

TITLE 20

MISCELLANEOUS

CHAPTER

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CHAPTER 1

UTILITIES GENERALLY¹

SECTION

- 20-101. Prerequisites for utility services.
 20-102. Excavation near utilities.
 20-103. Duties after striking utility line.

20-101. Prerequisites for utility services. No utility shall furnish water, sewer, electric, or gas service within the corporate limits of the city to any location, building, or structure until the proper building permits, certificates of occupancy, and permits required under the zoning ordinance have been secured and exhibited by the applicant for the service. (1995 Code, § 20-101)

20-102. Excavation near utilities. No excavating shall be done within ten feet (10') of any public owned utility without the persons responsible for said excavation having notified the utility of said proposed excavation. (1995 Code, § 20-102)

20-103. Duties after striking utility line. Any person striking a utility line with any excavation equipment shall notify the owner of the utility line within one hour of striking same. (1995 Code, § 20-103)

¹Municipal code references

Electricity and gas service: title 19.

Excavations and cuts: title 16, chapter 2.

Water and sewer service: title 18.

CHAPTER 2

HOUSING CORPORATION

SECTION

- 20-201. Determined to be necessary and proper--purpose.
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- 20-204. Authority and responsibility.
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20-201. Determined to be necessary and proper--purpose. It is hereby determined to be necessary and proper to authorize the creation of a non-stock, not-for-profit corporation as an instrumentality of the City of Fayetteville, Tennessee, to be known as the Fayetteville Housing Corporation of Fayetteville, Tennessee, for the purpose of constructing, financing low cost rent supplement facilities to be leased to the Fayetteville Housing Authority with the assistance of the federal government. (1995 Code, § 20-201)

20-202. Charter and bylaws approved. The proposed charter of incorporation and bylaws of said Fayetteville Housing Corporation of Fayetteville, Tennessee, are hereby approved. (1995 Code, § 20-202)

20-203. Incorporators and member--directors. Five (5) freeholders of the City of Fayetteville shall be appointed by the mayor to serve as incorporators and, original member-directors of the Fayetteville Housing Corporation of Fayetteville, Tennessee, and one (1) individual shall be appointed statutory agent for said corporation. (1995 Code, § 20-203, modified)

20-204. Authority and responsibility. The member-directors of said Fayetteville Housing Corporation of Fayetteville, Tennessee, upon the granting of a certificate of incorporation, are authorized and directed to issue, sell, and deliver revenue bonds of said corporation pursuant to *Tennessee Code Annotated*, §§ 12-2-301 to 12-2-402, and the laws of Tennessee, and to enter into contracts for the sale of bonds and construction of housing facilities and to lease the same to the Fayetteville Housing Authority. (1995 Code, § 20-204)

20-205. To cooperate with housing authority, etc.¹ The providing of low cost housing in and for the City of Fayetteville, Tennessee, is a proper

¹Municipal code reference

Compensation of members of Fayetteville Housing Authority: title 1, chapter 5.

public purpose and this city desires to cooperate with the Fayetteville Housing Authority and agencies of the federal government to fulfill such purpose. (1995 Code, § 20-205)

CHAPTER 3

FIRE, BURGLARY AND ROBBERY ALARMS

SECTION

- 20-301. Definitions.
- 20-302. Classification of alarm systems.
- 20-303. Alarm system requirements.
- 20-304. Permits required.
- 20-305. Issuance of permit and decal.
- 20-306. Permit fees.
- 20-307. Inspection of alarm system.
- 20-308. Current information required.
- 20-309. False alarm fees.
- 20-310. Charge for false emergency alarms not caused by act of nature.

20-301. Definitions. (1) "Alarm system" means a device or system of interconnected devices, including hardware and related appurtenances, mechanical or electrical, designed to give warning of activities indicative of felony, fire or criminal conduct requiring urgent attention and to which the police and fire departments are expected to respond but does not include alarms installed in conveyances.

(2) "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 any alarm system is maintained.

(3) "Communication center" means the police department's consolidated communication center that provides communication service to the Fayetteville Police and Fire Departments.

(4) "False alarm" means any activation of an alarm system upon or following which communication is made to the department that an alarm has been triggered, except alarms resulting from one (1) of the following causes:

- (a) Criminal activity or unauthorized entry;
- (b) Earthquake causing structural damage to the protected premises;
- (c) Tornado winds causing structural damage to the protected premises;
- (d) Flooding of the protected premises due to the overflow of natural drainage;
- (e) A lightning bolt causing physical damage to the protected premises;
- (f) Fire causing structural damage to the protected premises verified by the fire department; or

(g) Telephone line malfunction verified in writing to the department by at least a first line telephone company supervisor within seven (7) days of the occurrence.

If police or fire units, responding to an alarm and checking the protected premises according to standard department operating procedure, do not discover any evidence of fire, unauthorized entry or criminal activity, there shall be a rebuttable presumption that the alarm is false. Entries in the police or fire departments daily officer's log shall be prima facie evidence of the facts stated therein with regard to alarms and responses. (1995 Code, § 20-401)

20-302. Classification of alarm systems. Class I - An alarm system is one which incorporates a remote annunciator installed on the premises of the department or the communications center.

Class II - An alarm system incorporating an automatic dialer which directly or indirectly requires a response by Fayetteville Fire or Police Departments.

Class III - An alarm system in which the annunciator is an audible annunciator located at the protected premises, and which does not incorporate an automatic dialer. (1995 Code, § 20-402)

20-303. Alarm system requirements. (1) No alarm system shall be installed, used or maintained in violation of any of the requirements of this code.

(2) The alarm user shall be responsible for training and retraining all employees, family members and other persons who may make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger a sensor.

(3) The alarm user shall, at all times, be responsible for the proper maintenance and repair of the system.

(4) In the event of power failure or outage, only those systems with a power system back-up will be responded to. Others will be presumed to be set by loss of power. (1995 Code, § 20-403)

20-304. Permits required. (1) It shall be unlawful for any person to use or maintain any alarm system without a current valid permit.

(2) The police and fire departments may refuse to respond to an alarm from a system without a permit.

(3) In the event police or firemen investigate an alarm, the permit holder or an agent shall cooperate by promptly coming to the premises upon request. Refusal shall constitute grounds for suspension or revocation of a permit.

(4) If an alarm user has one or more alarm systems protecting two or more structures having different addresses, a separate permit will be required for each structure.

(5) Existing installed systems will be exempt from the payment of a permit fee provided application for a permit is made within thirty (30) days of the effective date of this chapter. (1995 Code, § 20-404)

20-305. Issuance of permit and decal. (1) Upon receipt by the city administrator of the permit application and fee, the chief of police or fire chief shall undertake whatever investigation or inspection they deem necessary.

(2) If the investigation is satisfactory, a decal with the alarm user's permit number will be issued with a permit. This decal must be permanently posted on or near the front entrance to the premises so that the information on the decal is visible from outside of the structure. (1995 Code, § 20-405)

20-306. Permit fees. (1) Class I - One dollar (\$1.00)--A one time fee to be paid when the initial application for a permit hereunder is filed with the city.

(2) Class II - One dollar (\$1.00)--A one time fee to be paid when the initial application for a permit hereunder is filed with the city. Senior citizens are exempt from permit fees. "Senior citizen" is defined as a person who has attained the age of sixty-five (65) years.

(3) Class III - This class alarms are exempt from permit fees. (1995 Code, § 20-406)

20-307. Inspection of alarm system. Prior to issuing an alarm system permit, and at any time thereafter, the city may inspect any alarm system for which a permit is required. Such inspection shall be for the purpose of ascertaining that information furnished by the applicant or permittee is correct, and that the system is maintained in conformation with the provisions of this chapter. (1995 Code, § 20-407)

20-308. Current information required. Within ten (10) days following any change of circumstances which renders obsolete any of the information previously submitted, the alarm user shall file an amendment to his application, setting forth the currently accurate information. No additional fee shall be required unless the change has terminated the permit. Failure to comply with the section shall constitute grounds for revocation of the permit. (1995 Code, § 20-408)

20-309. False alarm fees. (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by the police or fire departments, and the police or fire department does respond, a police officer or fireman on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response is in fact required as indicated by the alarm system or whether in some way the alarm system malfunctions and thereby activated a false alarm.

(2) It is hereby found and determined that all false alarms constitute a public nuisance. The permit holder will be billed a fifty dollars (\$50.00) service charge per false alarm occurrence after the third such false alarm in any fiscal year and seventy-five dollars (\$75.00) for the 11th false alarm and each thereafter. Each service charge incurred shall be billed and payment shall be made within thirty (30) days from the date of receipt thereof. (1995 Code, § 20-409)

20-310. Charge for false emergency alarms not caused by act of nature. (1) Definitions.

(a) "False emergency alarm." Any signal actuated by an emergency alarm which the fire or police department responds which is not the result of fire or other actual emergency and not caused by a violent act of nature.

(b) "Owner and/or operator." A person or persons who reside in or operate a residence or business in which an emergency alarm is connected.

(2) The following schedule of notice, warnings, penalties, and costs shall be assessed to the owners and/or operators of emergency alarm systems for false emergency alarms transmitted to the fire or police department.

(a) First false alarm. Verbal notification by a fire or police department officer.

(b) Second false alarm. Notice letter informing the owner or operator of the alarm system of the provisions of this section.

(c) Third false alarm. Warning letter and notice to insure that the alarm system is in proper working order. Once the third false emergency alarm has been received the police chief or fire chief shall send, by certified mail, a notice to the owner and/or operator that further false emergency alarms will result in the imposition of a penalty and/or costs of providing such service.

(d) Fourth false alarm. A fine of twenty-five dollars (\$25.00) shall be imposed.

(e) Fifth and more. A fine of twenty-five dollars (\$25.00) for each false alarm and the actual costs of such response by the fire and/or police department including the costs of equipment, fuel, personnel, administration, and other such factors as determined by the department heads.

(3) Each party who is determined to be liable for a fine and/or costs pursuant to this section shall be notified in writing of the same and shall have thirty (30) days from date of notice to pay the fine and/or costs or otherwise provide notice that it is contesting the imposition of the fine and/or costs. A party who fails to pay the fine and/or costs within thirty (30) days shall be cited to the municipal court of the City of Fayetteville for determination of the party's liability for the fine and/or costs. (1995 Code, § 20-410)

CHAPTER 4

**FAYETTEVILLE-LINCOLN COUNTY REGIONAL AIRPORT
AUTHORITY**¹**SECTION**

20-401. Creation; commissioners; authority.

20-401. Creation; commissioners; authority. (1) There is hereby created with Lincoln County a public body, corporate and politic, to be known as the Fayetteville-Lincoln County Regional Airport Authority which authority shall be authorized to exercise its functions upon the issuance by the Tennessee Secretary of State of a certificate of incorporation.

(2) All terms of the commissioners shall be for five (5) years.

Said Fayetteville-Lincoln County Regional Airport Authority shall have the authority set forth in chapter 3, title 42 of the *Tennessee Code Annotated*. (1995 Code, § 20-501, modified)

¹Charter reference
Airport committee: § 32a

CHAPTER 5

FAIR HOUSING

SECTION

20-501. Policy.

20-502. Definitions.

20-503. Unlawful practices.

20-504. Discrimination in the sale or rental of housing.

20-505. Discrimination in the financing of housing.

20-506. Discrimination in the provision of brokerage services.

20-507. Exemptions.

20-501. Policy. It is the policy of the City of Fayetteville to provide, within constitutional limitations, for fair housing throughout the community. (1995 Code, § 20-601)

20-502. Definitions. (1) "Discriminatory housing practice" means an act that is unlawful under §§ 20-604, 20-605, or 20-606.

(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 judiciaries.

(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, § 20-602)

20-503. Unlawful practices. Subject to the provisions of subsection (2) and § 20-607, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-604 shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in this chapter shall apply to any single-family house sold or rented by an owner. (1995 Code, § 20-603)

20-504. Discrimination in the sale or rental of housing. (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 disability.

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

(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 disability.

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or disability 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 disability.

(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, § 20-604)

20-505. 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 disability of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-603(2). (1995 Code, § 20-605)

20-506. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or disability. (1995 Code, § 20-606)

20-507. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society or any non-profit institution of 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, religion, sex, national origin, familial status or disability. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (1995 Code, § 20-607)

CHAPTER 6

PUBLIC RECORDS INSPECTION AND DUPLICATION

SECTION

20-601. Access, viewing and copying public records.

20-601. Access, viewing and copying public records. (1) Each individual requesting to inspect a public record as defined by *Tennessee Code Annotated*, § 10-7-503, shall be required to show a photo identification verifying Tennessee citizenship. Requests for viewing and/or copying public records may be made in writing on a standard form maintained at the city administrator's office.

(2) Confidential information, as defined by state law, shall be kept confidential. When possible, documents containing confidential information shall be made available for inspection or copying after all confidential information is redacted.

(3) Each department within the city shall maintain custody of the records of that department. The department with custody of the records requested shall determine, based upon its current workload, a reasonable response time, not to exceed seven (7) days, and will advise the city administrator, or a member of his or her staff, who will contact the individual making the request to advise when the documents will be available for inspection and/or copying. For records in the custody of the city administrator, the city administrator, or a member of his or her staff, shall notify the individual making the request as to the reasonable response time, not to exceed seven (7) days.

(4) When a request is made for a large volume of records and the records custodian determines that production of the records should be segmented, the requestor shall be notified that the production of the records will be in segments. A records production schedule will be provided as expeditiously as possible.

(5) Copies of documents or items provided will be charged as follows:

Standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy (including each side of a duplex copy)	\$0.15
Standard 8 1/2 x 11 or 8 1/2 x 14 color copy (including each side of a duplex copy)	\$0.50
Compact disc or DVD	

All fees are to be paid in full prior to the delivery of the copied records to the individual making the request. Calculation of those charges will be in accordance with the policy of the Office of Open Records Counsel of the Tennessee Comptroller's Office.

(6) The Fayetteville Police Department shall be permitted to charge five dollars (\$5.00) for copies of Tennessee Uniform Traffic Crash Reports based on a determination by the police department that expenses consistent with that amount are actually incurred in the production of these records and making copies of the same available to individuals requesting them.

(7) Delivery of copies of records to a requestor is anticipated to be by hand delivery when the requestor returns to the custodian's office to retrieve the requested records. In the event it is necessary to deliver the copies through means of the United States Postal Service or other mail delivery service, the individual making the request shall pay the deliver cost incurred.

(8) The requesting individual shall be charged for the staff time reasonably necessary to produce copies of the requested records, including the time spent locating, retrieving, reviewing, redacting reproducing the record, except as set forth herein. The city shall provide up to one hour of labor of a city employee for the locating, retrieving, reviewing, redacting and reproducing of records at no charge to the requestor before labor costs associated with the request are charged to the individual making the request. After the first hour, the additional labor charges associated with a request for copies must be paid by the individual making the request to obtain the copies. The charge shall be calculated as set forth by the Office of Open Records Counsel for the Tennessee Comptroller's Office.

(9) No charge shall accrue for a request to review records other than the charge for the staff time reasonably necessary to produce copies of the requested records, including the time spent locating, retrieving, reviewing, redacting and overseeing the inspection of the record.

(10) The city shall not relinquish custody of the original records in the course of fulfilling a request. Inspection of any records shall be conducted in the presence of a city staff member.

(11) No cameras or personal duplicating equipment of any kind shall be allowed to be used by an individual making a request for inspection and/or copying of a public record. A city staff member will make a copy of any record requested, provided that the city has the means of copying the document requested, subject to the fees set forth herein.

(12) In the event the city does not have the means to copy or reproduce a record requested, a reasonable effort will be made by city staff to locate an outside vendor having the means to copy or reproduce the record. In such event, the city shall ascertain the estimated cost of having the record copies or reproduced by an outside vendor and shall advise the person making the request

of the anticipated cost. If the person making the request pays to the city the anticipated cost of having the record reproduced, the city shall proceed with having the outside vendor reproduce the record and shall make the copy available to the individual making the request once the copy is acquired from the outside vendor. Additionally, the city shall be entitled to collect labor costs and transportation expenses for transporting the record to be reproduced by an outside vendor and retrieving the copy once completed.

(13) Appointments shall be scheduled for inspection of public documents to ensure that staffing is adequate to accommodate the inspection. The failure of an individual making a request to appear for an inspection within thirty (30) minutes of the time scheduled may require the appointment to be rescheduled on another date. When copies of documents are requested in the course of an inspection of records, the requesting individual will be notified when the copies are prepared and available. (Ord. #2014-04, March 2014, modified)

CHAPTER 7

SEXUAL OFFENDER COMMUNITY NOTIFICATION SYSTEM**SECTION**

20-701. Sexual offender community notification system.

20-701. Sexual offender community notification system. Pursuant to *Tennessee Code Annotated*, § 40-39-217, the City of Fayetteville hereby establishes a sexual offender community notification system to provide notification when a person required to register pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004 intends to reside, or, upon registration, declares to reside with the City of Fayetteville. Such notification shall be made as follows:

(1) The Fayetteville Police Department shall establish and maintain a location in a prominent place at the Fayetteville Police Department for the posting of notices pertaining to those persons on the sexual offender registry who reside in the City of Fayetteville;

(2) The Fayetteville Police Department shall publicize such notices by posting them on any internet website or social media outlet routinely used by the Fayetteville Police Department for disseminating information to members of the public; and

(3) The Fayetteville Police Department may, at its discretion, use any other method reasonably expected to provide notification to members of the public. (Ord. #2014-09, July 2014)