TITLE 20

MISCELLANEOUS

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

20-101. Restriction on providing utilities to new buildings.

20-101. Restriction on providing utilities to new buildings. It shall be unlawful for any city board or employee to provide any new building or building site within the city with any utility service before a building permit has been issued. Upon discovery of a violation of this section, it shall be the duty of the utility board having jurisdiction to discontinue its service immediately until a building permit is issued. (1985 Code, § 13-401)

CHAPTER 2

POLICIES AND RULES PERTAINING TO CITY OWNED CEMETERIES

SECTION

20-201. Policies, rules, regulations, etc.

20-201. Policies, rules, regulations, etc. (1) No flowers and/or objects that obstruct mowing and maintenance (March 15 through October 15) will be allowed on graves.

(2) No shrubs or small trees shall be allowed to be placed within the cemetery.

(3) No planting of live flowers with the exception of peonies will be allowed. Planting of peonies will be at the left or right of the headstone/foot of grave.

(4) Benches and/or seats will be permitted provided the bench and/or seat is placed at the foot of the grave and allows an unobstructed path across the grave for mowing and maintenance purposes. Placement of any bench and/or seat shall have the approval of the cemeterian prior to placing the bench and/or seat.

(5) No flowers shall remain on the burial site over one (1) week past the burial date.

(6) Human remains only.

(7) Any cemetery lot(s) an individual wishes to sell/transfer must first be offered to the City of Lewisburg to purchase. The city may or may not purchase the lot(s) at the price the individual originally paid to the city.

(8) Live flowers may be placed on gravesite three (3) days prior and seven (7) days after Mother's Day weekend (the annual decoration at Lone Oak Cemetery) provided weather conditions allow grass cutting the first two (2) days of that week.

(9) Prior to any internments or monument placements and maintenance, notification must be given to the cemeterian.

(10) All monuments must be placed on concrete bases provided by the city at a cost based on the square inch of surface area. The amount per square inch is to be the determined by the city manager.

(11) No additional flag poles will be allowed as of April 27, 2016. Existing flags pole may only display the United States American Flag and/or the Tennessee State Flag, and/or MIA/POW Flags. (as added by Ord. #10-06, June 2010, amended by Ord. #10-07, June 2010, Ord. #10-12, June 2010, and Ord. #11-03, April 2011, replaced by Ord. #11-11, Jan. 2012, and Ord. #12-12, February 2013, and amended by Ord. #16-10, June 2016)

CHAPTER 3

BURGLARY/ROBBERY ALARM REGULATIONS

SECTION

20-301. Definitions.
20-302. Notification/registration required.
20-303. Alarm system requirements.
20-304. Inspection of alarm system.
20-305. False alarm fees.

20-301. Definitions. For the purposes of this chapter, the following terms shall be defined as follows:

(1) "Alarm system" means a device or system of interconnected devices, including hardware and related appurtenances, mechanical or electrical, designed to give warning of activities indicative of felony, fire or criminal conduct requiring urgent attention and to which the police and/or fire department are expected to respond.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof, wherein any alarm system is maintained.

(3) "Automatic dialing device" means an alarm system which automatically sends over telephone lines or direct connection or otherwise to the police department a pre-recorded message or coded signal indicating that an alarm system has been activated.

(4) "Communication center" means the police department's consolidated communication center that provides communication service to the Lewisburg Police Department.

(5) "False alarm" means any activation of an alarm system upon or following which communication is made to the department that an alarm has been triggered, except alarms resulting from one of the following causes:

(a) Criminal activity or unauthorized entry.

(b) Earthquake causing structural damage to the protected premises.

(c) Tornado winds causing structural damage to the protected premises.

(d) Flooding of the protected premises due to the overflow of natural drainage.

(e) A lightning bolt causing physical damage to the protected premises.

(f) Fire causing structural damage to the protected premises verified by the fire department.

(g) Telephone line malfunction verified in writing to the department by at least a first line telephone company supervisor within seven (7) days of the occurrence.

If police units, responding to an alarm and checking the protected premises according to standard department operating procedure, do not discover any evidence of unauthorized entry or criminal activity, there shall be a rebuttable presumption that the alarm is false. Entries in the police department daily officer's log shall be prima facie evidence of the facts stated therein with regard to alarms and responses. (as added by Ord. #12-02, June 2012)

20-302. **Notification/registration required**. Every alarm user shall, within ninety (90) days of the effective date of this chapter for existing alarm systems or prior to the use of new alarm systems installed after the effective date of this chapter, notify and register such alarm system with the police department on the forms provided and include the following information;

(1) The name, address and telephone number of the alarm user.

(2) The type, make and model of each alarm system installed.

(3) Whether the property is residential or business.

(4) Whether the alarm system is monitored by the monitoring company and if so, the name, address and telephone number of the monitoring company.

(5) The names, addresses and telephone numbers for at least two (2) contact persons to be notified in the event of an alarm activation. Within ten (10) days following any change of circumstances which renders obsolete any of the information previously submitted, the alarm user shall file an amendment to his application, setting forth the currently accurate information. (as added by Ord. #12-02, June 2012)

20-303. **Alarm system requirements**. (1) No alarm system shall be installed, used or maintained in violation of any of the requirements of this code.

(2) The alarm user shall be responsible for training all employees, family members and other persons who make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger a sensor.

(3) The alarm user shall, at all times, be responsible for the proper maintenance and repair of the system.

(4) The alarm user shall ensure that the correct address identification is affixed to the building and is readily visible from the street or roadway upon which the property is located.

(5) An audible alarm system shall be equipped with an automatic shutoff which will shut off the audible portion of the alarm after no longer than fifteen (15) minutes after activation. (as added by Ord. #12-02, June 2012)

20-304. **Inspection of alarm system**. Upon registration of an alarm system, and at any time thereafter, the police department may inspect any such

alarm for the purpose of ascertaining that information furnished by the alarm user is correct, and that the system is maintained in conformation with the provisions of this chapter. (as added by Ord. #12-02, June 2012)

20-305. False alarm fees. Whenever the police department is notified of an alarm system being activated in the city of the type requiring a response to the location by the police department, and the police department does respond, a police officer on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether there are indications of criminal activity, or one of the exceptions listed under "false alarms," which caused the activation of the alarm system, or if it appears to be a false alarm.

It is hereby found and determined by the city that all false alarms constitute a public nuisance. The following schedule of notice, warnings, penalties and costs shall be assessed to the owners and/or operators of emergency burglary and robbery alarm systems for false alarms transmitted to the police department within any year and the Lewisburg Police Department shall maintain records of all such false alarms.

When the Lewisburg Police Department responds to alarm system activation and the contact person, as listed on the registration information, does not respond to the alarm location within thirty (30) minutes of being notified, it will result in the imposition of a fine of fifty dollars ($50.00) payable within thirty (30) days of said failure to respond regardless of the number of occurrences of false alarm calls. Failure of the contact person to answer the telephone call from the police, or return a message left by the police department within thirty (30) minutes of the first attempt to call or message being left, shall constitute a failure to respond resulting in the fine being imposed.

Otherwise, the following shall apply for false alarms from the same alarm system location within the same twelve (12) month calendar year period (January - December):

First false alarm:	No action.
Second false alarm:	Notice by letter informing the owner or operator of the alarm system of the provisions of this chapter.
Third false alarm:	Warning letter and notice to insure the alarm system is in proper working order. Once the third false emergency alarm has been received the police chief shall cause to be sent, by certified mail, a notice to the owner and/or operator that further false emergency alarms will result in the imposition of a penalty and/or costs of providing such service.

Fourth false alarm:	A fine of fifty dollars ($50.00) shall be imposed, which will be payable in thirty (30) days after notice.
Fifth and subsequent false alarms:	A reimbursement for each false alarm and the actual costs of such response by the police department as calculated and set annually, including the cost of equipment, fuel, personnel, administration, and other such factors as determined by the police chief will be payable by the owner/operator within thirty (30) days of notice.

Any failure of key holder or owner/operator to pay said fine or reimbursement will result in the city attorney issuing a warrant in city court for said failure to pay. (as added by Ord. #12-02, June 2012)

CHAPTER 4

TREE CITY U.S.A. COMMUNITY

SECTION

20-401. Tree City U.S.A. Community designated.

20-401. Tree City U.S.A. Community designated. The rules and policies are as follows:

(1) The tree city program shall be administered by the parks and recreation department. The parks and recreation department shall be supported in this program by other departments of the City of Lewisburg and other organizations.

(2) The parks and recreation department will provide overall enforcement of this chapter through the director of parks and recreation or such other person designated by the city manager.

(3) The parks and recreation department will coordinate donations of trees and shrubs or money to purchase, plant, and maintain trees and shrubs on public property.

(4) The planning and codes department will review site plans in accordance with the provisions of this chapter as part of the review process of the development committee. The department will also provide inspection of development sites to ensure compliance with grading and tree protection recommendations.

(5) The tree city board will provide on request the current attachment forms:

(a) Maps of approved locations for trees and shrubs;

(b) Recommended list of trees and shrubs;

(c) Recommended list of dedication markers or plaques. (as added by Ord. #13-06, Oct. 2013)

CHAPTER 5

PUBLIC RECORDS ACCESS AND DUPLICATION

SECTION

20-501. Procedures regarding access to and inspection of public records.

20-501. Procedures regarding access to and inspection of public records. (1) Consistent with the Public Records Act of the State of Tennessee, personnel of the City of Lewisburg shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

(2) Employees of the City of Lewisburg shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the records custodian or designee. All copying of public records must be performed by employees of the city, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the records custodian.

(3) To prevent excessive disruptions of the work, essential functions and duties of the employees of the City of Lewisburg, persons requesting inspection and/or copying of public records are requested to complete a record request form to be furnished by the city. If the requesting party refuses to complete a request form, a city employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication, as provided in subsection (2) above. All requests for public records shall be directed to the records custodian.

(4) When records are requested for inspection or copying, the records custodian has up to seven (7) business days to determine whether the city can retrieve the records requested and whether the requested records contain any confidential information, and the estimated charge for coping based upon the number of copies and amount of time required. Within seven (7) business days of a request for records the records custodian shall:

(a) Produce the records requested;

(b) Deny the records in writing, giving explanation for denial; or,

(c) In the case of voluminous requests, provide, in writing, the reguestor with an estimated time frame for production and an estimation of duplication costs.

(5) There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance with the Office of Open Records Counsel (OORC) schedule of reasonable charges, are as follows:

(a) Standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy- $.15 per page for each produced.

(b) Standard 8 1/2 x 11 or 8 1/2 x 14 color copy - $.15 per page for each produced.

(c) Accident reports - $.15 per page for each standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy produced.

(d) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.

(6) Requests requiring less than one (1) hour of municipal employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requestor. Employee labor in excess of one (1) hour may be charged to the requestor, in addition to the costs per copy, as provided in subsection (5). The city may require payment in advance of producing any request. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.

(a) For a request requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula: In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

(b) When the total number of requests made by a requestor within a calendar month exceeds four (4), the requests will be aggregated, and the requestor shall charge a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes for meetings held in the previous calendar month, shall not be counted in the aggregated requests.

(7) If the city is assessed a charge to retrieve the requested records from archives or any other entity having possession of requested records, the records custodian may assess the requestor the cost assessed to the city.

(8) Upon completion of a records request the requestor may pick up the copies of records at the office of the records custodian. Alternatively, the requestor may choose to have the copies of records delivered via United States Postal Service; provided that the requestor pays all related expenses in advance.

(9) The police chief shall maintain in his office records of undercover investigations containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the records custodian. (This provision is for small police departments who do not have personnel trained in records management. Larger police departments should maintain personnel records in the department under the supervision of a trained records custodian). Requests for personnel records, other than for undercover investigators, shall be made to the records custodian, who shall promptly notify the police chief of such request. The police chief shall make the final determination as to the release the information requested. In the event that the police chief refuses to release the information, he shall provide a written explanation of his reasons for not releasing the information.

(10) If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection. (as added by Ord. #14-07, Oct. 2014)