

## TITLE 20

### MISCELLANEOUS<sup>1</sup>

#### CHAPTER

1. PUBLIC SAFETY DEPARTMENT.
2. ENGINEERING REVIEW AND INSPECTION.
3. PUBLIC RECORDS POLICY.

#### CHAPTER 1

### PUBLIC SAFETY DEPARTMENT

#### SECTION

- 20-101. Establishment, equipment, membership.
- 20-102. Duties and objectives.
- 20-103. Organization, rules, and regulations.
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- 20-108. Chief responsible for training, maintenance and certification.
- 20-109. Chief of public safety to be assistant to state officer.
- 20-110. When public safety officers make arrests.
- 20-111. Citations in non-traffic cases.
- 20-112. Summonses.

**20-101. Establishment, equipment, membership.** There is hereby established a public safety department to be supported and equipped from appropriations by the board of commissioners. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The public safety department shall be composed of a chief of public safety and such number of subordinate public safety officers as the town manager shall appoint. (1996 Code, § 20-201)

**20-102. Duties and objectives.** The public safety department and all sworn public safety officers shall have as their duties and objectives:

- (1) To protect persons and property against crime, man-made and natural disasters;
- (2) To prevent fires;

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<sup>1</sup>The policies and procedures ordinance is of record in the office of the recorder.

- (3) To suppress fires;
- (4) To prevent crime and preserve law and order within the town limits;
- (5) To provide for environmental protection measures related to public health;
- (6) To provide for pedestrian and vehicular safety through traffic design and enforcement;
- (7) To provide for investigation and prosecution of crimes against people and property;
- (8) To provide for enforcement of town, state and federal laws and assist the courts during the trial of cases and to serve any legal process issued by the courts;
- (9) To provide for structural safety of buildings through code administration, inspection and enforcement;
- (10) To perform such rescue work as its equipment and/or the training of its personnel makes practicable;
- (11) To provide for disaster planning and emergency management; and
- (12) To provide for emergency communications for the town. (1996 Code, § 20-202)

**20-103. Organization, rules, and regulations.** The chief of public safety, under the direction of the town manager, shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the public safety department. (1996 Code, § 20-203)

**20-104. Public safety officers subject to chief of public safety's orders.** All public safety officers shall obey and comply with such orders and administrative rules and regulations as the chief of public safety may officially issue. (1996 Code, § 20-204)

**20-105. Public safety officers to wear uniforms and carry proper equipment.** All public safety officers shall wear such uniform and badge as the board of commissioners shall authorize and shall carry such equipment as required by the chief of public safety and as stipulated in the policies, rules and regulations of the department or required by law to maintain state certification in respective functional areas of public safety. (1996 Code, § 20-205)

**20-106. Records and reports.** The chief of public safety shall assure that adequate records are maintained of all complaints, crimes committed, investigations, fires, inspections, apparatus, equipment, personnel and work of the department. He shall submit such written reports on those matters to the town manager as the town manager requires. The town manager shall submit

a report on those matters to the board of commissioners as the board of commissioners requires. (1996 Code, § 20-206)

**20-107. Tenure and compensation of members.** The chief of public safety shall be appointed by the town manager and remain employed by the town so long as his conduct and efficiency are satisfactory to the town manager. However, so that adequate discipline may be maintained, the chief of public safety shall have the authority to suspend any other member of the public safety department when he deems such action to be necessary for the good of the department. All personnel of the public safety department shall receive such compensation for their services as the board of commissioners may from time to time prescribe. (1996 Code, § 20-207)

**20-108. Chief responsible for training, maintenance and certification.** The chief of the public safety department, under the direction of the town manager, shall be fully responsible for the training of public safety officers, other public safety department personnel and for maintenance of all property and equipment of the public safety department. The chief of public safety shall be responsible for assuring that personnel of the public safety department are properly certified by the State of Tennessee in the functional areas consistent with the duties they perform. (1996 Code, § 20-208)

**20-109. Chief of public safety to be assistant to state officer.** Pursuant to requirements of *Tennessee Code Annotated*, § 68-102-108, the chief of public safety is designated as an assistant to the State Commissioner of Commerce and Insurance and is subject to all the duties and obligations imposed by *Tennessee Code Annotated*, title 68, chapter 102, and shall be subject to the directions of the commissioner in execution of the provisions thereof. (1996 Code, § 20-209)

**20-110. When public safety officers make arrests.** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a public safety officer in the following cases:

- (1) Whenever he is in possession of a warrant for the arrest of the person;
- (2) Wherever an offense is committed or a breach of the peace is threatened in the officer's presence by the person; and
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1996 Code, § 20-210)

**20-111. Citations in non-traffic cases.** Pursuant to *Tennessee Code Annotated*, §§ 7-63-101, *et seq.*, the board of commissioners appoints all public safety officers certified in the respective functional areas as special officers having the authority to issue citations for violations of the fire code adopted in

title 7, chapter 2 of the municipal code of ordinances and to issue citations for violations of the building, utility and residential codes adopted in title 12 of the municipal code or ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with *Tennessee Code Annotated*, § 7-63-104. (1996 Code, § 20-212, modified)

**20-112. Summonses.** Pursuant to *Tennessee Code Annotated*, §§ 7-63-201, *et seq.*, which authorizes the board of commissioners to designate certain town enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control etc., the board designates the public safety department and the all public safety officers in the department to issue ordinance summonses in those areas. These enforcement officers, upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control and the like, may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summons notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may:

- (1) Have a summons issued by the clerk of the town court; or
- (2) May use his police authority to witness the violation and may issue a citation in lieu of arrest for the violation.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (1996 Code, § 20-213, modified)

## CHAPTER 2

### ENGINEERING REVIEW AND INSPECTION

#### SECTION

20-201. Oversight and project site inspection charges.

**20-201. Oversight and project site inspection charges.** (1) All owners, developers and applicants, individually or by their authorized agents, employees or servants, seeking municipal approval for any proposed development/improvement of land by: subdivision, planned unit development, site plan, special exceptions approved by the board of zoning appeals, use changes, landscape plans, sketch plats, preliminary plats, final plats, construction plans, grading plans, roadway plans, draingage plans, wastewater facility plans, matters requiring the establishment of performance bonding, dedication of easements and facilities/structures associated with any of the foregoing, shall be responsible for the reimbursement to the Town of Kingston Springs for all actual review charges including, but not limited to, engineering review, engineering oversight and project site inspection charges/fees for services incurred by said town by virtue of, and as relate to the foregoing, by the town's designated consulting engineer and/or his appointed designee, town attorney or any other designated consultant rendering services ancillary to the foregoing for and on behalf of the municipality.

(2) All actual charges to be reimbursed to the municipality shall be paid within fifteen (15) days from the date of billing by the municipality. In the event said reimbursed charges are not paid, timely, any permit or approval before given or issued shall become void and default may be declared upon any performance bonding posted with the Town of Kingston Springs.

(3) Notwithstanding all of the foregoing, certain charges shall be paid at the time of submittal or time of application is made to the town or its planning commission as a base minimum, all of which is set forth on Appendix "A" hereto and of which is incorporated by reference herein.

(4) This section is not deemed to be a tax, but is to offset actual incurred expenses of the municipality for an owner, developer and applicant seeking development of land and improvement of lands within the municipality. (1996 Code, § 20-301)

## CHAPTER 3

### PUBLIC RECORDS POLICY

#### SECTION

20-301. Definitions.

20-302. Requesting access to public records.

20-303. Responding to public records requests.

20-304. Inspection of records.

20-305. Copies of records.

20-306. Fees and charges and procedures for billing and payment.

**20-301. Definitions.** (1) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record. See *Tennessee Code Annotated*, § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.

(2) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See *Tennessee Code Annotated*, § 10-7-503(a)(1)(A).

(3) "Public records request coordinator." The individual, or individuals, designated in § 20-303(1)(c) of this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See *Tennessee Code Annotated*, § 10-7-503(a)(1)(B). The public records request coordinator may also be a records custodian.

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication.

**20-302. Requesting access to public records.** (1) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in accordance with this policy in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing (or email) address from the requestor for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing at Kingston Springs Town Hall, 396 Spring Street, Kingston Springs, TN. 37082, or by phone at 615-952-2110, ext. 10.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing via the Town of Kingston Springs Records Request Form. This

form is included with this policy and is also available at Kingston Springs Town Hall, 396 Spring Street, Kingston Springs, TN. 37082. This form should be completed in its entirety and presented to the public records request coordinator for the Town of Kingston Springs, Tennessee at Kingston Springs Town Hall.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is required as a condition to inspect or receive copies of public records.

(6) Town documents are also available online on the town's website at [www.kingstonsprings.net](http://www.kingstonsprings.net). Videos of recent meetings are available on the town's YouTube channel at [www.youtube.com/channel/UCtwD5KW3\\_0JRu3uwvT8tSRA](http://www.youtube.com/channel/UCtwD5KW3_0JRu3uwvT8tSRA). (modified, as amended by Ord. #20-004, June 2020)

**20-303. Responding to public records requests.** (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship;

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If the governmental entity is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requestor of this Policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fees (and labor threshold and waivers, if applicable); and

(D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one (1) of the following:

(A) The requestor is not, or has not presented evidence of being, a Tennessee citizen.

(B) The request lacks specificity. (offer will be made to assist in clarification)

(C) An exemption makes the record not subject to disclosure under the TPRA. (written exemption denial will be supplied)

(D) The governmental entity is not the custodian of the requested records.

(E) The records do not exist.

(iii) If appropriate, contact the requestor to see if the request can be narrowed.

(iv) Forward the records request to the appropriate records custodian in the Town of Kingston Springs, Tennessee.

(v) If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.

(c) The designated PRRC is:

(i) Debbie Finch, City Manager, Town of Kingston Springs, Tennessee.

(ii) Contact information: Kingston Springs Town Hall, 396 Spring Street, Kingston Springs, Tennessee 37082. 615-952-2110. Mailing Address: PO Box 256, Kingston Springs, Tennessee 37082.

(d) The PRRC shall report to the Kingston Springs Board of Commissioners on an annual basis about the Town of Kingston Springs' compliance with the TPRA pursuant to this policy and shall make recommendations, if any, for improvement or changes to this policy.

(2) Records custodian. (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with *Tennessee Code Annotated*, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form which is attached as the Town of Kingston Springs Record Response form based on the form developed by the OORC.

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 20-303(1)(b)(ii) using the Public Records Request Response Form.

(d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Kingston Springs Record Response Form to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.



(e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

(3) **Redaction.** (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the office of attorney general and reporter.

(b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information. (modified)

**20-304. Inspection of records.** (1) There shall be no charge for inspection of open public records.

(b) The location for inspection of records within the offices of the Town of Kingston Springs, Tennessee will be determined by either the PRRC or the records custodian.

(3) Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

**20-305. Copies of records.** (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at Kingston Springs Town Hall, 396 Spring Street, Kingston Springs, Tennessee 37082.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment.

**20-306. Fees and charges and procedures for billing and payment.**

(1) Fees and charges for copies of public records should not be used to hinder access to public records.

(2) Records custodians shall provide requestors with an itemized estimate of the charges using the rates outlined in subsection (4) of this section of the policy prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(3) No duplication costs will be charged for requests for less than two dollars (\$2.00).

(4) For requests for electronic copies or email copies of documents, a fee will be charged for each page of a record that must be physically printed in order to fulfill the request or in order for the record to be redacted or otherwise prepared pursuant to Tennessee law. Further, a fee for labor will be charged for such production when the labor spent in producing and providing the electronic or emailed copy exceeds one (1) hour.

(5) Fees and charges for copies are as follows:

(a) Fifteen cents (\$0.15) per page for letter- and legal-size black and white copies.

(b) Fifty cents (\$0.50) per page for letter- and legal-size color copies.

(c) Labor when time exceeds 1 (one) hour. Such labor charge shall be based upon the base salary of the employee and does not include benefits. If an employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee's annual salary by the required hours to be worked per year.

(d) If an outside vendor is used, the actual costs assessed by the vendor.

(e) The actual cost of any flash drive or disk or other storage device used by the town to provide the requested copies.

(f) Any actual delivery costs incurred or that will be incurred by the town if the town must send the requested records via First Class U.S. Mail to the requestor.

(6) Payment is to be made in cash, by personal check or by credit card (credit card payments will be assessed an additional processing fee of five percent (5%) of the total) payable to The Town of Kingston Springs, presented to PRRC or town clerk.

(7) Payment in advance will be required when costs are estimated to exceed five dollars (\$5.00) or when the records must be mailed to the requestor.

(8) Aggregation of frequent and multiple requests. The Town of Kingston Springs, Tennessee will not aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

All other provisions of the said Town of Kingston Springs Personnel Policy remain unchanged and in effect and are hereby readopted by reference as if fully set forth verbatim herein. (Ord. #20-004, June 2020)



TOWN OF KINGSTON SPRINGS, TENNESSEE
PUBLIC RECORDS REQUEST FORM

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: Town of Kingston Springs, Tennessee - Public Records Request Coordinator

From: \_\_\_\_\_

Is the requestor a Tennessee citizen? Yes [ ] No [ ]

- Request: [ ] Inspection (The TPRA does not permit fees or require a written request for inspection only)
[ ] Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$\_\_\_\_\_? If so, initial here: \_\_\_\_\_.

Delivery preference: [ ] On-Site Pick-Up [ ] USPS First-Class Mail

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Signature of Requestor and Date Submitted

Signature of PRRC and Date Received

Note, Tennessee Code Annotated, § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.