

## ENGINEERING PROCEDURES

<b>SECTION:</b> <p style="text-align: center;"><b>Utilities and Permits</b></p>	<b>POLICY NO.:</b> 
<b>SUBJECT:</b> <p style="text-align: center;"><b>Closure Permits</b></p>	<b>EFFECTIVE:</b>  <b>PAGE:</b>
<b>APPLIES TO:</b> <b>Any work Performed in the Right of Way</b>	<input type="checkbox"/> NEW ISSUE <input checked="" type="checkbox"/> PARTIAL REVISION <input type="checkbox"/> COMPLETE REVISION
<b>PURPOSE:</b>  <p>To issue and regulate temporary closures in the right of way such as sidewalks, alleys, streets or any other public right of way, including blocking permits for trailers and dumpsters. (Ref. Chapter 13.20 of the Excavation and Obstructions Code)</p>	
<b>POLICY:</b> <ol style="list-style-type: none"> <li>1. All traffic control signs, signals, and devices shall conform to the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, published by the United States Department of Transportation Federal Highway Administration.</li> <li>2. The Department of Public Works will take reasonable care and precautions to insure that a work site is made as safe as possible by whatever means available to protect the public as well as the workers.</li> <li>3. Temporary traffic control signs, signals and devices shall function to move traffic safely and provide clear guidance to drivers and pedestrians as they travel through the temporary traffic control zone.</li> <li>4. The Department of Public Works may require the use of off-duty sworn peace officers, as defined and specified in Tenn. Code Ann. §§ 62-35-102(18) and 62-35-103(a)(15)(B), for traffic control where appropriate. Officers must be in uniform. Officers from jurisdictions other than the Metropolitan Police Department must be in compliance with the requirements of Tenn. Code Ann. § 62-35-141 and all other applicable statutes, rules and regulations. When a permit issued by the Department of Public Works requires an off-duty police officer, the officer must be present at the work site and actively engaged in the control of traffic.</li> <li>5. If pedestrian travel paths (sidewalks or footpaths) are closed or disrupted by a construction, maintenance, or utility operation, then pedestrian traffic control will be required. This includes the use of signs, channelization devices, flags, etc., to direct pedestrian movement thorough or around the work site.</li> <li>6. Permittee is responsible for compliance with all codes, local, state and federal laws. Work zones are dynamic and require constant attention. Permittee is responsible for ensuring the safety of the permitted site.</li> </ol>	

**PROCEDURES:**

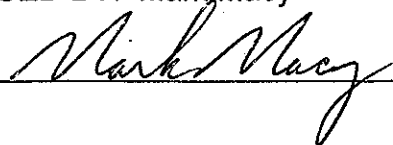
1. Person requests street closure permit and/or blocking permit by telephone, fax, or in person to the Department of Public Works Permit Office. Notification shall be at least 24 hours in advance.
2. Request includes location and termini, reason for closure and length of time for closure. Requests in major rights of way or for traffic rerouting may require a traffic control plan that must be approved before the permit is issued.
3. Place time restrictions on hours of work and on closure itself, if appropriate, on permit according to vehicular traffic and pedestrian traffic in area to be closed.
4. Require contractor to arrange for an off-duty police officer to help maintain traffic flow and ensure pedestrian safety, if necessary.
5. Require contractor to set up advanced warning such as signs, barricades, etc. in conjunction with the Manual on Uniform Traffic Control Devices (MUTCD).
6. Record request in computer and street closure permit book. Send copies to the Police and Fire Departments, the School Board and MTA.
7. Inspect the site, if necessary, to ensure proper safety devices are used and to enforce all requirements of the permit.

ORIGINAL: Issued by Rick Conner, Aug. 25, 2003

REVISION NO.: 1

ISSUED BY: Mark Macy

REVISION DATE: Sep. 28, 2011



TENNESSEE CODE ANNOTATED  
© 2011 by The State of Tennessee  
All rights reserved

\*\*\* CURRENT THROUGH THE 2010 REGULAR SESSION \*\*\*

Title 62 Professions, Businesses and Trades  
Chapter 35 Private Protective Services Licensing and Regulatory Act

Tenn. Code Ann. § 62-35-102 (2011)

### 62-35-102. Chapter definitions.

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

(1) "Armed security officer/guard" means a security officer/guard who at any time wears, carries, possesses or has access to a firearm or any facsimile of any firearm that may leave the impression that the person is armed and who works in plainclothes or wears dress of a distinctive design or fashion or dress having any symbol, badge, emblem, insignia or device that identifies or tends to identify the wearer as a security officer/guard;

(2) "Branch manager" means the individual who is immediately responsible for the operation of a branch office;

(3) "Branch office" means any office of a contract security company within this state other than its principal place of business within this state;

(4) "Certified trainer" means any individual certified by the commissioner as qualified to administer and certify to successful completion of the minimum training requirements prescribed by this chapter for a security guard/officer;

(5) "Commissioner" means the commissioner of commerce and insurance or the commissioner's designee;

(6) "Contract security company" means any person engaging in the business of providing or undertaking to provide a security guard and patrol service on a contractual basis for another person;

(7) "Licensee" means any contract security company licensed in accordance with this chapter;

(8) "Person" means any individual, firm, association, company, partnership, corporation, nonprofit organization, institution or similar entity;

(9) "Principal corporate officer" means the chief executive officer, president, vice president, treasurer, secretary or comptroller, as well as any other responsible officer or executive employee who performs functions for the corporation corresponding to those performed by the chief executive officer, president, vice president, treasurer, secretary or comptroller;

(10) "Proprietary security organization" means any person or department of the organization that employs a security guard/officer solely for the person in an employer/employee relationship;

- (11) "Qualifying agent" means a principal corporate officer meeting the qualifications set forth in this chapter for operating a contract security company;
- (12) "Qualifying manager" means an individual designated by a proprietary security organization to be responsible for compliance with this chapter on behalf of the organization;
- (13) "Registrant" means an individual who holds a valid registration card;
- (14) "Registration card" means a pocket card issued by the commissioner evidencing that the holder has met the qualifications required by this chapter to perform the duties of a security guard/officer in this state;
- (15) "Security guard/officer" means an individual employed by a contract security company or a proprietary security organization whose primary duty is to perform any function of a security guard and patrol service;
- (16) "Security guard and patrol service" means protection of persons or property, or both, from criminal activities, including, but not limited to:
- (A) Prevention or detection, or both, of intrusion, unauthorized entry, larceny, vandalism, abuse, fire or trespass on private property;
  - (B) Prevention, observation or detection of any unauthorized activity on private property;
  - (C) Enforcement of rules, regulations or local or state laws on private property;
  - (D) Control, regulation or direction of the flow or movements of the public, whether by vehicle or otherwise on private property; or
  - (E) Street patrol service;
- (17) "Street patrol service" means the utilization of foot patrols, motor patrols or any other means of transportation in public areas or on public thoroughfares in order to serve multiple customers or facilities. "Street patrol service" does not apply to:
- (A) A management supervisor moving from one (1) customer or facility to another to inspect personnel; or
  - (B) A security guard/officer traveling from one (1) facility to another to serve the same customer with multiple facilities;
- (18) "Sworn peace officer" means any individual who derives plenary or special law enforcement powers, such as the power of arrest, from, and is an employee of, a federal, state, or local governmental agency or instrumentality;
- (19) "Unarmed security officer/guard" means a security officer/guard who never wears, carries or has access to a firearm or any facsimile of a firearm that may leave the impression that the person is armed with a firearm, but who may carry other nonlethal devices as prescribed in this chapter with the proper certification and who works in plainclothes or wears dress of a distinctive design or fashion or dress having any symbol, badge, emblem, insignia, or device that identifies or tends to identify the wearer as a security officer/guard; and
- (20) "Undercover agent" means an individual hired by another person, through a contract security company to perform a job in or for that person, and while performing the job, to act as an undercover employee, independent contractor or operative of the person, but under the supervision of the contract security company.

**HISTORY:** Acts 1987, ch. 436, § 2; 1988, ch. 987, § 1; 1996, ch. 1009, §§ 5-7, 28; 1997, ch. 391, § 1.

View Full



1 of 1



Book Browse

Tenn. Code Ann. § 62-35-102 (Copy w/ Cite)

Pages: 3

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)  
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

FOCUS™ Terms

Search Within Original Results (1 - 1)

Advanced...

View Tutorial

View Full

1 of 1

Book Browse

Tenn. Code Ann. § 62-35-103 (Copy w/ Cite)

Pages: 4

Tenn. Code Ann. § 62-35-103

TENNESSEE CODE ANNOTATED  
© 2011 by The State of Tennessee  
All rights reserved

\*\*\* CURRENT THROUGH THE 2010 REGULAR SESSION \*\*\*

Title 62 Professions, Businesses and Trades  
Chapter 35 Private Protective Services Licensing and Regulatory Act

Tenn. Code Ann. § 62-35-103 (2011)

**62-35-103. Exemptions from chapter provisions.**

(a) This chapter does not apply to:

- (1) A government officer or employee performing official duties;
- (2) A consumer reporting agency, as defined by the Federal Fair Credit Reporting Act, compiled in 15 U.S.C. § 1681 et seq.;
- (3) An attorney at law or the attorney's agent performing duties relating to the attorney's practice of law;
- (4) An insurance company, agent, broker or adjuster performing investigative duties in connection with insurance business transacted;
- (5) A holder of a purchase money security interest or the holder's agent repossessing the personal property in which the interest is held;
- (6) A private business employee conducting investigations relating to the internal affairs of the business;
- (7) A full-time sworn peace officer receiving compensation for services as a guard, patrol or watchperson under a contract with a private business that is properly licensed by the state;
- (8) An unarmed employee, whether uniformed or nonuniformed, in the course and scope of employment of a hospital who exceeds all training requirements established in § 62-35-118 by having received no less than twelve (12) classroom hours of training. The course curriculum for the training shall be on file with the commissioner;
- (9) Private entities contracting with governmental entities for the care, supervision or transportation of inmates. This exemption shall in no way authorize government contracts for the care, supervision or transportation of inmates;
- (10) A private special deputy appointed pursuant to § 38-8-118;
- (11) A special deputy appointed pursuant to § 8-8-212 or a special police officer appointed by the chief of police in a county having a metropolitan form of government and a population in excess of five hundred thousand (500,000), according to the 1990 federal census or any subsequent federal census;
- (12) A retired peace officer receiving compensation for services as a guard, patrol or

watchperson under a contract with a private business that is properly licensed by the state; provided, that the retired peace officer:

(A) Completes the firearms and marksmanship training required by § 62-35-118(b); and

(B) Has a written directive issued by the executive supervisor of the organization to which the person was attached or employed authorizing the person to carry a handgun;

(13) (A) One (1) designated employee per business location of a private company, firm, partnership or corporation that is not a contract security company or proprietary security organization whose duties include those of an unarmed security guard/officer during nonbusiness hours;

(B) Pursuant to this subdivision (a)(13), no person, while performing any function of a security guard and patrol service during nonbusiness hours, shall:

(i) Wear or display any badge, insignia, shield, patch or pattern that:

(a) Indicates or tends to indicate that the person is a sworn peace officer;

(b) Contains or includes the word "police" or the equivalent of that word; or

(c) Is similar in wording to any law enforcement agency in this state; or

(ii) Have or utilize any vehicle or equipment that:

(a) Displays the words "police," "law enforcement officer," or the equivalent of those words; or

(b) Has any sign, shield, accessory or insignia that may indicate that the vehicle or equipment belongs to a public law enforcement agency;

(14) A special police officer appointed by a chief of police or by the sheriff in any county having a population of no less than one hundred fifty-three thousand (153,000) nor more than one hundred fifty-three thousand one hundred (153,100), according to the 2000 federal census or any subsequent census. A special police officer appointed pursuant to this subdivision (a)(14) shall have qualifications that are equivalent or superior to those required for a law enforcement officer under the standards established by the peace officer standards and training commission for law enforcement officers; or

(15) (A) A company using or providing certified law enforcement officers to others exclusively for traffic control purposes within temporary work zones located in the public right-of-way and established in accordance with the manual on uniform traffic control devices (MUTCD); provided, however, that any department providing the law enforcement officers may require the company to have on staff a traffic control supervisor or a traffic engineer in order to insure compliance with the MUTCD and may also require the company to demonstrate proof of liability insurance; or

(B) Commissioned, uniformed police officers, state troopers and/or sheriff deputies, upon departmental approval, are authorized, regardless of primary jurisdiction, to direct traffic in departmental approved uniforms or utilizing other governmental equipment, as may be required, in temporary work zones or for incident management purposes, to meet the needs of and control all road users, whether motorists, bicyclists, or pedestrians, within the highway, including persons with disabilities in accordance with the Americans with Disabilities Act of 1990 (ADA), Title II, Paragraph 35.130, upon any public roadway located within the state.

(b) (1) Section 62-35-118(a), only, shall not apply to a person employed as an unarmed security guard/officer by a proprietary security organization.

(2) For the purposes of this subsection (b), an unarmed security guard/officer shall not carry a weapon of any kind.

(3) It is the desire of the general assembly that unarmed proprietary security guards/officers whose primary duties involve contact with the public should have training in the areas of legal powers and limitations and of emergency procedures as deemed necessary by their employers. The commissioner may provide the employers information concerning these areas.

**HISTORY:** Acts 1987, ch. 436, § 3; 1988, ch. 987, § 2; 1989, ch. 142, § 1; 1990, ch. 816, §§ 1, 2; 1996, ch. 1009, §§ 8, 9; 1997, ch. 118, § 1; 1997, ch. 137, § 1; 1997, ch. 274, § 1; 1998, ch. 865, § 1; 2001, ch. 452, § 2; 2002, ch. 590, § 1; 2004, ch. 661, § 2; 2006, ch. 862, § 4; 2006, ch. 1013, § 5.

View: Full



1 of 1



Book Browse

Tenn. Code Ann. § 62-35-103 (Copy w/ Cite)

Pages: 4

In

About LexisNexis | Privacy Policy | Terms & Conditions | Contact Us  
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.





TENNESSEE CODE ANNOTATED  
© 2011 by The State of Tennessee  
All rights reserved

\*\*\* CURRENT THROUGH THE 2011 REGULAR SESSION \*\*\*

Title 62 Professions, Businesses and Trades  
Chapter 35 Private Protective Services Licensing and Regulatory Act

Tenn. Code Ann. § 62-35-141 (2011)

**62-35-141. Notification and uniform requirements for peace officers providing security outside of primary jurisdiction.**

(a) (1) Notwithstanding any provision of this chapter to the contrary, if a full-time sworn peace officer is working to provide uniformed security, direct traffic, exercise crowd control or perform any other such duty in a jurisdiction other than the officer's primary jurisdiction, then the chief law enforcement officer of the jurisdiction in which the full-time sworn peace officer is working shall be notified of the location of the officer's assignment as well as the length of the assignment. For work performed in unincorporated areas of a county or within the limits of a municipality that does not maintain a police department, the chief law enforcement officer of the jurisdiction is the county sheriff. For work performed within the limits of a municipality that maintains a police department, the chief law enforcement officer of the jurisdiction is the municipal police chief.

(2) Notice shall be provided in writing by the employer of the full-time sworn peace officer within five (5) days prior to the date of first service, unless other arrangements are made with the chief law enforcement officer of the jurisdiction.

(b) (1) While a full-time sworn peace officer certified pursuant to § 38-8-107 is employed in a jurisdiction other than the full-time sworn peace officer's primary jurisdiction, the officer's clothing shall bear insignia and markings clearly designating that the peace officer is a private duty law enforcement officer. The Tennessee peace officer standards and training commission, created by title 38, chapter 8, part 1, shall establish design criteria for the insignia and markings.

(2) Notwithstanding subdivision (b)(1), a full-time sworn peace officer certified pursuant to § 38-8-107, while employed in a jurisdiction other than the officer's primary jurisdiction, may wear the primary jurisdiction's uniform, if the jurisdiction has authorized its officers to do so. The jurisdiction may establish reasonable regulations for the wearing of its uniforms during the employment.

(c) This section shall only apply to sworn peace officers engaged in employment outside their primary jurisdiction and within a county having a:

(1) Metropolitan form of government and a population greater than one hundred thousand (100,000), according to the 2000 federal census or any subsequent federal census; or

(2) Population of no less than one hundred eighty-two thousand (182,000) nor greater than one hundred eight-three thousand (183,000), according to the 2000 federal census or any subsequent federal census.

**HISTORY:** Acts 2002, ch. 846, § 1; 2003, ch. 222, § 1.

View Full



1 of 1



Book Browse

Tenn. Code Ann. § 62-35-141 (Copy w/ Cite)

Pages: 2

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)  
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.