided, that the maximum number shall not exceed the maximum number that can reasonably assemble at the location of the assembly in consideration of the nature of the assembly; and provided further, that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the county or municipality; and

(2) Provide proof that such applicant will furnish at such person's own expense before the assembly commences:

(A) A fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four (4) gates, at least one (1) at or near four (4) opposite points of the compass;

(B) Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon (1 gal.) per person per day and water for bathing at the rate of at least ten gallons (10 gals.) per day;

(C) Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one (1) toilet for every two hundred (200) females and at least one (1) toilet for every three hundred (300) males, together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet;

(D) A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of persons to be assembled at the rate of at least two and one-half pounds (2.5 lbs.) of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the tasks;

(E) Physicians and nurses licensed to practice in Tennessee sufficient to provide the average medical care enjoyed by residents of Tennessee for the maximum number of people to be assembled at the rate of at least one (1) physician for every ten thousand (10,000) persons and at least one (1) nurse for every five thousand (5,000) persons. The number of physicians and nurses required to be on duty at various times throughout the assembly shall be established by regulations adopted and promulgated by the department. Facilities for medical treatment and arrangements for emergency transportation and treatment shall be in accordance with regulations adopted and promulgated by the department;

(F) If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five-foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;

(G) A free parking area inside the assembly grounds sufficient to provide parking space for the maximum of people to be assembled at the rate of at least one (1) parking space for every four (4) persons;

(H) Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one (1) separate line and receiver for each one thousand (1,000) persons;

(I) If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements sufficient to provide camping accommodations for the maximum number of people to be assembled;

(J) Security guards, either regularly employed, duly sworn, off-duty Tennessee peace officers or private guards, licensed in Tennessee, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one (1) security guard for every seven hundred fifty (750) persons;

(K) Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly, and sufficient emergency personnel to efficiently operate the required equipment;

(L) All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly; and

(M) A bond, filed with the clerk of the county where the assembly is to be held either in cash or underwritten by a surety company licensed to do business in Tennessee at the rate of one dollar (\$1.00) per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless the county, municipality or state or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

68-112-105. Application for license.

(a) An application for a license to hold an actual or anticipated assembly of five thousand (5,000) or more persons shall be made in writing to the department at least sixty (60) days in advance of the assembly.

(b) The application shall contain a statement made upon oath or affirmation that the statements contained in the application are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.

(c) The application shall contain and disclose:

(1) The name, age, residence and mailing address of all persons required to sign the application by subsection (b) and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent (10%) or more of the stock of the corporation;

(2) The address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner or owners of all the property;

(3) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner or owners of all such property that the applicant has permission to use the property for an assembly of five thousand (5,000) or more persons;

(4) The nature or purpose of the assembly;

(5) The total number of hours the assembly is to last;

(6) The maximum number of persons that the applicant shall permit to assemble at any time, not to exceed the maximum number that can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the municipality, if the assembly is to continue overnight;

(7) The maximum number of tickets to be sold, if any;

(8) The plans of the applicant to limit the maximum number of people permitted to assemble;

(9) The plans for fencing the location of the assembly and the gates contained in the fence;

(10) The plans for supplying potable water, including the source, amount available and location of outlets;

(11) The plans for providing toilet and lavatory facilities, including the source, number and location, type and the means of disposing of waste deposited;

(12) The plans for holding, collection, and disposing of solid waste material;

(13) The plans to provide for medical facilities, including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;

(14) The plans, if any, to illuminate the location of the assembly,

including the source and amount of power and the location of lamps;

(15) The plans for parking vehicles, including size and location of lots, points of highway access and interior roads, including routes, between highway access and parking lots;

(16) The plans for telephone service, including the source, number and location of telephones;

(17) The plans for camping facilities, if any, including facilities available and their location;

(18) The plans for security, including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;

(19) The plans for fire protection, including the number, type and location of all protective devices, including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment;

(20) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers; and

(21) The plans for food concessions and concessioners who will be allowed to operate on the grounds, including the names and addresses of all concessioners and their license or permit numbers.

(d) The application shall include the bond required in § 68-112-104, and the license fee required in § 68-112-106.

68-112-106. Fee -- Separate license for each day of assembly.

(a) An application for a license to hold an actual or anticipated assembly shall be accompanied by a license fee of one hundred dollars (\$100), and, if the license is granted, the fee is paid to the state treasury and becomes a part of the general funds of the state.

(b) A separate license shall be required for each calendar day and each location in which five thousand (5,000) or more persons assemble or can reasonably be anticipated to assemble.

68-112-107. Time for processing.

The application for a license shall be processed within twenty (20) days of receipt and shall be issued if there is compliance with all of the conditions. If for some reason the license is not granted, the department shall return the license fee to the applicant and a written statement of why the license was denied.

68-112-108. Grounds for revocation.

The license may be revoked by the department at any time, if there is not compliance with any of the conditions necessary for the issuing of or contained in the license, or if there ceases to be compliance with any condition previously met.

68-112-109. Limitations on license.

A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to, nor permit to assemble at the licensed location, more than the maximum permissible number of people. The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.

68-112-110. Exceptions.

This chapter does not apply to any regularly established permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies that do not exceed by more than two hundred fifty (250) persons the maximum seating capacity of the structure where the assembly is held. This chapter does not apply to government sponsored fairs held on regularly established fairgrounds or to assemblies required to be licensed by other laws and regulations of this state.

68-112-111. Rule-making authority.

The commissioner of health is empowered to adopt, promulgate and enforce rules and regulations to implement this chapter.

68-112-112. Injunctions.

The holding of an assembly in violation of any provision or condition contained in this chapter is deemed a public nuisance and may be abated by injunction in any court of competent jurisdiction.

68-112-113. Criminal penalties.

Any person who violates a provision of this chapter, or who violates any condition upon which such person is granted a license, commits a Class E felony, and shall be fined not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000).