

TITLE 20

MISCELLANEOUS

CHAPTER

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2. FAIR HOUSING.
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CHAPTER 1

PUBLIC INSTRUCTION

SECTION

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- 20-103. Recorder to be secretary and treasurer of board of education.
- 20-104. Meetings of the board of education.
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20-101. Newport Public School System created. There is hereby established for the city, in accordance with the applicable laws of the state, a system of public schools known as the Newport Public School System. (1973 Code, § 15-1)

20-102. Board of education established; composition; appointment and terms of members. The power and authority to control and manage the public school system is hereby delegated to the Newport Board of Education. The board of education shall have five (5) members, all appointed by the board of mayor and aldermen. Each member shall receive ten dollars (\$10.00) per meeting, not to exceed fifty dollars (\$50.00) per year. The original members of the board of education having been appointed in May of 1905, one (1) for three (3) years; two (2) for two (2) years and two (2) for one (1) year; all subsequent members have been and shall continue to be appointed for three (3) year terms except when appointed to fill a vacancy. Any member appointed to fill a vacancy shall serve the unexpired term of the member he replaces. The term of one (1) or two (2) members shall expire each May, but he or they shall continue to serve until his or their successors are appointed. (1973 Code, § 15-2)

20-103. Recorder to be secretary and treasurer of board of education. The recorder shall be ex-officio the secretary and treasurer of the

board of education and shall keep a full and complete record of all its proceedings. (1973 Code, § 15-3)

20-104. Meetings of the board of education. The board of education shall hold regular quarterly meetings in the recorder's office and at its first regular meeting each year, shall elect a president. The president may call special meetings at any time he deems it necessary and or expedient. However, when a special meeting is called, each member shall be notified thereof in writing, which notice shall set out the purposes of the meeting and no other business shall be transacted at that meeting. (1973 Code, § 15-4)

20-105. Fiscal controls. The board of education shall operate within the appropriation annually made by the board of mayor and aldermen for school purposes and school funds shall be disbursed only on orders of the board of education, evidenced by vouchers signed by the recorder and countersigned by the president of the board. (1973 Code, § 15-5)

CHAPTER 2

FAIR HOUSING

SECTION

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- 20-208. Agency no defense in proceeding against real estate dealer.
- 20-209. Establishment of procedures for conciliation.
- 20-210. Findings of hearing board; nature of affirmative action.
- 20-211. Investigations, powers, records.
- 20-212. Conspiracy to violate this chapter unlawful.

20-201. Title. This chapter shall be known and may be cited as the City of Newport "Fair Housing Ordinance." (Ord. # ____, Sept. 1978)

20-202. Definitions. Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

(2) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(3) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, or sex, or aiding, abetting, inciting, coercing, or compelling thereof.

(4) "Hearing board" means that body of citizens duly appointed by the board of mayor and aldermen to hear, make determination, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

(5) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence of one or more individuals.

(6) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of others, for a fee, commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer or real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trust, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or county or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above. (Ord. #___, Sept. 1978)

20-203. Purposes of law, construction; effect. (1) The general purposes of this chapter are:

(a) To provide for execution within the City of Newport of the policies embodied in title VIII of the Federal Civil Rights Act of 1968 as amended.

(b) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, or sex; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

(2) Nothing contained in this chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin, or sex. (Ord. #___, Sept. 1978)

20-204. Unlawful housing practices. It is an unlawful practice for a real estate owner or operator or for a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin or sex;

(2) To discriminate against an individual because of his or her race, color, religion, national origin or sex in the terms, conditions, or privileges of this sale, exchange, rental or lease of real property or in the furnishings of facilities or services in connection therewith;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his or her race, color, religion, national origin or sex;

(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin or sex;

(5) To represent to an individual that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin or sex;

(6) To print, circulate, post, or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, national origin or sex or an intent to make such a limitation, specification or discrimination;

(7) To offer, solicit, accept, use or retain a listing or real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin or sex; or

(8) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin or sex. (Ord. #____, Sept. 1978)

20-205. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in

the quality of schools in the block, neighborhood, or area in which the real property is located. (Ord. #____, Sept. 1978)

20-206. Exemptions from housing provisions. (1) Nothing in § 20-204 shall apply:

(a) To the rental of housing accommodations in a building which contains housing accommodations for not more than four (4) families living independently of each other, if the owner or member of his family resides in one (1) of the housing accommodations;

(b) To the rental of one (1) room or one (1) rooming unit in a housing accommodation by an individual if he or a member of his family resides therein;

(c) To a landlord who refuses to rent to an unmarried male-female couple.

(2) 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 a religion is restricted on account of race, color, sex, or national origin.

(3) Single sex dormitory rental property shall be excluded from the provision of this act which relate to discrimination based on sex. (Ord. #____, Sept. 1978)

20-207. Provisions of enforcement. (1) The violation of any of the provisions of this chapter shall subject the violator to a civil penalty in the amount of two hundred dollars (\$200.00) to be recovered in civil action, provided that in the case of a continuing violation, the total penalty shall not exceed one thousand dollars (\$1,000.00).

(2) The city may sue in a civil act through the general court of justice for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibiting injunctions.

(3) In addition to appropriate civil and/or equitable remedies for enforcement of this chapter, a violation of this chapter shall constitute a misdemeanor punishable as provided by law. (Ord. #____, Sept. 1978)

20-208. Agency no defense in proceeding against real estate dealer. It shall be no defense to a violation of this chapter by a real estate owner or operator, real estate broker, real estate salesman, a financial institution, or other person subject to the provisions of this chapter, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (Ord. #____, Sept. 1978)

20-209. Establishment of procedures for conciliation. (1) The city shall designate an agent(s) to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this chapter. Conciliation efforts may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

(2) The mayor and board of aldermen shall establish a hearing board which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the board shall commence whenever the agent(s) acting on behalf of the city decides a conciliation failure has occurred and the respondent agrees to participate in the hearing board proceedings. Hearing open to the public may be initiated by the responding party at any time during the conciliation process. (Ord. # ____, Sept. 1978)

20-210. Findings of hearing board; nature of affirmative action.

(1) If the hearing board determines that the respondent has not engaged in an unlawful practice, the board shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officers and persons as the board deems proper.

(2) If the hearing board determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and shall negotiate such affirmative action as in its judgment will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complainant, the city attorney and such other public officials, officers and persons as the board deems proper.

(3) Affirmative action negotiated under this section may include, but not be limited to:

(a) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;

(b) Reporting as to the manner of compliance;

(c) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing board;

(d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual;

(e) Payment to the complainant of damages for injury caused by unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant in obtaining alternative housing by the complainant as a direct result of such unlawful practice.

(4) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (Ord. # ____, Sept. 1978)

20-211. Investigations, powers, records. (1) In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records and documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(2) Every person subject to this chapter shall make, keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and prescribed in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

(3) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the hearing board for an exemption from the applications of the regulational order. If the board finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (Ord. #___, Sept. 1978)

20-212. Conspiracy to violate this chapter unlawful. It shall be unlawful practice for a person, or for two (2) or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this chapter; or

(2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; or

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder; or

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing board, or any of its members or representatives in the lawful performance of duty under this chapter. (Ord. #___, Sept. 1978)

CHAPTER 3

EMERGENCY ALARM DEVICES

SECTION

- 20-301. Definitions.
- 20-302. Automatic telephone dialing alarm systems.
- 20-303. Application requirements for an alarm permit.
- 20-304. Items required for an alarm system to qualify for an alarm permit.
- 20-305. False alarms.
- 20-306. Fine assessment for false alarms.

20-301. Definitions. Unless it is apparent from the context that another meaning is intended, the following words when used in this chapter shall have the meanings indicated herein:

(1) "Alarm business" means the business of any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or in causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed in or on any building, structure, or facility.

(2) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the police and/or fire department that an emergency exists or that the services of either or both of those departments are needed. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual, or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of said hazard or emergency.

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

(4) "Answering service" refers to a telephone answering service providing among its services the receiving on a continuous basis emergency signals from alarm systems and thereafter relaying the message to the central dispatch facility.

(5) "Automatic telephone dialing alarm system" means any alarm system which is a device which automatically or electronically transmits by telephone or telephone line connected to the central dispatch facility a recorded message or code signal indicating a need for emergency response; or a system which, upon activation, connects to an answering service whose function it is to transmit to the police and/or the fire department a need for emergency response.

(6) "Central dispatch facility" means the central communications facility of the Newport Police 911 Center which receives, routes, or otherwise handles emergency service communications traffic.

(7) "False alarm" means an alarm signal eliciting a response by the police and/or fire department when a situation requiring a response by the police and/or fire department does not in fact exist; but, this definition does not include an alarm signal caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. (Ord. #1994-7-B, _____)

20-302. Automatic telephone dialing alarm systems. (1) It shall be unlawful for a person, natural or corporate, to sell, offer for sale, install, maintain, lease, operate, or assist in the operation of an automatic telephone dialing alarm system over any telephone lines exclusively used by the public to directly request emergency service from the fire and/or police department.

(2) The 911 director, when he has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system installed or operating in violation of this code; shall, in writing, order the owner, operator, or lease to disconnect and cease operation of the system within seventy-two (72) hours of receipt of the order.

(3) Any automatic telephone dialing system installed prior to the effective date of the ordinance comprising this chapter; automatically dialing 911 shall be disconnected and cease operation.

(4) Any installation required in the 911 police center of any alarm shall be handled by the 911 board representative (Murrell Alarm Co. Morristown). (Ord. #1994-7-B, _____)

20-303. Application requirements for an alarm permit. Application for an alarm permit shall be made to the 911 director. This includes all burglar or fire alarms. The application shall include the following information:

(1) The name, address, and telephone number of the applicant's property to be serviced by the alarm, and the name, address, and telephone number of the applicant's residence if different from that of the property to be served.

(2) The name, address, and telephone number of the alarm company which will service the alarm, if any (in applicant's location).

(3) An emergency telephone number of the alarm user or his representative to allow prompt notification of alarm calls and to assist fire and/or police personnel in the inspection of the property.

(4) Such other information as the 911 director shall deem necessary. It is the applicant's responsibility to notify the 911 directors, in writing, of any and all changes in the information on file with the city regarding such permit within ten (10) days of such changes being made. (Ord. #1994-7-B, _____)

20-304. Items required for an alarm system to qualify for an alarm permit. (1) All alarm systems serving any locations within Cockey County of Newport shall terminate at the central dispatch facility of the Newport Police Department and 911 directors.

(2) All alarm systems shall have a back-up power supply that will automatically become effective in the event of power failure or outage in the primary source of electricity.

(3) All alarm systems will have a reset which silences the annunciator and which will not sound again as a result of the same event that resulted in the original activation.

(4) All alarm systems monitored by the 911 dispatcher at Newport shall pay an alarm maintenance fee to Murrell Alarm Company which is the 911 alarm maintenance company.

(5) All alarm systems installed on or after the effective date of the ordinance comprising this chapter must comply with the requirements set out in this section. (Ord. #1994-7-B, _____)

20-305. False alarms. (1) Whenever an alarm is activated thereby requiring an emergency response to the location by police and/or fire personnel, a police and/or fire officer on the scene of the activated alarm shall determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the police or fire officer at the scene of the activated alarm system determines the alarm to be false and no emergency was necessary, then said officer shall submit a report of the false alarm to the 911 director. A written notification of emergency response and determination of the response shall be mailed or delivered to the alarm user at the address noted on the permit or location where alarm was activated.

(3) The 911 director shall have the right to inspect any alarm system on the premises to which response has been made and he may cause inspection of such system to be made at any reasonable time thereafter to determine whether it is in conformity with this code.

(4) It shall be a violation of this code to intentionally cause a false alarm, and any person who intentionally causes a false alarm shall be subject to the penalty provisions contained herein.

(5) There shall be a fourteen (14) day grace period provided to the alarm user during the initial installation of the alarm system. For fourteen (14) days after the permit has been issued by the 911 director the fines provided for in § 20-306 will not apply.

(6) Any alarm business, testing or servicing any alarm system, shall notify the 911 center of the location and time of said testing and servicing. The fines provided for in § 20-306 will not apply to the alarm user in prior notice of

testing or servicing has been made to the 911 center as outlined in this section.
(Ord. #1994-7-B, _____)

20-306. Fine assessment for false alarms. It is hereby found and determined that more than three (3) false alarms, within any six (6) month period, are excessive and constitute a public nuisance. The activation of four (4) or more false alarms within any six (6) month period will result in the assessment of the following fines:

(1) A service charge of twenty-five dollars (\$25.00) shall be automatically levied against the alarm upon the occurrence of the fourth (4th) false alarm;

(2) A service charge of fifty dollars (\$50.00) shall be automatically levied against the alarm user upon the occurrence of the fifth (5th) false alarm;

(3) A service charge of seventy-five dollars (\$75.00) shall be automatically levied against the alarm user upon the occurrence of the sixth (6th) false alarm;

(4) A service charge of one hundred dollars (\$100.00) shall be automatically levied against the alarm user for each false alarm in excess of six (6). All service charges levied shall be paid to Coker County 911 by the alarm user within thirty (30) days of the date of the written notice of said charges. Failure to make payment within thirty (30) days from the date of the notice shall result in disconnection of the alarm system and a discontinuance of police and fire response to alarms that may occur at the premises described in the alarm user's permit. Reconnection of the alarm system and reinstatement of police and fire emergency response service may be made upon payment of all service charges due, accompanied by a payment of a twenty-five dollar (\$25.00) reinstatement fee. (Ord. #1994-7-B, _____)

CHAPTER 4

PARK AND RECREATION PROGRAM OPERATION

SECTION

- 20-401. Purpose.
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- 20-403. Parks and recreation advisory board.
- 20-404. Plan of service.
- 20-405. Definitions.
- 20-406. Hours of operation.
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- 20-414. Certain behavior declared unlawful.
- 20-415. Prohibited unlawful activities--merchandising, advertising and signs.
- 20-416. Park operating policy; closed areas.
- 20-417. Lost and found articles.
- 20-418. Enforcement.
- 20-419. Additional rules and regulations.
- 20-420. Penalty.
- 20-421. Code of conduct for community center.
- 20-422. Skateboard park special provisions.

20-401. Purpose. The Parks and Recreation Department of the City of Newport shall provide a range of recreational services for city residents of all ages. Said programs shall be designed to provide services that address both leisure enjoyment and exercise needs of city residents. (Ord. #2006-15, Dec. 2006)

20-402. Staffing. The city administrator shall employ a parks and recreation department director who is well qualified in education, professional training, and experience to provide for the city's needs in parks and recreation services.

- (1) The parks and recreation director's staffing responsibilities include:
 - (a) Recommends to the city administrator the proper organization and staff levels required for the department to provide plan of services;

(b) Screening employment applications and recommending those potential employees who will best fit in the program's overall plan for services to the city administrator for employment;

(c) Training department employees;

(d) Daily supervision and overall performance of the department staff in meeting the goals of the city parks and recreation plan of service;

(e) Evaluating performance of employees;

(f) Recommending promotions, disciplinary action and termination of department employees.

(2) The city administrator considers the parks and recreation director's recommendations and determines the appropriate staffing level to recommend for funding to the board of mayor and aldermen in the budget. The city administrator also makes the final decision on employment, promotion, demotion, and any disciplinary action required of the department personnel. (Ord. #2006-15, Dec. 2006)

20-403. Parks and recreation advisory board. The parks and recreation advisory board shall consist of seven (7) members who serve staggered five (5) year terms so that no more than two (2) members are scheduled to vacate the board in any one (1) year. Members are appointed by the mayor with the approval of the board of mayor and aldermen. If a member resigns, moves out of the designated service area, or otherwise vacates a position on the board, the replacement is designated to fill the unexpired term of the vacated position. All members serve in an advisory capacity to the parks and recreation director and city administrator. Their purpose is to:

(1) Assist in developing a park and recreation plan of services;

(2) Serve as an advisory appeal board for patrons who have been disciplined by the parks and recreation director in accordance with the ordinance and parks and recreation rules and regulations, if they disagree with the severity of the action taken.

(3) Assist the parks and recreation director in evaluating the need for new programs as well as evaluating the continued need for existing programs offered in the parks and recreation plan of services;

(4) Assist the parks and recreation director in developing rules and regulations necessary in carrying out the plan of services;

(5) Assist in planning new park and recreation facilities;

(6) Hold hearings if there is conflict at a parks and recreation sponsored event which questions the conduct of a sponsored event coach, officials, or participants and recommend remedial action if appropriate.

(7) Certify coaches of all program sponsored events meet minimum requirements and backgrounds as specified in the program standards for coaches. (Ord. #2006-15, Dec. 2006)

20-404. Plan of service. The parks and recreation department director, with the input from staff members and the parks and recreation advisory board, shall draft a plan of services of the department. The plan will be as simple as possible to include all programs and services to be provided that staffing and funding will support along with the approximate dates programs will begin and end along with a brief description of the program; age groups served by the program; and estimated number of participants. The plan of services will be amended as new programs are added so that the plan of services remains up to date at all times. The plan will be reviewed, revised as necessary to fit funding availability and approved by the city administrator, pending funding by the board of mayor and aldermen in the annual budget process. (Ord. #2006-15, Dec. 2006)

20-405. Definitions. For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Newport, Tennessee.

(2) "Director" is the Director of the Newport Parks and Recreation Department, the person immediately in charge of all parks, facilities, and all their areas and activities, and to whom all park attendants in such areas are responsible.

(3) "Park" is all city owned and operated recreation facilities.

(4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(5) "Vehicle" is any wheeled conveyance, whether motor powered, animal drawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the parks. (Ord. #2006-15, Dec. 2006)

20-406. Hours of operation. Newport parks will be open to use by the public invited thereto between the hours of 7:00 A.M. and 11:00 P.M. or as posted at the park facilities. All persons are invited to use Newport parks and their facilities who will comply with the terms of this chapter and such rules and regulations as may be promulgated hereunder governing the use of such parks. (Ord. #2006-15, Dec. 2006)

20-407. Prohibited beverages and substances. (1) It shall be unlawful for any person to bring controlled substances, as defined in the statutes of the State of Tennessee, and/or alcoholic beverages into any park or recreational area, owned or operated by the City of Newport, or to drink alcoholic beverages or imbibe controlled substances at any time while therein.

It shall likewise be unlawful for any person to enter any area described above while under the influence of controlled substances and/or alcoholic beverages, or be under the influence of controlled substances and/or alcoholic beverages while within the areas described above.

(2) Violation of this section is declared to be a misdemeanor, and any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor and fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (Ord. #2006-15, Dec. 2006)

20-408. Prohibited unlawful activities generally. It shall be unlawful for any person within Newport parks to:

(1) Building and other property. (a) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any buildings, tables, benches, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(b) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.

(c) Removal of natural resources. Dig or remove any soil, rock, stone, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(d) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(e) Trees, shrubbery, lawns. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach a rope, wire or other contrivance to any plant or tree. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(f) Climbing trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

(2) Pedestrian walking track. Stand, loiter or ride bicycles or any wheeled vehicle on walking track. (Ord. #2006-15, Dec. 2006)

20-409. Prohibited unlawful activities--sanitation. It shall be unlawful for any person with Newport parks to:

(1) Pollution of waters. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, swimming pool, sink or any other tributary any substance, matter or thing, liquid or solid which may result in pollution of waters.

(2) Refuse and trash. Have brought in or shall dump, deposit or leave any garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such trash and refuse shall be carried away from the park by the persons responsible for its presence, and properly disposed of elsewhere. (Ord. #2006-15, Dec. 2006)

20-410. Prohibited unlawful activities--traffic. It shall be unlawful for any person within Newport to:

(1) State motor vehicle laws and city traffic ordinance apply. Fail to comply with all applicable provisions of the state motor vehicle traffic laws and the traffic ordinance of the City of Newport in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances.

(2) Obey personnel; enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, street or roads immediately adjacent thereto in accordance with the provisions of the regulations and such supplementary regulations as may be issued subsequently by the director.

(3) Obey traffic signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.

(4) Speed of vehicles. Ride or drive a vehicle at a rate of speed as posted. (Ord. #2006-15, Dec. 2006)

20-411. Prohibited unlawful activities--parking. (1) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions.

(2) Vehicles left on park property. All vehicles left on park properties after hours will be towed away at the owner's expense. (Ord. #2006-15, Dec. 2006)

20-412. Prohibited unlawful activities--picnic areas. (1) Generally. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the

comfort and convenience of all. Visitors shall comply with any direction given to achieve this.

(2) Availability. Violate the regulation/reservation use of the picnic shelters.

(3) Reservations. Reservations may be made to ensure the use of said picnic shelter/pavilion. A reservation fee is required in advance to ensure use of said shelter/pavilion.

(4) Duty of picniker. Leave a picnic area before a fire is completely extinguished and before all trash, liter and garbage is placed in proper disposal receptacles. If no such trash receptacle is available, then garbage and trash shall be carried away from the park area by the picniker to be properly disposed of elsewhere. (Ord. #2006-15, Dec. 2006)

20-413. Prohibited unlawful activities--games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football and baseball is prohibited except on the fields and courts or areas provided therefore. (Ord. #2006-15, Dec. 2006)

20-414. Certain behavior declared unlawful. It shall be unlawful for any person within Newport parks to:

(1) Intoxicating beverages. (a) Prohibition. Bring controlled substances and/or alcoholic beverages, into the park or drink alcoholic beverages at any time in the park.

(b) Drunkenness. Have entered the park while under the influence of controlled substances and/or intoxicating beverages, or be under the influence of controlled substances and/or intoxicating liquor while within the park.

(2) Firearms and explosives. Bring or have in his possession, or set off or otherwise cause to explode or discharge or burn any type of fireworks or explosives in any such area or property adjacent thereto.

(3) Fight/argue. It shall be unlawful for any person to argue or fight within any park or recreational facility owned or operated by the City of Newport. Any person, firm, or corporation found in violation of fighting or arguing, shall be punished by a fine not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) or by a sentence of not more than ninety (90) days in jail, or both.

(4) Domestic animals. Have been responsible for the entry of a dog or other domestic animals into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such areas as may be clearly marked by signs. Nothing herein shall be constructed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall

be restrained at all times on adequate leashes not greater than five (5) feet in length.

(5) Dress. Appear at any place in other than proper clothing.

(6) Alms. Solicit alms or contributions for any purpose, whether private or public.

(7) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on the highway, road or street abutting or contiguous thereto.

(8) Closed areas. Enter an area posted as "closed to the public" nor shall any person use or abet the use of any area in violation of posted notices.

(9) Games of chance. Gamble or participate in or abet any game of chance.

(10) Loitering and boisterousness. Sleep or protracted lounge on seats or benches, or other areas or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace. (Ord. #2006-15, Dec. 2006)

20-415. Prohibited unlawful activities--merchandising, advertising and signs. No person within Newport parks shall:

(1) Vending and peddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is herein made as to any regularly licensed concessionaire acting by and under the authority and regulation of the director.

(2) Advertising. Announce, advertise or call to the public attention in any way to any article or service for sale or hire.

(3) Signs. Paste, glue, tack or otherwise post any sign, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on Newport parks. (Ord. #2006-15, Dec. 2006)

20-416. Park operating policy; closed areas. Any section or part of the Newport Parks and Recreation Department may be declared closed to the public by the director at any time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary. (Ord. #2006-15, Dec. 2006)

20-417. Lost and found articles. The finding of lost articles by park attendants shall be reported to the director who shall make every reasonable effort to locate the owners. The director shall also make every reasonable effort to find articles reported as lost. (Ord. #2006-15, Dec. 2006)

20-418. Enforcement. (1) Officials. The director and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(2) Ejectment. The director and any park attendant shall have the authority to eject from the park any person acting in violation of this chapter or rules and regulations promulgated hereunder. (Ord. #2006-15, Dec. 2006)

20-419. Additional rules and regulations. The director shall have the authority to promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter and to ensure an impartial, fair and safe use and enjoyment of Newport parks by those persons lawfully using the parks. The director shall have the authority to schedule the use of all park facilities and ball fields under this section. Regulations pertaining to specific activities shall be displayed in a prominent and public location at the point of activity controlled. Rules and regulations pertaining to the parks as a whole shall be publicly and prominently displayed at the entrance to Newport parks. Rules and regulations adopted in accordance with this section shall have the same force and effect as if copied herein verbatim. (Ord. #2006-15, Dec. 2006)

20-420. Penalty. Any person, firm or corporation violating any of the provisions of this chapter, by omission or commission of any act or deed, or refuses to comply with the instructions of any park attendant, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), or by a sentence of not more than ninety (90) days in jail, or both. (Ord. #2006-15, Dec. 2006)

20-421. Code of conduct for community center. The following code of conduct shall apply to the Newport Community Center and surrounding grounds under the operation and control of the City of Newport.

(1) The stealing of any personal or city-owned property will result in immediate and permanent suspension from the Newport Community Center and anyone caught or suspected of stealing shall be turned over to the Newport Police Department for conviction by the proper courts.

(2) There will be no alcoholic beverages, drugs, or gambling in the building or on surrounding grounds. No one under the influence of alcohol or drugs shall enter the building or be allowed on the surrounding grounds and/or parking lots. The violation of the above rules and regulations (1) and (2) will result in immediate and permanent suspension.

(3) No writing, marking or defacing any wall, floor, doors, or ceilings in any manner, is permitted.

(4) No arguing or fighting is allowed in the Newport Community Center or surrounding grounds and/or parking lots.

(5) No misuse of equipment or building. The party responsible for any damage will be required to make restitution to the City of Newport for the amount of the damage.

(6) Loud, profane, or vulgar language by anyone in or around the Newport Community Center, parking lots or grounds will not be permitted or tolerated.

(7) The violation of the above subsections (1) through (5) will result in:

(a) 1st violation--thirty (30) days suspension;

(b) 2nd violation--sixty (60) days suspension; and

(c) 3rd violation--ninety (90) days suspensions.

(d) Any violations over three (3) will result in permanent suspension.

(8) Any expression of physical or verbal abuse to any staff member or user of facility will result in suspension.

(9) The playing of radios, tape players, etc. will be permitted only with staff approval.

(10) No smoking, food or drinks allowed in gym, weight room, pool, or racquetball area, unless authorized by the staff member in charge. Smokeless tobacco is not allowed in any area of the community center.

(11) No roaming the hallways. You must have a definite destination and/or activity.

(12) No spitting within the facilities--floors, walls, sinks, etc.

(13) Shoes and shirts are required to enter the building.

(14) Shirts are required at all times.

(15) When leaving the pool area you must be dry with no wet feet, legs, or other body parts. Shirts and shoes must be worn when leaving the pool area.

(16) No running in any areas of the building, with the exception of the gymnasium.

(17) No smoking allowed inside the community center building.

(18) No riding or parking of any type of bicycle, skateboards or skates on any sidewalk, ramp, or steps that lead to any entrance to the building.

(19) Violation of the above subsections (8) through (18) will result in:

(a) 1st violation--five (5) days suspension;

(b) 2nd violation--fifteen (15) days suspension;

(c) 3rd violation--thirty (30) days suspension.

(d) Any violations over three (3) will result in permanent suspension.

(20) No public display of affection and/or sexual conduct will be permitted or tolerated. Violation of this subsection will be punishable depending on the severity of the conduct. The staff member in charge will determine the amount of suspension time no less than five (5) days and/or if permanent suspension is necessary.

(21) All rules that are posted inside the community center and/or on all surrounding city owned property apply and must be followed.

(22) The Newport Community Center staff will maintain a written record of all reported violations of these rules and regulations. The staff will also maintain a written record of all disciplinary action taken against individuals.

(23) Any violation of a city ordinance or state or federal law will be reported to the proper authorities and will be dealt with by the court having proper jurisdiction. A conviction by a court or a finding of delinquency by the juvenile court will automatically result in a permanent suspension of privileges of using the Newport Community Center or the surrounding grounds and parking lots.

(24) Any person dissatisfied with the decision of the Newport Community Center Director on any violation shall have the right to appeal and request a hearing before the Newport Recreation Board. Such request must be made in writing, setting forth the reasons for the request, and filed within five (5) days from the date of the decision complained about. (Ord. #2006-15, Dec. 2006)

20-422. Skateboard park special provisions. (1) Skateboard park operation--general. The City of Newport has established a skateboard park for the use and enjoyment of Newport residents. However, skateboarding can be dangerous with the possibility of serious injury. Therefore, the following rules and precautions are required for use of the Newport skateboard park facilities.

(2) Waiver required. All skateboard park participants must read and sign a waiver annually, each January, prior to using the skate park at which time they will receive a sticker for their helmets as proof they have complied with city regulations for use of the skate park. Parents or guardians of participants under the age of eighteen (18) must also read and sign the waiver.

(3) Skating wisely. All skaters are urged to skate wisely at all times. Skateboarding and skating can be hazardous recreational activities. Use of the skateboard park facility may result in death or serious injury. Parents or guardians of participants under the age of eighteen (18) are urged to help emphasize wise skating to their skaters. Use of the skateboard park facility is strictly at an individual's own risk. The City of Newport does not assume any responsibility for loss or injuries.

(4) Skating within skill level. Skaters should skate within their individual skill level at all times. Parents or guardians of participants under the age of eighteen (18) are urged to help explain to their skaters the meaning of skating within skill level and help emphasize skill level to their skaters.

(5) Skating with in-line skates and skateboards only. The Newport skateboard park is designed for in-line skateboard use only. No other type skate will be allowed.

(6) Hours of operation. The skate park opens at dawn and closes at dusk.

(7) Park is self policing. The skate park is self policing. Skaters are expected to be respectful of all skaters and pick up after themselves. Skate parks should be free from trash and litter. If the skateboard park has litter or trash on it when a skater arrives, the park should not be used until the litter or trash has been cleared. Participants should police the area of trash and place in trash receptacles.

(8) Helmet use. The use of helmets designed for skateboarding is required, they must fit properly and have straps fastened. Other safety equipment, elbow pads, knee pads and wrist pads, is strongly recommended. All helmets must display the parks and recreation numbered sticker to assure the participant is properly registered.

(9) Loaning helmets to others for use is prohibited. Loaning helmets to unregistered skaters is strictly prohibited and will result in an individual being permanently banned from the skateboard park. In addition, it may place the offending registered user in serious liability situation if the user of a loaned helmet is injured on the skateboard park. Parents or guardians of participants under the age of eighteen (18) are urged to help explain to their skaters the potential consequences and possible liability to their skaters.

(10) Prohibited items and activities on the skateboard park property. The following are not permitted in the skate park area:

- (a) Alcoholic beverages;
- (b) Smoking and/or tobacco products;
- (c) Fighting;
- (d) Profanity;
- (e) Graffiti/tagging;
- (f) Pets;
- (g) Loud music;
- (h) Glass containers;
- (i) Bicycles;
- (j) Motorized vehicles;
- (k) Scooters;
- (l) Food and beverages;
- (m) Weapons.

(11) Other prohibited items on the skateboard park. Personal obstacles, ramps, other equipment or materials are not permitted to be used or added to the facility. Facility structures are not to be altered or waxed.

(12) Weather conditions. Certain weather conditions may create unsafe surfaces for skating. Skaters as well as parents and guardians of minors are urged to consider the weather conditions before using the skateboard park facilities.

(13) Stolen or lost items. The City of Newport is not responsible for lost or stolen items. Participants are urged to keep up with their property.

(14) Safety and courtesy. Participants are urged to skate safely and be courteous to other skaters.

(15) Spectators. All spectators are required to remain outside of the skating area.

(16) Organized events. All organized events require advanced, written approval from the City of Newport Parks and Recreation Department Director.

(17) Reporting damage or hazardous conditions. All citizens are urged to report any damage, hazardous conditions, concerns, comments or suggestions to the Newport Parks and Recreation, 433 Prospect Avenue, Newport, TN 37821. For emergencies they should call 911.

(18) City reserved rights. The City of Newport reserves the right to close the skateboard park facility for any reason. The City of Newport authorities, at their discretion, reserve the right to restrict entry to the facility and ask persons to leave the facility as the result of disorderly conduct, disturbance of the peace, rule violations or unsafe behavior. Any person not complying with such request will not be permitted to use the facility and may then be charged with trespassing. (Ord. #2006-15, Dec. 2006)