

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. FAIR HOUSING ORDINANCE.
2. OPEN RECORDS POLICY.
3. CITY PARK.
4. SALE OF BURIAL LOTS IN MUNICIPAL CEMETERY.
5. CEMETERY MAINTENANCE.

**CHAPTER 1**

**FAIR HOUSING ORDINANCE**

**SECTION**

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**20-101. Policy.** It is the policy of the Town of Alamo to provide, within constitutional limitations, for fair housing throughout the community. (Ord. #\_\_\_\_, March 1995)

**20-102. Definitions.** (1) "Discriminatory housing practice" means an act that is unlawful under §§ 20-104, 20-105, or 20-106.

(2) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(3) "Family" includes a single individual.

(4) "Person" includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual

companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(5) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (Ord. #\_\_\_\_, March 1995)

**20-103. Unlawful practice.** Subject to the provisions of subsection (2) and § 20-107, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-104 shall apply to:

- (1) All dwellings except as exempted by subsection (2);
- (2) Nothing in § 20-104 shall apply to:

- (a) Any single-family house sold or rented by an owner; provided that such private individual owner does not own more than three (3) such single-family houses at any one (1) time; provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one (1) such sale within any twenty-four (24) month period; provided further that such bonafide private individual owner does not own any interest in, nor is owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time; provided further that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented: without the use in any manner of the sale or rental facilities or the sale or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-104(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

- (b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.

(3) For the purpose of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

- (a) He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(b) He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (Ord. #\_\_\_\_\_, March 1995)

**20-104. Discrimination in the sale or rental of housing.** As made applicable by § 20-103 and exempted by §§ 20-103(2) and 20-107, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bonafide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin, familial status or handicap;

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or handicap;

(3) To make, print, or publish, or cause to be made, printed, or published any notice statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitations, or discrimination based on race, color, religion, sex, national origin, familial status or handicap or any intention to make any such preference, limitation, or discrimination;

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status or handicap;

(6) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by that person if such modifications are necessary to afford that person full enjoyment of the premises; and

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (Ord. #\_\_\_\_\_, March 1995)

**20-105. Discrimination in the financing of housing.** It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in

whole or in part in the making or commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or handicap of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-103(2). (Ord. #\_\_\_, March 1995)

**20-106. Discrimination in the provision of brokerage services.** It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or handicap. (Ord. #\_\_\_, March 1995)

**20-107. Exemption.** Nothing in this chapter shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or handicap; nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. #\_\_\_, March 1995)

**20-108. Administration.** (1) The authority and responsibility for administrating this Act shall be in the Mayor of the Town of Alamo.

(2) The mayor may delegate any of these functions, duties, and powers to employees of the community, or the boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The mayor shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing

examiners or to other officers in the community, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purpose of this chapter and shall cooperate with the mayor to further such purposes. (Ord. #\_\_\_\_, March 1995)

**20-109. Education and conciliation.** Immediately after the enactment of this chapter, the mayor shall commence such educational and conciliatory activities as will further the purpose of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. #\_\_\_\_, March 1995)

**20-110. Enforcement.** (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the mayor. Complaints shall be in writing and shall contain such information and be in such form as the mayor requires. Upon receipt of such a complaint, the mayor shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (3), the mayor shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the mayor decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the mayor who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one (1) year.

(2) A complaint under subsection (1) shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the mayor, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty (30) days after a complaint is filed with the mayor, the mayor has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The mayor will assist in this filing.

(4) If the mayor has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(6) Whenever an action filed by an individual shall come to trial, the mayor shall immediately terminate all efforts to obtain voluntary compliance. (Ord. #\_\_\_\_, March 1995)

**20-111. Investigations; subpoenas; giving of evidence.** (1) In conducting an investigation, the mayor shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonable necessary for the furtherance of the investigation; provided, however, that the mayor first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The mayor may administer oaths.

(2) Upon written application to the mayor, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the mayor to the same extent and subject to the same limitations as subpoenas issued by the mayor himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoena of the mayor shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the United States district courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five (5) days after service of a subpoena upon any person, such person may petition the mayor to revoke or modify the subpoena. The mayor shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the mayor or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the mayor shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the mayor, shall make or cause to be made any false entry or statement or fact in any report, account, record, or other document submitted to the mayor pursuant to his subpoena or such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

(7) The town attorney shall conduct all litigation in which the mayor participates as a party or as amicus pursuant to this chapter. (Ord. #\_\_\_\_, March 1995)

**20-112. Enforcement by private persons.** (1) The rights granted by §§ 20-103, 20-104, 20-105, and 20-106 may be enforced by civil action in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred eighty (180) days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or § 20-110(4) from time to time before bringing it to trial or renting dwellings; or

(2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, or religion or national origin, in any of the activities, services, organizations or facilities;

(b) Affording another person or class of persons opportunity or protection so to participate; or

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities, or

participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both; and if bodily injury results shall be fined not more than ten thousand dollars (\$10,000.00), or imprisoned not more than ten (10) years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. #\_\_\_\_, March 1995)



## CHAPTER 2

### OPEN RECORDS POLICY

#### SECTION

20-201. Definitions.

20-202. Requesting access to public records.

20-203. Responding to public records requests.

20-204. Inspection of records.

20-205. Copies of records.

20-206. Fees and charges and procedures for billing and payment.

**20-201. 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 §20-203(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) "Requester." A person seeking access to a public record, whether it is for inspection or duplication. (Ord. #2017-20, Nov. 2017, as replaced by Ord. #2022-5, July 2022 *Ch1\_09-11-23*)

**20-202. Requesting access to public records.** (1) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee 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 address from the requester for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing using the Form R1 available at 97 SOUTH JOHNSON ST ALAMO, TN 38001 or by phone at 731-696-4515. or via email at amandaharris.38001@gmail.com.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form R1 available at 97 SOUTH JOHNSON

ST ALAMO, TN 38001. If a form is required for copies ensure it is attached to the policy.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is not required as a condition to inspect or receive copies of public records. (Ord. #2017-20, Nov. 2017, modified, as replaced by Ord. #2022-5, July 2022 ***Ch1\_09-11-23***)

**20-203. 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:

(b) (i) If the requester provided evidence of Tennessee citizenship (if required);

(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.

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

(i) Advise the requester 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 of the following:

(A) The requester is not, or has not presented evidence of being, a Tennessee citizen (if proof of citizenship is required).

(B) The request lacks specificity. (Offer to assist in clarification.)

(C) An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial.)

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

(E) The records do not exist.

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

(iv) Forward the records request to the appropriate records custodian in Town of Alamo.

(v) If requested records are in the custody of a different governmental entity, and the PRRC knows the correct

governmental entity, advise the requester of the correct governmental entity and PRRC for that entity if known.

(c) The designated PRRC(s) is (are):

(i) Name or title: Amanda Harris, Town Recorder.

(ii) Contact information:

97 South Johnson St., Alamo, TN 38001 731-696-4515 or  
fax 731-696-4045

(d) The PRRC(s) shall report to the governing authority on an annual basis about the governmental entity's 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 requester a completed public records request response form which is attached as Form R1, 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 § 20-203(1)(a)(ii)(B) using the public records request response form R1.

(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 public records request response form to notify the requester 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 requester 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 requester 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 OORC.

(b) Whenever a redacted record is provided, a records custodian should provide the requester with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information. (Ord. #2017-20, Nov. 2017, modified, as replaced by Ord. #2022-5, July 2022 *Ch1\_09-11-23*)

**20-204. Inspection of records.** (1) There shall be no charge for inspection of open public records.

(2) The location for inspection of records within the offices of Town of Alamo should 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. (Ord. #2017-20, Nov. 2017, as replaced by Ord. #2022-5, July 2022 *Ch1\_09-11-23*)

**20-205. 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 a location specified by the records custodian.

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

(4) A requester will not be allowed to make copies of records with personal equipment. (Ord. #2017-20, Nov. 2017, as replaced by Ord. #2022-5, July 2022 *Ch1\_09-11-23*)

**20-206. 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. No charges will be assessed for copies and duplicates unless over twenty (20) pages.

(2) Records custodian shall provide requester with an itemized estimate of the charges using Form R1 prior to producing copies of records and may require prepayment of such charges before producing requested records.

(3) When fees for copies and labor do not exceed two dollars (\$2.00), the fees may be waived. Requests for waivers for fees above two dollars (\$2.00) must be presented to Amanda Harris or a city clerk, who is authorized to determine if such waiver is in the best interest of TOWN OF ALAMO and for the public good. Fees associated with aggregated records requests will not be waived.

(4) Fees and charges for copies are as follows (if higher than the amounts authorized by the OORC schedule of reasonable charges, documentation should be attached):

(a) Fifteen cents (\$0.15) per page for letter- and legal-size black and white copies. Extraordinary request which requires five hundred (500) pages or more will be charged a two cents (\$0.02) per page surcharge for all pages over five hundred (500).

(b) Labor when time exceeds one (1) hour. Rates for specific are as follows:

(i) Clerk twenty-three dollars (\$23.00)

(ii) Supervisor positions twenty-seven dollars (\$27.00)

(iii) City recorder/CMFO thirty-one dollars (\$31.00)

(c) If an outside vendor is used, the actual costs charged to the Town of Alamo by the vendor (IT, auditor, blueprinting and/or any other organization) required to complete a request for records, will be charged to the requester in full.

(d) Payment in advance will be required when costs are estimated to exceed twenty-five dollars (\$25.00).

(e) Payment is to be made in cash or by personal check payable to Town of Alamo presented to the clerk or recorder.

(5) Aggregation of frequent and/or multiple requests. Town of Alamo will not aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert). (Ord. #2017-20, Nov. 2017, modified, as replaced by Ord. #2022-5, July 2022 ***Ch1\_09-11-23***)

**CHAPTER 3****CITY PARK****SECTION**

- 20-301. Operating hours.
- 20-302. Disturbance of peace.
- 20-303. Trash and litter.
- 20-304. Prohibited activities.

**20-301. Operating hours.** (1) Operating hours are from 6:00 A.M. to 10:00 P.M.

(2) Vehicles parked in the parking area when the park is closed or when the owner is not in the park will be towed at the owner's expense; except during official league ball games when the park will close the later of 10:00 P.M. or fifteen (15) minutes after play is over in the final ball game.

(3) City parks are for local recreational purposes only. Recreation is defined as walking or jogging; playing on playground equipment provided; playing basketball on basketball courts provided; little league baseball or softball practice or play on ball fields; family, church, or recognized fraternal organization recreational gatherings; picnics, birthday parties, and Easter egg hunts; local high school or family reunions; 4-H Club events; local charitable and/or civic club events and meetings; Alamo City School activities and use; Boy Scouts and Girl Scouts activities; "sign up" activities and meetings for sports teams; any other activity or event officially sanctioned or sponsored by the Town of Alamo; individual and small group uses such as playing catch, frisbee tossing, touch football and the like; or similar outdoor activities.

(4) It shall be unlawful for any person, group, organization, partnership, or corporation to violate the rules established under this chapter. Violators are subject to citation to municipal court and/or removal from park premises by the Alamo Police Department. (Ord. #\_\_, Aug. 2011, modified, as amended by Ord. #2022-12, Nov. 2022 *Ch1\_09-11-23*)

**20-302. Disturbance of peace.** Loud music in the park is prohibited or any disturbance of the peace. Music that can be heard fifty feet (50') from the source is loud. (Ord. #\_\_, Aug. 2011)

**20-303. Trash and litter.** Trash and litter should be placed in the proper receptacles. (Ord. #\_\_, Aug. 2011)

**20-304. Prohibited activities.** The following items and activities are prohibited in the park: alcoholic beverages; drugs; glass containers; dogs not on a leash; profanity; deliberately defacing, damaging, or tampering with park equipment; overnight camping whether or not in tents, shacks or any other

temporary shelter or on the ground, in camping trailers or recreational vehicles placed on the premises. Overnight "pup tent" camping by organized groups sponsored by recognized youth development agencies is permitted with advance approval of the Alamo Police Department. (Ord. #\_\_\_, Aug. 2011, as replaced by Ord. #2022-12, Nov. 2022 ***Ch1\_09-11-23***)

## CHAPTER 4

### SALE OF BURIAL LOTS IN MUNICIPAL CEMETERY

#### SECTION

20-401. Sale of cemetery lots.

20-402. Handling of funds.

**20-401. Sale of cemetery lots.** The price of each cemetery lot in Alamo Cemetery shall be three hundred dollars (\$300.00) and may be set hereafter by an ordinance of the board of mayor and aldermen. Any person purchasing a lot is entitled to a license agreement conveying the lot. A license agreement conveying the lot gives the purchaser only the right of burial therein and shall be considered as a license that restricts the use to burial purposes. (Ord. #5-4-2015C, May 2015)

**20-402. Handling of funds.** (1) All money received from the sale of cemetery lots and other services shall be paid to the Alamo Town Recorder.

(2) No lot agreement to any cemetery lot shall be issued, nor any cemetery service performed until a receipt showing payment to the town of the cost thereof is exhibited to the person who issues the agreement or performs the services.

(3) All money received from the sale of lots and performance of services shall be placed in the town's general fund. (Ord. #5-4-2015C, May 2015, modified)



## CHAPTER 5

### CEMETERY MAINTENANCE

#### SECTION

20-501. Burial fees.

20-502. Practices that funeral homes shall observe.

20-503. Violations and penalty.

**20-501. Burial fees.** Each funeral home in charge of any burial in the Alamo Cemetery shall pay a one hundred dollar (\$100.00) fee to the Town of Alamo each time a burial takes place. The fee shall be paid to the town within ten (10) days of the date of the burial. It shall be unlawful for any funeral home to fail to pay the fee. (Ord. #2018-11, Oct. 2018)

**20-502. Practices that funeral homes shall observe.** Any funeral home in charge of a burial shall leave a customary mound of soil on the grave to provide for settlement. Any surplus soil that remains from a burial shall be moved the same day of the burial by the funeral home in charge, to a location on the cemetery premises approved by Town of Alamo authorities. If the funeral home fails to abide by this section, the Town of Alamo may move the soil, or cause the soil to be moved by a contractor, and charge the funeral home a reasonable fee. (Ord. #2018-11, Oct. 2018)

**20-503. Violations and penalty.** Violations of any section of this chapter shall subject the offender to a penalty of fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. The court is authorized to prohibit a funeral home from conducting burials in the Alamo Cemetery until past fees and fines have been paid in full. (Ord. #2018-11, Oct. 2018)