

TITLE 20

MISCELLANEOUS

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4. MOSQUITO CONTROL PLAN.
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CHAPTER 1

BUILDING DEPARTMENT

SECTION

- 20-101. Establishment.
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20-101. Establishment. There is hereby established in the city a department to be called the building department which shall be in the charge of the building inspector. Said department shall be governed by the city's personnel policy. (1977 Code, § 1-1201, as amended by Ord. #6, 2012, Sept. 2012)

20-102. Qualifications and appointment of building inspector. The building inspector shall have had at least five (5) years experience as superintendent of building construction or shall for a period of five (5) years been in responsible charge of similar work. He shall be hired by the city administrator and report thereto. He may be employed in other capacities by the city however, he shall not have any financial interest in any business engaged in the construction of buildings or sale of building supplies in the City of Pulaski, Tennessee. (1977 Code, § 1-1202, as amended by Ord. #6, 2012, Sept. 2012)

20-103. Waiver of qualifications for building inspector. The board of mayor and aldermen may, at any time, waive the qualifications set forth in § 20-102 when it appears that a suitable person for appointment as building

inspector is not available. (1977 Code, § 1-1203, as amended by Ord. #6, 2012, Sept. 2012)

20-104. Duties of building inspector. The duties of the building inspector shall be to perform a service to the citizens and residents of the City of Pulaski. He shall effectively enforce all codes, ordinances, regulations for building, zoning, and subdivision regulations by issuing permits in a manner herein prescribed and shall charge a fee in a manner according to the schedules hereinafter referred to. He shall submit a monthly report to the board of mayor and aldermen of his activities.

(1) The building inspector shall issue an appropriate permit for all construction as is set forth in the International Building Code of the City of Pulaski and shall inspect said construction to determine compliance with said code. He may adopt such methods or requirements deemed necessary to insure said compliance.

(2) The building inspector shall issue an appropriate permit for all construction as set forth in the zoning regulations as adopted by the City of Pulaski and shall inspect said construction to determine compliance with the said ordinance. He may adopt such methods or requirements deemed necessary to insure said compliance.

(3) The building inspector shall issue an appropriate permit for all construction as set forth in the subdivision regulations as adopted by the City of Pulaski and shall assist the planning commission of the City of Pulaski in effectively administering its duties. He shall meet and make reports to said commission and become the administrative officer of said commission, (1977 Code, § 1-1204, as amended by Ord. #6, 2012, Sept. 2012)

20-105. "Construction" defined. The word "construction" as used in the preceding paragraph shall include work by all persons who shall erect, construct, alter, demolish or move any structure, make a major repair, remodel or in any manner change the physical condition of a structure to that of another and shall include all such activity involving the work of contractors or property owners who wish to engage in this activity. (1977 Code, § 1-1205)

20-106. Permit fees. The building inspector shall charge the following fees for the issuance of the various permits:

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1000.00 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
\$1001.00 to \$50,000.00	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up	\$1660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

B102 MOVING FEE

For the moving of any building or structure, the fee shall be \$100.00

B103 DEMOLITION FEE

For the demolition of any building or structures, the fee shall be:

0 - 100,000 cu ft	\$50.00
100,000 cu ft and over	\$0.50/1,000 cu ft

B104 PENALTIES

Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

B105 PLAN-CHECKING FEES

When the valuation of the proposed construction exceeds \$1000.00 and a plan is required to be submitted by 103.2, a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in 103.7.4. Such plan-checking fee is in addition to the building permit fee. (1977 Code, § 1-1206)

20-107. No permit required for certain redecorating, painting, and repairing. No permit shall be required for any person who shall redecorate, paint, or otherwise repair or maintain existing facilities in a building. (1977 Code, § 1-1207)

20-108. Violations. Any person, firm, association, or company who shall violate a provision of this chapter or who shall fail to comply herewith or who shall erect, construct, alter, demolish, or move any structure, or have erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of the terms and conditions of this chapter, shall be guilty of a misdemeanor. (1977 Code, § 1-1208)

CHAPTER 2

DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT

SECTION

20-201. Director.

20-202. Duties and powers of director.

20-201. Director. There is hereby created and established the office of director of the parks and recreation department of the city which shall be governed by the city's personnel policy. (1977 Code, § 1-1401, as amended by Ord. #6, 2012, Sept. 2012)

20-202. Duties and powers of director. (1) It shall be the duty of the director to actively supervise all activities of the parks and recreation department and to coordinate, where feasible, any activity that may involve any other department to the best and economic benefit of all departments.

(2) The director shall have the following duties and supervisory authority in addition to those set out in (1) above:

(a) He shall supervise the operation and maintenance of the department.

(b) He shall exercise his judgement in all matters of emergency and all matters pertaining to the routine operation of the department.

(c) He shall have immediate and full supervision and direction of all employees in the department in the discharge of their duties.

(d) He shall be responsible for the records and office work of his department and shall maintain the same in proper and current condition and shall further see that all bills, invoices, and payrolls are correct and shall approve the same.

(e) He shall submit a written report to the board of mayor and aldermen at the January organizational meeting each year setting forth in detail all activities and operations of the department for the preceding calendar year. (1977 Code, § 1-1402)

CHAPTER 3

USAGE FEES AT THE PARKS AND RECREATION FACILITIES

SECTION

20-301. Policy for refunds for usage fees.

20-302. Fee for one-time dragging and lining off of ball field.

20-303. Non-resident user fees.

20-301. Policy for refunds for usage fees. The city recorder shall have the authority to refund the full rental fee deposited by individuals reserving parks and recreations facilities of the City of Pulaski if the cancellation is made sixty (60) days prior to such event.

The city recorder shall have the authority to refund one-half (1/2) of such rental fee if the cancellation is made thirty (30) days prior to such event.

If the cancellation is made less than thirty (30) days prior to the event, the full rental fee shall be forfeited to the City of Pulaski. (Ord. #8, 2000, Aug. 2000, as replaced by Ord. #4, 2013, May 2013)

20-302. Fee for one-time dragging and lining off of ball field. The parks department will drag and line off a ball field prior to a tournament once prior to the tournament for a fee of twenty dollars (\$20.00) per field. (as added by Ord. #4, 2013, May 2013)

20-303. Non-resident user fees. The following fees will be assessed to non-residents of Giles County as follows:

\$100.00 per day for use of a park

\$10.00 per field, per day for lights at Magazine Road Park

\$10.00 per field, per day for lights at Richland Park

\$10.00 per day for lights at W.D. Savage Park

\$25.00 per day for lights at Sam Davis Park. (as added by Ord. #4, 2013, May 2013)

CHAPTER 4

MOSQUITO CONTROL PLAN

SECTION

20-401. Purpose.

20-402. Definitions.

20-403. General provisions.

20-404. Methods of eliminating and treating mosquito breeding sources.

20-405. Right of entry-inspection.

20-406. Penalties and remedies.

20-407. Severability.

20-401. Purpose. The City of Pulaski shall establish an effective program of mosquito control, including, but not limited to, elimination or treatment of breeding sources for mosquitoes, elimination of identified mosquito populations, and alleviation of all other such conditions found to be conducive to the reproduction or continued existence of mosquitoes. This shall be accomplished through the processes of education and public information, conference, conciliation, persuasion, and these having failed, by administrative and judicial proceedings for the explicit purpose of controlling the breeding of mosquitoes, the presence of and convenience of the residents, and jeopardize enjoyment of life and property. (as added by Ord. #3, June 2007)

20-402. Definitions. (1) "Artificial container" means any bucket, barrel, tire, bottle, tub, tank, gutter, bird bath, swimming pool, ornamental pond, flower pot, jar or, any other such manmade items capable of collecting water.

(2) "Breeding source" means any area capable of sustaining the reproduction of mosquitoes.

(3) "City" means the City of Pulaski.

(4) "Evidence of mosquito breeding" means the natural presence of mosquito larva, pupa, or their remains.

(5) "Insecticide" means a chemical agent which kills or prevents the reproduction of insects.

(6) "Larva" means the immature, fully aquatic stage of mosquito development in which the insect appears as a small, wingless, worm-like form.

(7) "Larvicide" means a chemical agent which kills or prevents the reproduction of mosquito larvae.

(8) "Mosquito" means a small long legged, two winged insect of the family Culicidae, in which the female of the species is distinguished by a long proboscis for sucking blood.

(9) "Occupant" means the person who has the use of or occupies any building or any part thereof or who has the use or possession, actual or constructive, of the premises whether the owner or tenant. In the case of vacant buildings or vacant portions of a building, or in a case of occupancy in whole or in part by the owner, the owner of the building shall be deemed to be, and shall have the responsibility of an occupant of such building.

(10) "Owner" means the person owning the building or premises.

(11) "Person" means individuals, firms, partnerships, associations, public or private institutions, municipalities, political subdivisions of the State of Tennessee; governmental agencies or public or private corporations.

(12) "Premises" means a parcel of real property, including all buildings and structures located thereon.

(13) "Pupa" means the immature, fully aquatic stage of mosquito development immediately following the larval stage and preceding the adult form in which the insect appears as a small, wingless, worm-like shape with a greatly enlarged head. (as added by Ord. #3, June 2007)

20-403. General provisions. All premises within the City of Pulaski shall be maintained in such a manner as to prevent the breeding of mosquitoes on the premises. Artificial containers, ditches, streams, flooded areas, and all other such sources of standing water or other liquid where mosquitoes are breeding, must be removed, drained, treated, altered, maintained, or otherwise eliminated by the person occupying the premises or, in the absence of an occupant, by the owner, in such a manner as to prevent the breeding of mosquitoes. Where there is evidence of mosquito breeding, effective methods of eliminating and treating mosquito breeding sources shall be instigated by the person occupying the premises, or in the absence of an occupant, by the owner, within forty-eight (48) hours after discovering or being informed of the evidence of mosquito breeding on the premises. (as added by Ord. #3, June 2007)

20-404. Methods of eliminating and treating mosquito breeding sources. Breeding sources for mosquitoes shall be eliminated or treated by one or more of the following methods as shall be approved by the city of Pulaski Public Works Director.

(1) Filling, draining, removing, or otherwise eliminating the breeding source.

(2) Completely emptying the breeding source of all water at least every seven (7) days, or as approved by the City of Pulaski Public Works Director. Where an artificial container is a water basin (e.g. swimming pool) designed to hold water, such containers shall be maintained or altered to prevent mosquito breeding or be removed.

(3) Treating the breeding source with an effective insecticide and/or larvicide approved by the City of Pulaski Public Works Director.

(4) Completely emptying artificial containers of all liquid and storing in an enclosed structure which is constructed in such a manner as to prevent the permanent collection of liquid in said containers.

(5) Maintain all natural or manmade storm or surface water drainways in a manner to prevent the ponding of water sufficient to provide breeding for mosquitoes.

(6) Other methods proven to be effective in controlling mosquitoes and as approved by the City of Pulaski Public Works Director. (as added by Ord. #3, June 2007)

20-405. Right of entry-inspection. The City- of Pulaski Public Works Director shall have the right of entry upon any premises where entry is necessary to carry out the provisions of this chapter. If consent for entry is not given or obtained, an administrative search and inspection warrant shall be obtained through municipal court.

However, if an imminent hazard exists, no warrant is required for entry upon the premises. (as added by Ord. #3, June 2007)

20-406. Penalties and remedies. (1) Any person who violates any provision of this chapter shall be subject to a fine not to exceed fifty dollars (\$50.00).

(2) The City of Pulaski Public Works Director may bring a civil proceeding in the Giles County Chancery Court to enforce the provisions of this chapter. (as added by Ord. #3, June 2007)

20-407. Severability. If any provision or clause of this chapter shall be declared invalid, such declaration shall not invalidate any other provision or clause of this chapter. (as added by Ord. #3, June 2007)

CHAPTER 5

**ABSENTEE VOTING BY NONRESIDENT
PROPERTY OWNERS**

SECTION

20-501. Absentee voting by nonresident property owners.

20-501. Absentee voting by nonresident property owners. Any nonresident of the City of Pulaski, qualified and duly registered to vote in municipal elections of the City of Pulaski by virtue of the provisions of Article XI of the Pulaski Charter, may hereafter vote in such elections by absentee ballot provided the terms and conditions of Tennessee Code Annotated, § 2-6-205 are met by such voter. (as added by Ord. #5, 2012, Sept. 2012)

CHAPTER 6

PUBLIC RECORDS

SECTION

20-601. Procedures regarding access to an inspection of public records.

20-601. Procedures regarding access to an inspection of public records. (1) Consistent with the Public Records Act of the State of Tennessee, personnel of the City of Pulaski shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

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

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

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

- (a) Produce the records requested;
- (b) Deny the records in writing, giving explanation for denial;

or

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

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

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

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

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

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

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

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

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

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

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

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

(10) If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection. (as added by Ord. #10, 2013, Dec. 2013)