

TITLE 20

MISCELLANEOUS

CHAPTER

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CHAPTER 1

FAIR HOUSING REGULATIONS

SECTION

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20-101. Policy. It is the policy of the Town of Dandridge, to provide, within constitutional limitations, for fair housing throughout the town. (1995 Code, § 20-201)

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 (1) 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. (1995 Code, § 20-202)

20-103. Unlawful practice. Subject to the provisions of § 20-107(2), 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 such sale within any twenty-four (24) month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there 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 one (1) time: Provided further that the sale or rental of any such single-family houses shall be excepted from the application of this title only if such house is sold or rented (i) without the use in any manner of the sale or rental facilities or the sales 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 (ii) 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 provision shall prohibit the use of attorneys, escrow agents, abstracters, 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 purposes 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 preceding twelve 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. (1995 Code, § 20-203)

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

(1) To refuse to sell or rent after the making of a bona fide 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, sex, 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 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, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, or handicap, or an 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.

(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. (1995 Code, § 20-204)

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 of commercial real estate loans, to deny a loan

or other financial assistance to a person applying therefore 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 the 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). (1995 Code, § 20-205)

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 of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status, or handicap. (1995 Code, § 20-206)

20-107. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit 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 member or from giving preference to its members. (1995 Code, § 20-207)

20-108. Administration. (1) The authority and responsibility for administering this act shall be in the Board of Mayor and Aldermen of the Town of Dandridge.

(2) The board of mayor and aldermen may delegate any of these functions, duties, and powers to employees of the town or to 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 board of mayor and aldermen shall rule on or prescribe rights of appeal from the

decisions of his hearing examiners 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 purposes of this chapter and shall cooperate with the board of mayor and aldermen to further such purposes. (1995 Code, § 20-208)

20-109. Education and conciliation. Immediately after the enactment of this chapter, the board of mayor and aldermen shall commence such educational and conciliatory activities as will further the purposes of this chapter. They may call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and their suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (1995 Code, § 20-209)

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 Municipal Human Rights Commission. Complaints shall be in writing and shall contain such information and be in such form as the Municipal Human Rights Commission requires. Upon receipt of such a complaint, the Municipal Human Rights Commission 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 Municipal Human Rights Commission shall investigate the complaint and give notice in writing to the person aggrieved whether the Commission intends to resolve it. If the Municipal Human Rights Commission decides to resolve the complaints, it shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information 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 Municipal Human Rights Commission 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 fifty dollars (\$50.00).

(2) A complaint under subsection (1) shall be filed within one hundred and 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 Municipal Human Rights Commission, 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 Municipal Human Rights Commission, the Municipal Human Rights Commission 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 Municipal Human Rights Commission will assist in this filing.

(4) If the Municipal Human Rights Commission has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days thereafter 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 complaint.

(6) Whenever an action filed by an individual shall come to trial, the Municipal Human Rights Commission shall immediately terminate all efforts to obtain voluntary compliance. (1995 Code, § 20-210, modified)

20-111. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the Municipal Human Rights Commission 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 person as are reasonably necessary for the furtherance of the investigation; Provided, however, that the Municipal Human Rights Commission first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Municipal Human Rights Commission may issue subpoenas to compel its 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 of the district in which the investigation is taking place. The Municipal Human Rights Commission may administer oaths.

(2) Upon written application to the Municipal Human Rights Commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Municipal Human Rights Commission to the same extent and subject to the same limitations as

subpoenas issued by the Municipal Human Rights Commission 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 subpoenas of the Municipal Human Rights Commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in 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 services of a subpoena upon any person, such person may petition the Municipal Human Rights Commission to revoke or modify the subpoena. The Municipal Human Rights Commission shall grant the petition if it 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 Municipal Human Rights Commission 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 subpoenas or lawful order of the Municipal Human Rights Commission shall be fined not more than fifty dollars (\$50.00). Any person who, with intent thereby to mislead the Municipal Human Rights Commission, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Municipal Human Rights Commission pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in 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 fifty dollars (\$50.00).

(7) The Municipal Human Rights Commission shall conduct all litigation in which the Municipal Human Rights Commission participates as a party or as amicus pursuant to this chapter. (1995 Code, § 20-211, modified)

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 actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought to this section or § 20-110(4) from time to time before bringing it

to trial. Civil action may be brought against any person or persons engaged in a discriminatory housing practice associated with the selling or renting of dwellings except as previously exempted within this chapter; or

(2) Any person because he is engaged in, or has been engaged in activities which would prevent or discourage, any citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, 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 fifty dollars (\$50.00). (1995 Code, § 20-212, modified)

CHAPTER 2

PARKS AND RECREATION

SECTION

- 20-201. Definitions.
- 20-202. Purposes.
- 20-203. Enforcement authority.
- 20-204. Hours.
- 20-205. Closed areas.
- 20-206. Preservation of buildings and other property.
- 20-207. Construction or development at Grace Shrader Park.
- 20-208. Picnic shelter permit.
- 20-209. Alcoholic beverages.
- 20-210. Drunkenness
- 20-211. Domestic animals.
- 20-212. Game and sport activity.
- 20-213. Food preparation and cooking.
- 20-214. Regulation and control.
- 20-215. State and local traffic regulations apply.
- 20-216. Obedience to traffic signs.
- 20-217. Enforcement of traffic regulations.
- 20-218. Use of vehicles.
- 20-219. Speed of vehicles.
- 20-220. Vehicles confined to designated areas.
- 20-221. Parking regulations.
- 20-222. Parking during authorized hours.
- 20-223. Application for reserving facilities.
- 20-224. Violations and penalty.

20-201. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Director" shall mean the town administrator or designee.
- (2) "Driver" shall mean every person who drives or is in actual physical control of a vehicle in or on park property, or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.
- (3) "Motor vehicle" shall mean every vehicle which is self-propelled whether by means of an internal combustion engine or by electrical power, including but not limited to, automobiles, buses, emergency vehicles, motorcycles, motorbikes, motorscooters, school buses, trucks and tractors.
- (4) "Nonresident" shall mean any person not classified as a resident of the town.

(5) "Parking" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(6) "Park" or "park area" shall mean all parks, playgrounds, recreation fields and areas, waterways, water areas, marinas, lakes, streams, canals, and the parking areas, roadways, walkways, paths and trails which are provided in connection therewith, and other improvements thereto, which are owned by the town, and/or which are under the control of the town for operation, maintenance or upkeep.

(7) "Traffic-control devices" shall mean all signs, signals, markings and devices placed or erected by authority of the town for the purpose of regulating, warning or guiding traffic. (1995 Code, § 20-301, modified)

20-202. Purposes. The purposes of this chapter are to establish rules and regulations governing the operation and use of the town's municipal parks and recreational facilities including established and designated picnic areas, public buildings and shelters devoted to recreation purposes, athletic fields, tennis courts, and other similar recreation areas and facilities, and the parking areas provided in connection therewith which are owned or leased by the town, for the end purpose that the public may obtain the maximum enjoyment and utilization thereof in accordance with the purposes intended and that the facilities may be conserved and protected for the public good. (1995 Code, § 20-302)

20-203. Enforcement authority. (1) It shall be the duty and responsibility of the police department and public works department employees and the code enforcement officer to enforce this chapter.

(2) It shall be unlawful for any person to do any act forbidden or fail to perform any act required by this chapter or for any person to fail to comply with any lawful order given by the police department.

(3) Continuous violation of this chapter shall result in permanent expulsion from the Town of Dandridge's park system and recreation facilities. (1995 Code, § 20-303)

20-204. Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information. All park visitors shall vacate the park premises during posted hours of closing to the public, or as directed by the public works superintendent. Any party using the park(s) or street(s) except for through travel shall be deemed to be trespassing. (1995 Code, § 20-304)

20-205. Closed areas. Any section or part of any park may be declared closed to the public by the director at any time and for any interval or at regular

or started intervals (daily or otherwise) or entirely or merely restricted to certain uses as the director shall find reasonably necessary. Any party using the closed area shall be deemed to be trespassing. (1995 Code, § 20-305)

20-206. Preservation of buildings and other property. (1) All persons using restrooms and washrooms shall cooperate in keeping them in a neat and sanitary condition.

(2) No person shall damage or remove plants or plant materials, trees or parts thereof, or any flowers, nuts, seeds whatsoever, except that park personnel may be empowered to make such removals. Scientists and students of botany may be given special written permission at the discretion of the public works director.

(3) No person or agency shall make any excavations by tool, equipment, blasting or other means or agency, nor shall any person construct or erect any building or structure of whatsoever kind either permanent or temporary or run or string any public utilities into, upon, across, or over any park or recreation lands, unless authorized by permit or easement.

(4) Smoking shall be permitted in a designated smoking area only. No fires shall be built in any area of any park, except such areas as are specifically designed for fire building, nor shall any person dump, throw or permit to be scattered, by any means, lighted matches, or any other flammable material within any park area or highway or road or street abutting thereto.

(5) No person shall climb any tree or walk, stand or sit upon monuments, vases, fountains, railing fences, or upon any other property not designated or customarily used for such purposes. (1995 Code, § 20-306,) modified)

20-207. Construction or development at Grace Shrader Park. In the event of organizations or leagues wishing to construct or develop new facilities at Grace Shrader Park, the organizations will be responsible for securing cash or grant moneys to cover the entire construction and/or development costs. Additionally, the park management committee, or an administrator designated by the park committee, must accept the project and determine what additional fees might apply. Such fees will take into account a pro rata contribution considering the value of and the sources of investment for the existing ball fields.

20-208. Picnic shelter permit. Picnic shelters are available on a first come, first serve basis with respect to the hours of operation unless previously reserved through the Field of Dreams Activity Center. (1995 Code, § 20-308, modified)

20-209. Alcoholic beverages. (1) No alcoholic beverages whatsoever shall be permitted to be brought into any park area unless authorized and approved by the Town of Dandridge Beer Board.

(2) No alcoholic beverages whatsoever shall be transported, possessed or consumed in any park area of this town unless authorized by the Town of Dandridge Beer Board. (1995 Code, § 20-315)

20-210. Drunkeness. No intoxicated person will be permitted entry to parks or recreation areas, and if discovered therein, will be ejected and/or arrested forthwith by personnel of the Dandridge Police Department. (1995 Code, § 20-316)

20-211. Domestic animals. No person shall bring into, or be responsible for bringing into, or allow to remain in any park or park area, any unleashed dogs, cats or other animals belonging to that person or in his/her possession, custody or control. However, nothing herein contained shall be construed as permitting the running of dogs at large. No animals of any kind shall be allowed on any recreational field or playground, unless required under the Americans with Disabilities Act. (1995 Code, § 20-318)

20-212. Game and sport activity. No person shall play or engage or participate in any game, sport or recreation activity upon property used, maintained or occupied by the town at any time when there is posted on such property in a reasonably conspicuous place and manner, an appropriately worded sign prohibiting any such game, sport or recreation activity. (1995 Code, § 20-319)

20-213. Food preparation and cooking. (1) No person shall build, light or cause to be lighted any fire upon the ground or other object in any area except as specifically designated and in an approved grill, stove, fireplace or other suitable container, nor shall any person starting a fire leave the area without extinguishing the fire.

(2) No person shall use a grill or other device in such a manner as to burn, char, mar or blemish any bench, table or any other object of park property.

(3) Coolers are permitted in designated areas only and are NOT permitted in the areas immediately around the ball fields, bleachers, concession stands, or in the parking area immediately adjacent to the concession stands. (1995 Code, § 20-320)

20-214. Regulation and control. The public works department employees will regulate activities in picnic areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. If the facilities are crowded, persons holding activities in any park picnic area, building or structure will avoid using same to the exclusion of others for an unreasonable time, the determination of which is unreasonable being at the discretion of the public works director or his designee. Use of the individual

fireplaces together with tables and benches follows generally the rule of first come, first served. (1995 Code, § 20-321)

20-215. State and local traffic regulations apply. The provisions of the state statutes governing and regulating the operation, maintenance and control of motor vehicles and traffic ordinances contained in the town code are adopted by reference into this chapter shall apply uniformly to and within the confines of all parks and recreation facility areas and the roadways, drives and parking areas appurtenant thereto, the same as if they were public streets, highways and areas, whether they are public or private or semiprivate in nature. All persons within the confines of park and recreation facility areas shall at all times fully comply with all such motor vehicle statutes and ordinances, as aforesaid. (1995 Code, § 20-322)

20-216. Obedience to traffic signs. All persons shall observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all other signs posted for proper control of traffic and for the safety of persons and property. (1995 Code, § 20-323)

20-217. Enforcement of traffic regulations. All persons shall obey all traffic officers and public works employees; such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks, highways, streets or roads immediately adjacent thereto. (1995 Code, § 20-324)

20-218. Use of vehicles. (1) No operator of a vehicle shall tow another vehicle on park roads, except when the towed vehicle is used in transporting a boat into a marina/dock areas or other designated area, or when necessary to remove a disabled vehicle, or in the towing of motorized bikes or special event trailers or wheeled vehicles or otherwise permitted by the director, the codes enforcement officer, or by the chief of police.

(2) No person shall change any parts of or repair, wash or grease a vehicle on any park roadway, parkway, driveway, parking lot or other park property. (1995 Code, § 20-325)

20-219. Speed of vehicles. No person shall operate or drive a vehicle in any park area at a rate of speed in excess of fifteen (15) miles per hour, except upon such road as the board of mayor and aldermen may designate by posted signs for a speedier travel. (1995 Code, § 20-326)

20-220. Vehicles confined to designated areas. No person shall drive any vehicle on any area except the paved park roads provided therefor, designated parking areas or such other areas as may on occasion be specifically designated as travel or parking areas by the director, or in corporation with the

police department operations or as directed by the chief of police. (1995 Code, § 20-327)

20-221. Parking regulations. No person shall park a vehicle in other than an established or designated parking area and such use shall be in accordance with the posted directions there displayed and with the instructions of any attendant who may be present. (1995 Code, § 20-328)

20-222. Parking during authorized hours. No vehicles shall park or remain in a parking area established in conjunction with a park and recreation facility beyond the hours of operation established for the facility unless otherwise posted. Operators of vehicles having mechanical breakdowns or operational failures shall immediately advise the traffic officers or appropriate public works employees of such circumstances and shall take further appropriate action necessary to insure that the vehicle will be removed from the parking area with all reasonable dispatch. No vehicle shall be permitted to remain in the parking areas after the closing hours thereof unless the express permission of the director is first obtained. Vehicles in violations hereof shall be subject to citation and removal by the town and impounded until such time as redeemed at the owner's expense. (1995 Code, § 20-329)

20-223. Application for reserving facilities. Facilities may be reserved and used upon an application for use on a specific date. Such application shall be filed with the town recorder and signed by the president or chairperson of the organization. A liability agreement must be signed by the organization upon receipt of the application. (1995 Code, § 20-330)

20-224. Violations and penalty. Any person who shall violate any provision of this chapter, upon being found guilty, shall be punished according to law, pursuant to the general penalty provisions of the code of the Town of Dandridge.

Where this chapter overlaps the Grace Shrader Park operating agreement, the park management committee supports this chapter, and delegates administrative authority, for issues in this chapter, to the director. The park management committee reserves the right to change that delegation. (1995 Code, § 20-331)

CHAPTER 3

ADDRESS IDENTIFICATION DISPLAY

SECTION

20-301. Display of address identification number on residence.

20-302. Display of address identification number on commercial establishment.

20-303. Specifications of address identification number.

20-304. Location.

20-305. Violations and penalty.

20-301. Display of address identification number on residence.

The owner, occupant, or person in control of any house, mobile home, or apartment building with only one (1) electrical meter box within the corporate limits of the town, for which an address or identification number has been assigned by the Jefferson County Emergency Communications District, shall, at the cost of the owner, occupant or person in control of the property, shall affix said address identification number on the property structure. This shall be done within sixty (60) days from the date this chapter is passed or within sixty (60) days from the establishing of a new address. (Ord. #04/05-09, Sept. 2004)

20-302. Display of address identification number on commercial establishment.

The owner, occupant, or person in control of any property upon which there is a structure used for commercial business or an apartment building with more than one (1) electrical meter within the town's corporate limits for which an address or identification number has been assigned by the Jefferson County Emergency Communications District, shall, at the cost of the owner, occupant or person in control of the property, shall affix said address identification number on the property structure and electrical meter box. This shall be done within sixty (60) days from the date this chapter is passed or within sixty (60) days from the establishing of a new address. (Ord. #04/05-09, Sept. 2004)

20-303. Specifications of address identification number. All address identification numbers displayed on a structure shall be:

(1) Not less than four inches (4") in height or if on an electrical meter box, not less than two inches (2") in height;

(2) Be located at least four feet (4') and not more than eight feet (8') from the ground level on the side of the structure where the address identification number is displayed;

(3) Be numerical, not script;

(4) Be of contrasting color with the background of the structure upon which it is displayed. (Ord. #04/05-09, Sept. 2004)

20-304. Location. All address identification must be placed in a conspicuous place so as to be clearly visible and identifiable to a person traveling in a vehicle in either direction on the street, road or highway upon which the structure is located. (Ord. #04/05-09, Sept. 2004)

20-305. Violations and penalty. Any person who violates this chapter shall be subject to a fine not to exceed fifty dollars (\$50.00). Each day in which a violation occurs is a separate penalty. (Ord. #04/05-09, Sept. 2004)

CHAPTER 4

PUBLIC RECORDS ACCESS

SECTION

- 20-401. Procedures regarding access to and inspection of public records.
- 20-402. Definitions.
- 20-403. Requesting access to public records.
- 20-404. Responding to public records requests.
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20-401. Procedures regarding access to and inspection of public records. The TPRA provides that all state, county and municipal records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. (See *Tennessee Code Annotated*, § 10-7-503(a)(2)(A).) Accordingly, the public records of the Town of Dandridge are presumed to be open for inspection unless otherwise provided by law.

Personnel of the Town of Dandridge shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Town of Dandridge, shall be protected as provided by current law. Concerns about this Policy should be addressed to the public records request coordinator for the Town of Dandridge or to the Tennessee Office of Open Records Counsel ("OORC").

This policy is available for inspection and duplication in the office of the town recorder.

This policy is posted online at TownOfDandridge.com. This policy shall be reviewed every two (2) years.

This policy shall be applied consistently throughout the various offices, departments, and/or divisions of the Town of Dandridge. (Ord. #16/17-09, March 2017)

20-402. Definitions. (1) "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).)

(2) "Public records request coordinator." The individual, or individuals, designated in § 20-403(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)(8).) The public records request coordinator may also be a records custodian.

(3) "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.

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication. (Ord. #16/17-09, March 2017)

20-403. Requesting access to public records.¹ (1) Public record request 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 (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 (using the form available in the recorder's office) at Town Hall, 131 East Main Street, P.O. Box 249, Dandridge, TN 37725 or by phone at 865.397.7 420.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing [using the form available in the recorder's office) at Town Hall, 131 East Main Street, PO Box 249, Dandridge, TN 37725.

(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. (Ord. #16/17-09, March 2017)

20-404. Responding to public records requests.

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

- (i) If the requester 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.

¹Public records request forms (for copies and/or inspection) may be found in the recorder's office.

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

(B) The request lacks specificity.

(C) An exemption makes the record not subject to disclosure under the TPRA.

(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 Dandridge.

(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(s) is:

(i) Name or title: Town recorder

(ii) Contact information: Town Hall, 131 East Main Street, PO Box 249, Dandridge, TN 37725 (Phone: 865.397.7420, Fax: 865.397.1839)

(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 requestor a completed public records request response form.

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 20-404(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 public records request 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. (Ord. #16/17-09, March 2017)

20-405. 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 the Town of Dandridge 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. #16/17-09, March 2017)

20-406. 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 requester'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. #16/17-09, March 2017)

20-407. 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 requesters with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(3) 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) Other: Maps, plats, electronic data, audio discs, video discs, and all other material shall be duplicated at actual costs to the town.

(d) Labor when time exceeds one (1) hour.

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

(4) Payment is to be made either in cash or by personal check payable to the Town of Dandridge and presented to the records custodian.

(5) The town may require payment in advance of producing any request.

(6) Aggregation of frequent and multiple requests. (a) The Town of Dandridge will 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).

(b) Aggregating:

(i) The level at which records requests will be aggregated is town wide.

(ii) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

(iii) Request for items that are routinely released and readily accessible, such as (agendas. for current calendar month meetings and approved minutes from meetings held in the previous calendar month, shall not be counted in the aggregated requests. (Ord. #16/17-09, March 2017)

CHAPTER 5**SPECIAL EVENTS POLICY**¹**SECTION**

20-501. Purpose.

20-502. Policy.

20-503. Permit procedure.

20-504. Event requirements.

20-505. Event cancellation.

20-501. Purpose. It is recognized that special events often bring many benefits to the community. However, when these events are held in a park, town roadways, or town property, they have the potential to impact the department's resources, facilities and property. Each event has unique characteristics and will have a different impact. Therefore, events need to be considered on a case by case basis in order to promote the responsible use of publicly owned facilities and properties. (Ord. #14/15-06, Jan. 2015)

20-502. Policy. Events or planned occurrences on property owned or maintained by the Town of Dandridge that exceed the normal and ordinary use of such property, may be considered a special event and are subject to review and approval by the Dandridge Board of Mayor and Aldermen. (Ord. #14/15-06, Jan. 2015)

20-503. Permit procedure. (1) A request for all special events for the calendar year shall be submitted by January 31st of each year. This allows the town to financially prepare for the event during the budgeting process. Any events not submitted by this date may be charged for services required if approved by the Dandridge Board of Mayor and Aldermen.

(2) An application for special event permit along with the required support materials shall be filed with the town administrator sixty (60) days prior to the event. Said application shall be obtained from the office of the town administrator.

(3) Along with the application, the sponsor must provide a map of the event showing the proposed location of all facilities and services to include, but not limited to, concessions, rides, parking, lighting, fencing, portable toilets, dumpster, etc. The map should show any road closures, emergency service routes, and trash cans.

¹Application forms regarding special events are available in the recorder's office.

(4) Upon approval, event organizers must provide a copy of liability insurance coverage in the amount of at least one million dollars (\$1,000,000.00) single limit, covering both bodily injury and property damage during the term of the event. A clause specifically naming the Town of Dandridge as an "additional insured" shall be submitted at least ten (10) days prior to the event. Any private property owners that have agreed to allow event activities on their property should also be listed as "additional insured." (Ord. #14/15-06, Jan. 2015)

20-504. Event requirements. (1) Rules and regulations. Sponsors of special events must comply with all applicable town ordinances, traffic rules, park rules, and regulations, state health laws, and fire codes.

(2) Parking. Sponsors of events must submit a parking plan with the application. The plan must address the number of vehicles, location of parking areas, traffic control, safety and security. The plan should also provide protection for areas in which parking would be a safety or emergency access hazard as well as private property adjacent to the event in which an agreement with the event sponsor is not made for parking. Any costs associated with repair or damage from parking and driving in turf areas will be the sole responsibility of the event sponsor.

(3) Public street or right-of-way closures. All road closures or use of town roads as part of an event must be approved by the board of mayor and aldermen and must be maintained by the Town of Dandridge Public Works Department.

(4) Security and safety. For the safety of an event's participants, security personnel are a necessity. Events must have security personnel at the rate of one (1) security guard for every six hundred (600) people present. The police chief shall have the authority to modify this ratio, as they deem necessary. Police officers can only monitor public areas and will not monitor private businesses.

(5) Emergency management plan. For events with an expected attendance of more than three thousand (3,000), an emergency management plan must be submitted to the Dandridge Volunteer Fire Department Chief.

(6) Fireworks, open flames, and pyrotechnics. If fireworks, open flames, or pyrotechnics are part of an event, the Dandridge Volunteer Fire Department Chief must be contacted to obtain the necessary permits and regulations.

(7) Medical services. The level of medical services required for a special event will vary depending on many factors including expected attendance, time of day, time of year, demographics of attendees, alcohol, and nature of event. At the minimum, all special events shall have a first aid kit accessible on the event site. The sponsor of the event must have a plan to address medical services.

(8) Toilet facilities. Public toilet facilities at a ratio of one per one thousand (1 per 1000) attendees is required (twenty percent (20%) handicapped accessible). Public toilet facilities may not be sufficient for a special event. In this case, portable toilets must be secured by the event sponsor. The sponsor of the event is responsible for ensuring that the toilets are kept in clean and usable condition. Any portable toilets must be removed within seventy-two (72) hours of the event.

(9) Bands/amplified music. If an event will be having a band or amplified music, the sponsor shall ensure compliance with all noise ordinances established by the Town of Dandridge.

(10) Tents. Use and location of tents, canopies or other overhead coverings are subject to approval by the Town of Dandridge Public Works Department. The placement shall be shown on the site plan. (Ord. #14/15-06, Jan. 2015)

20-505. Event cancellation. The town administrator may cancel an event without prior notice for any condition affecting the public health or safety of the town, or any condition that would place facilities, grounds or other natural resources at risk of damage or destruction if the event were permitted to take place. (Ord. #14/15-06, Jan. 2015)

CHAPTER 6

DANDRIDGE DOCK

SECTION

- 20-601. Purpose.
- 20-602. Enforcement authority.
- 20-603. Hours of operation.
- 20-604. Activities prohibited.
- 20-605. Special event exceptions.

20-601. Purpose. The purpose of this chapter is to establish rules and regulations governing the operation and use of the town's public dock, for the end purpose that the public may obtain the maximum enjoyment and utilization thereof in accordance with the purpose intended and that the facilities may be conserved and protected for the public good. (Ord. #16/17-11, April 2017)

20-602. Enforcement authority. It shall be the duty and responsibility of the Dandridge Police Department to enforce this chapter.

(1) It shall be unlawful for any 'person to do any act forbidden or fail to perform any act required by this chapter for any person to fail to comply with any lawful order given by a Dandridge Police Officer.

(2) Any violation of this chapter shall be a civil offense punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(3) When a police officer halts a violator other than for the purpose of giving a warning, he shall take the name, address and photo identification of said person, and such other pertinent information as may be necessary, and shall issue to him a written citation containing a notice to answer to the charge against him in the town court at a specified time. It shall be unlawful for any alleged violator to give false or misleading information.

(4) It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a citation. (Ord. #16/17-11, April 2017)

20-603. Hours of operation. The dock shall be open to the public at any time except when reserved through the town's special event policy (title 20, chapter 5) or the town administrator or designee.

(1) Docking of boats shall be limited to. no more than four (4) hours.

(2) Overnight docking is not permitted. (Ord. #16/17-11, April 2017)

20-604. Activities prohibited. In order to maintain the dock and create a safe space for fishing and boating on Douglas Lake the following activities are prohibited:

- (1) No commercial activity such as selling items or services on the dock.
- (2) No animals or pets are permitted on the dock.
- (3) Refueling is not allowed in the dock area.
- (4) No motorized vehicles shall be on the dock unless operated by town employees or designees.
- (5) No swimming or diving is allowed in the area surrounding the dock due to motorized vessels in the area.
- (6) No running or horseplay is permitted on the dock.
- (7) No bicycles, skateboards, or other like activity are allowed on the dock.
- (8) No alcohol is allowed within fifty feet (50') of the dock.
- (9) No Littering.
- (10) No boats over twenty-eight feet (28') are allowed to moor to the dock.
- (11) No open fires or grilling is permitted on the dock.
- (12) No fireworks are permitted on the dock.
- (13) Smoking is prohibited on the dock.
- (14) No amplified music is permitted on the dock unless written permission is given by the town administrator or his designee.
- (15) No children under the age of twelve (12) shall be on the dock without a coast guard approved life safety vest. (Ord. #16/17-11, April 2017)

20-605. Special event exceptions. The board of mayor and alderman may waive activities prohibited for special events. (Ord. #16/17-11, April 2017)