

TITLE 20

MISCELLANEOUS

CHAPTER

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CHAPTER 1

UNION CEMETERY COMMITTEE

SECTION

- 20-101. Creation and membership.
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20-101. Creation and membership. The Cemetery Committee shall consist of three (3) members appointed by the mayor. Their terms shall be for a two (2) year period and shall be without compensation. (1980 Code, § 1-1301, as amended by Ord. #944, Nov. 1996)

20-102. Powers and duties. The Cemetery Committee shall be charged with the following powers and duties:

- (1) Responsible to the city council for the direct and complete supervision of the cemeteries.
- (2) Establish reasonable rules and regulations that are conducive to the efficient operation of the cemeteries.
- (3) Recommends the price of lots, opening and closing fees and developer fees to the city council.
- (4) Ensures that proper entries are made in all permanent records.
- (5) Designates the custodian of all maps and deeds.
- (6) Designates the custodian of all cemetery funds. (1980 Code, § 1-1302, as amended by Ord. #945, Nov. 1996)

20-103. Permit required for excavation. It shall be unlawful for any person or persons with the exception of City of Dickson employees, or their contract agent, to excavate or open any grave within the Union or East Dickson cemeteries who has not received a permit from the cemetery committee. (1980 Code, § 1-1303, as amended by Ord. #949, Nov. 1996)

20-104. Sale of cemetery lots. (1) Cemetery lot prices owned by the City of Dickson, Tennessee, in the East Dickson Cemetery and Union Cemetery will be established by resolution.

(2) The mayor is authorized to execute deeds to any grave or mausoleum space upon notification by the treasurer that the appropriate sum has been received.

(3) The cemetery director shall maintain records of those lots available for sale. (1980 Code, § 1-1304, as amended by Ord. #950, Nov. 1996)

CHAPTER 2

FAIR HOUSING REGULATIONS

SECTION

- 20-201. Definitions.
- 20-202. Purposes of law; effect.
- 20-203. Unlawful housing practices.
- 20-204. Blockbusting.
- 20-205. Exemptions from housing provisions.
- 20-206. Provisions for enforcement.
- 20-207. Agency no defense in proceeding against real estate dealer.
- 20-208. Establishment of procedures for conciliation.
- 20-209. Findings of hearing board; nature of affirmative action.
- 20-210. Investigations, powers, records.
- 20-211. Conspiracy to violate this chapter unlawful.
- 20-212. Effectiveness.

20-201. Definitions. Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

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

(2) "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.

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

(4) "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 the aiding, abetting, inciting, coercing, or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

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

(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 estate broker" or "affiliate broker" 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 of 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. (1980 Code, § 4-1001)

20-202. Purposes of law; effect. The general purposes of this chapter are:

(1) To provide for execution within the City of Dickson of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.

(2) 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.

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. (1980 Code, § 4-1002)

20-203. Unlawful housing practices. It is an unlawful practice for a real estate owner or operator or for a real estate broker, affiliate broker, or any individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent, 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 of 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) Otherwise to deny to or withhold real property from an individual because of race, color, religion, national origin, or sex. (1980 Code, § 4-1003)

20-204. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, an affiliate broker, 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 area 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. (1980 Code, § 4-1004)

20-205. Exemptions from housing provisions. (1) Nothing in § 20-203 shall apply:

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

(b) To the rental of one room or one 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) Nothing herein shall prevent a religious organization, association, society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, or national origin.

(3) Single sex dormitories or congregate rental property shall be excluded from the provisions of this chapter which relate to discrimination based on sex. (1980 Code, § 4-1005)

20-206. Provisions for enforcement. (1) [Deleted.] This subsection was deleted by Ord. #858, § 10, Dec. 1993.

(2) The city may sue in a civil act through a court of competent jurisdiction for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibiting injunctions. Any violation of this chapter may be punishable by a fine not to exceed five hundred dollars (\$500.00). (1980 Code, § 4-1006)

20-207. 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, affiliate broker, a financial institution, or other person subject to the provisions of this section, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (1980 Code, § 4-1007)

20-208. 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 city council 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. Hearings open to the public may be initiated by the responding party at any time during the conciliation process. (1980 Code, § 4-1008)

20-209. 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 section. 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 an unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant in obtaining alternative housing accommodation and for other costs actually incurred 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. (1980 Code, § 4-1009)

20-210. 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 preserved 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 application 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. (1980 Code, § 4-1010)

20-211. Conspiracy to violate this chapter unlawful. It shall be an unlawful practice for a person, or for two 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. (1980 Code, § 4-1011)

20-212. Effectiveness. This chapter shall cease to be effective upon receipt by the city of written notification from the United States Department of Housing and Urban Development (HUD) that HUD will not recognize this chapter, including any amendments thereto, to be substantially equivalent to the provisions of the Civil Rights Act of 1968 so as to require HUD to refer housing discrimination complaints to the City of Dickson, in accordance with federal law and regulations. (1980 Code, § 4-1012)

CHAPTER 3

BURGLARY AND ROBBERY ALARMS

SECTION

- 20-301. Title and purpose.
- 20-302. Definitions.
- 20-303. Alarm users' permits required.
- 20-304. User instructions for use of alarm systems.
- 20-305. Automatic dialing device--certain interconnections to the police department prohibited.
- 20-306. False alarms--permit suspension.
- 20-307. Violations.

20-301. Title and purpose. This chapter shall be known as "The Burglary and Robbery Alarm Permit Ordinance."

The purpose of this chapter is to protect the emergency services of the city from misuse.

This chapter will also set forth regulations governing burglary and robbery alarm systems, require permits, etc. (1980 Code, § 5-601)

20-302. Definitions. (1) "Alarm business" means the business by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed any alarm system in or on any building, structure, or facility.

(2) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the presence of illegal entry or activity, requiring urgent attention and to which police are expected to respond.

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

(4) "Automatic dialing device" means a device which is interconnected to a regular telephone line and is programmed to select a particular phone number so that a pre-recorded voice message or code signal indicating the existence of a situation detected by an alarm system may be transmitted to the selected telephone number.

(5) "False alarm" means an alarm signal necessitating response by the police when a situation requiring a response by the police does not, in fact, exist. This does not include an alarm signal caused by violent conditions of a nature or other circumstances not reasonably subject to control by the alarm business operator or alarm user.

(6) "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

(7) "Chief of police" means the individual designated by the city to issue permits and enforce the provisions of this chapter.

(8) "The police department" is the facility used to receive emergency and general information from the public to be dispatched to the respective departments utilizing the center. (1980 Code, § 5-602)

20-303. Alarm users' permits required. (1) All users of alarm systems shall obtain an alarm user's permit from the chief of police on or after January 3, 1983, and thereafter must obtain a permit annually no later than the anniversary date of the permit obtained; however, all alarms that are not directly connected to the police department shall be exempt from paying the \$12.00 annual fee. Systems using robbery and burglary alarm capabilities will be required to obtain a permit for each function. Application for the burglary or robbery permit and a \$12.00 fee for each will be filed with the chief of police each year. Each permit shall bear the signature of the chief of police and be for a one (1) year period. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the chief of police or any law enforcement officer. A permit will not be issued unless the chief of police or his designated representative is satisfied that the system meets all reasonable standards for appropriate operation.

(2) Suspended user's permits will also be obtainable from the chief of police by filing the required application and a \$100.00 suspended permit fee. Each permit shall be physically upon the premises using the alarm system and available for inspection by the chief of police or any law enforcement officer.

A \$25.00 late charge will apply to users who fail to obtain a permit or users sixty (60) days delinquent in obtaining a new permit. (1980 Code, § 5-603)

20-304. User instructions for use of alarm systems. (1) Every alarm business selling or leasing to any user an alarm system which is installed on premises served by the police department shall furnish that person with instructions that provide adequate information to enable persons using such equipment to operate it properly and where to obtain service for the equipment at any time.

(2) If the chief of police finds such information to be incomplete, or unclear, or inadequate, he may require the alarm business to revise the information to meet his approval, and then to distribute the revised information to alarm users. (1980 Code, § 5-604)

20-305. Automatic dialing device--certain interconnections to the police department prohibited. (1) It is unlawful for any person to program

an automatic dialing device to select a primary trunk line, the emergency 911 number.

(2) It is unlawful for any person to program an automatic dialing device to any telephone line coming into the police department without first obtaining a permit from the city. (1980 Code, § 5-605)

20-306. False alarms--permit suspension. Signals from an alarm system which are false hereby are declared to be a public nuisance and are subject to permit suspension as provided herein. Suspension of burglary protection equipment does not preclude the uses of robbery equipment, or vice versa. Separate records will be maintained for each function.

If the police department records show four (4) or more false alarms within one (1) year starting from the date of an alarm permit issued until it expires one (1) year later, the chief of police shall proceed to suspend the alarm user's permit. If a reasonable doubt exists as to the cause of a false alarm, the chief of police or coordinator shall resolve it in favor of the alarm user.

The chief of police shall notify the alarm user and the alarm business providing service or inspection to the user by certified mail of such fact and direct that the user submit a report to the chief of police within fifteen (15) days of receipt of the notice describing efforts made or to be made to discover and eliminate the cause of the false alarms. The fifteen (15) days response time may be extended by the chief of police upon reasonable cause shown.

If the alarm user submits a report as directed, the chief of police shall determine if the action taken has or will substantially reduce the likelihood of false alarms.

If the chief of police determines that the action taken will satisfy the requirement, he shall give notice to the alarm user thereof; however, should one (1) more false alarm occur within the permit year, the chief of police may proceed with suspension of the user's permit as in the case of an unsatisfactory report.

If the chief of police determines that the report will not satisfy the requirement, he shall give notice thereof to the alarm user and set a date for a hearing.

Upon receipt of a notice of a hearing to revoke or suspend an alarm user's permit pursuant to this section, the alarm user may submit written information setting forth the reason that his permit should not be suspended.

Written notice of the time and place of the hearing shall be served on the user by the chief of police by certified mail at least ten (10) days prior to the date set for the hearing.

At the hearing before the chief of police or his designated representative and a hearing officer, the user, or his authorized representative, shall have the right to present evidence on his own behalf. After the hearing, if the chief of police determines that the false alarms have occurred, he may issue an order suspending the user's permit until such time that he is satisfied that the cause,

or causes, of the false alarms have been eliminated to protect the emergency response capability of the police department.

Upon an order by the chief of police that an alarm user's permit be suspended, a copy of said order shall be forwarded to the city attorney to proceed with legal proceedings to abate the alarm system as a public nuisance if use is not immediately suspended.

A user whose permit has been suspended is not precluded under this section from reapplying for a suspended user's permit as outlined in section 5-603. The chief of police, however, is not required to reinstate the user's permit unless he is satisfied that the alarm user's system has been properly serviced and its deficiencies corrected. The chief of police may impose reasonable restrictions and conditions before issuing a suspended user's permit.

The suspended user's permit shall be required for a one (1) year period. During the one (1) year period, if the police department does not record in excess of four (4) alarms, a suspended user's permit will not be required after the one (1) year period. (1980 Code, § 5-606)

20-307. Violations. Each alarm user or presiding officer, if the user is not an individual, shall be responsible for violations of this chapter. (1980 Code, § 5-607)

CHAPTER 4

EMERGENCY ASSISTANCE POLICY

SECTION

20-401. Policy and procedures.

20-402. Definitions.

20-403. Requesting assistance.

20-404. Responding to a request for emergency assistance.

20-401. Policy and procedures. Whereas, the City Council for the City of Dickson has previously authorized the water, gas, police and fire departments to establish policies and procedures to be used in requesting and responding to requests for emergency assistance; and, whereas, the water, gas, police and fire departments have adopted the following emergency assistance policy, now, therefore, be it ordained that the following emergency assistance policy as presented by the water, gas, police and fire departments is hereby approved.

The purpose of this document is to establish the policy and procedures that will govern the City of Dickson in the process of requesting emergency assistance of another local government or in responding to the request of another local government for emergency assistance.

The following sections establish the guidelines under which decisions and their extent of implementation will be made regarding emergency assistance. (1980 Code, § 1-1201)

20-402. Definitions. (1) "Emergency assistance" as defined in the Local Government Emergency Assistance Act of 1987 shall mean fire fighting assistance, law enforcement assistance, public works assistance, emergency medical assistance, civil defense assistance, or other emergency assistance provided by local government or any combination or all of these requested by a local government in an emergency situation in which the resources of the requesting local government are not adequate to handle the emergency.

(2) "Local government" shall mean any incorporated city or town, any county, metropolitan government, county, utility district, metropolitan airport authority, or other regional district or authority.

(3) "Requesting party" means a local government which requests emergency assistance.

(4) "Responding party" means a local government which responds to a request for emergency assistance.

(5) "Appropriate senior officer" shall mean the police chief or the fire chief or their respective officer in charge. For departments other than law enforcement or fire services the mayor or the person in charge of the particular service area shall be the appropriate senior officer. (1980 Code, § 1-1202)

20-403. Requesting assistance. (1) All requests for emergency assistance made on behalf of the City of Dickson shall be made or authorized by the appropriate senior officer. The City of Dickson through its appropriate senior officer, in accordance with the provisions of the Local Government Emergency Assistance Act of 1987, will be in full command of its emergency as to strategy, tactics, and overall direction of the operation and shall direct the actions of the responding party by relaying orders to the senior officer in command of the responding party.

(2) The City of Dickson accepts liability for damages or injuries, as defined in Tennessee Code Annotated, § 29-20-101 et seq., caused by the negligence of its employees or the employees including authorized volunteers of a responding party while under the command of the senior officer of the City of Dickson. However, the City of Dickson does not accept liability for damages to the equipment or personnel including authorized volunteers of a responding party, nor is the City of Dickson liable for any damages caused by the negligence of the personnel of the responding party while enroute to or returning from the scene of the emergency.

(3) The City of Dickson acknowledges that any party from whom assistance is requested has no duty to respond nor does it have any duty to stay at the scene of the emergency and may depart at its discretion. (1980 Code, § 1-1203)

20-404. Responding to a request for emergency assistance.

(1) The City of Dickson will respond to calls for emergency assistance only upon request for such assistance made by the appropriate senior officer on duty for the requesting city. All requests for emergency assistance shall be made only to the appropriate senior officer in charge of the particular service area for which services are requested.

(2) Upon the receipt of a request for aid as provided for in the preceding paragraph the city is authorized to respond as follows:

(a) The city is authorized to provide at least one (1) piece of equipment and (1) person or crew from that particular service area from which emergency assistance is requested.

(b) The greatest response that the City of Dickson will provide is fifty percent (50%) of the personnel and resources of that particular service for which emergency assistance is requested.

(3) The City of Dickson has no duty to respond to a request and will reject a request for emergency assistance or will depart from the scene of the emergency based upon the discretionary judgment of the appropriate senior officer in command at the scene of the emergency or the appropriate senior officer for that service for the City of Dickson. In cases where two or more requests for emergency assistance are made at the same time, the appropriate senior officer of the City of Dickson shall determine, based upon a reasonable appraisal of the emergencies of the requesting jurisdictions, how best to respond

to the requests. The appropriate senior officer may determine to send all available resources to the jurisdiction with the most dire emergency, or may send some resources to each requesting jurisdiction.

(4) The City of Dickson accepts full liability, as defined in Tennessee Code Annotated, § 29-20-101 et seq., for any damages to its equipment and personnel in responding to a request for emergency assistance and for damages caused by its equipment or personnel while enroute to or returning from the scene of the emergency. However, the City of Dickson shall not be liable for any property damage or bodily injury at the actual scene of any emergency due to actions which are performed in responding to a request for emergency assistance.

(5) The personnel of the City of Dickson shall have extended to any geographic area necessary as a result of a request for emergency assistance the same jurisdiction, authority, rights, privileges, and immunities, including coverage under the Worker's Compensation Laws, which they have in the City of Dickson. (1980 Code, § 1-1204)

CHAPTER 5

UNIFORM NUMBERING SYSTEM

SECTION

20-501. Each structure to have designated number to be posted and maintained.

20-501. Each structure to have designated number to be posted and maintained. Each building or structure, whether public or private, shall have a number designated to it, consistent with the uniform system of addressing established by the Dickson County Emergency Communications Board and these numbers shall be posted, exhibited and maintained. (As added by Ord. #934, May 1996)

CHAPTER 6

TREE ORDINANCE

SECTION

20-601. Purpose and intent.

20-602. Definitions.

20-603. Tree committee.

20-604. Tree planting.

20-605. Tree protection.

20-606. Activities of developers.

20-607. Most highly recommended street and yard trees for Middle Tennessee as recommended by State of Tennessee Forestry Division.

20-608. Tree maintenance.

20-601. Purpose and intent. (1) The purpose of this ordinance is to promote the health, safety, and public welfare in the City of Dickson, and consistent with urban forestry policy and practice for urban areas promulgated by the Division of Forestry of the State of Tennessee:

(a) To encourage the planting of trees in the City of Dickson;

(b) To encourage the maintenance and protection of existing trees; and

(c) To encourage the removal of undesirable or diseased trees.

(2) The standards herein are hereby established in order to lessen air pollution, to promote clean air quality by increasing dust filtration, to reduce noise, heat, and glare, to prevent soil erosion, to improve surface drainage and minimize flooding, to ensure that activities in one area do not adversely affect activities within adjacent areas, to emphasize the importance of trees as a visual screen, to beautify and enhance improved and undeveloped land, to maintain the ambience of the city, to ensure that tree planting and removal does not reduce property values, and to minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters. (as added by Ord. #1289, Dec. 2010)

20-602. Definitions. Except where the context otherwise requires, the definitions contained in this section shall govern the construction of this ordinance.

(1) "Adjusted Caliper Inches (ACI)." The number value resulting from the multiplication of the Tree Value Factor times the actual measured caliper inches of trees in each respective category of trees.

(2) "Caliper inches." For trees larger than four inches (4"), the quantity in inches of the diameter of a tree measured one foot (1') above the ground. For trees smaller than four inches (4"), the quantity of the diameter of a tree measure six inches (6") above the ground.

- (3) "Conifer tree." Any tree with needle leaves and a woody cone fruit.
- (4) "Category I Trees." Broad-leaf evergreen overstory, selected hardwoods, and endangered species - Tree Value Factor = 1.0.
- (5) "Category II Trees." Some deciduous overstory hardwoods, selected cone-bearing evergreens - Tree Value Factor = 0.75.
- (6) "Category III Trees." Some deciduous overstory hardwoods, some cone-bearing evergreens - Tree Value Factor = 0.5.
- (7) "Deciduous tree." Any tree which sheds its leaves in the fall or winter.
- (8) "Developer." A builder, in the private sector, who plans and builds commercial or residential property to specification.
- (9) "Drip line." A vertical line extending from the outermost portion of a tree to the ground.
- (10) "Endangered species." Those trees are under the protection of state and/or federal law.
- (11) "Evergreen." Those trees, including broad-leaf and conifer trees, that maintain their leaves year round.
- (12) "Line clearance." Removal of limbs and branches within a set distance of utility lines.
- (13) "Non-development activity." Any alteration of the natural environment which does not require development plan approval, but which would include the proposed removal or destruction of any tree affected by this ordinance.
- (14) "Private tree." Any tree in an area owned by a private individual, business, company, industry, or institution, or in any area not owned by a governmental entity.
- (15) "Protected tree." Any tree in Category I which is six (6) caliper inches or larger, any tree in Category II which is ten (10) caliper inches or larger, and any tree in Category III which is eighteen (18) caliper inches or larger, as listed in Appendix A, as attached hereto.
- (16) "Pruning." Selective removal of the upper portions of any tree, taking into account the natural shape and structure of the tree.
- (17) "Public tree." Any tree in an area owned or maintained by the City of Dickson.
- (18) "Replacement tree." Any tree being planted on a site to replace a tree which has been removed or destroyed for any reason.
- (19) "Supplemental tree." Any tree being planted on a site which is in addition to existing trees and replacement trees.
- (20) "Topping." The non-selective removal of the top portions of any tree without regard to the natural shape and structure of the tree.
- (21) "Tree." Any living, self-supporting woody or fibrous plant which is a conifer, evergreen, deciduous, or ornamental, as defined herein.
- (22) "Tree Value Factor." The numerical value assigned to each tree category that represents the importance of that category of trees with respect

to visual buffering, growth characteristics, native species, and aesthetics. The Tree Value Factor for trees in Category I is 1.0; Category II - 0.75; and for Category III - 0.5. The Tree Value Factor for all existing protected trees on a development site, regardless of category - 1.0. The Tree Value factor for all trees in screen areas - 1.0. (as added by Ord. #1289, Dec. 2010)

20-603. Tree committee. (1) Creation of the tree management and beautification board. The creation, purpose, term of office, operation, and compensation of the tree management and beautification board adopted as outlined and defined in chapter 3, §§ 2-301 through 2-306 in the City of Dickson Municipal Code.

(2) Duties and responsibilities. The duties of the tree board shall include, but not be limited to the following:

- (a) Plant trees.
- (b) Consult on a tree plan for the community, if requested.
- (c) Coordinate tree-related activities.
- (d) Acquire, hand out trees to fourth graders in Dickson County in observance of Arbor Day.
- (e) Provide tree information to the community, as requested.
- (f) Maintain a recommended tree list for the community.
- (g) Recognize groups and individuals completing tree projects.
- (h) Coordinate publicity concerning trees and tree programs.
- (i) Coordinate donations of trees or money to purchase trees.

This may include fundraisers.

- (j) Adopt rules and regulations pertaining to the tree program.
- (k) Provide oversight of the Dickson Community Nature Trail/Certified Buckner Park Arboretum.

(3) Compensation. Members of the tree board shall serve with compensation as approved by the city council. (as added by Ord. #1289, Dec. 2010)

20-604. Tree planting. (1) Public trees. If the city undertakes to plant trees in any public area, the city may conduct with the tree board to provide systematic maintenance to assure diversity of age, classes, and species.

(2) Private trees. Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest. The tree board will provide information about species, planting techniques, and placement guidelines when requested by residents.

(3) Replacement trees. The tree board shall in the normal course of its recommendation process, suggest the planting of public trees or private trees to replace trees which have been removed, destroyed, or severely damaged, except that in no case shall replacement trees be required in excess of the Minimum ACI Density established in section "Activities of developers" listed below of this ordinance.

(4) Supplemental trees. The planning commission shall, in the normal course of its approval process, recommend the planting of private trees to supplement the trees on any site proposed for development, except that in no case shall supplemental trees be required in excess of the Minimum ACI Density established in section "Activities of developers" listed below of this ordinance.

(5) Prohibited plantings. It shall be discouraged for any person to plant trees as follows:

(a) Within any recorded sewer or water easement: Any species prone to clogging water or sewer lines with roots, including, but not limited to: Poplar, Box Elder, Silver Maple, American Elm, Catalpa, Siberian Elm, Cottonwood, Black Walnut, and Weeping Willow.

(b) Within any recorded easement for overhead electric or telephone lines: Any species known to reach a mature height greater than twenty feet (20').

(c) On any public lands: Any species known to be undesirable, weak, short-lived, disease prone, or to belong to an overpopulation of its species, including, but not limited to: Box Elder (female), Silver Maple, Hackberry, American Elm, Osage Orange (female), Cottonwood (except hybrids), Bradford Pears and Royal Paulonia (Empress Tree). (as added by Ord. #1289, Dec. 2010)

20-605. Tree protection. (1) Public trees. It shall be unlawful for any person other than authorized city personnel to remove or cause to be removed any public tree or other woody plant whether such plants are trees as defined herein, or small flora which are part of the understory, shrub layer, or herb layer, or any size or of any species without first obtaining the recommendation of the tree board and the approval of the mayor or his/her designee.

(2) Other private flora. Consistent with the expressed purpose of this ordinance, all persons are encouraged to make reasonable efforts to preserve and retain on all private lands any existing woody plants, whether such plants are trees as defined herein, or smaller flora which are part of the understory, shrub layer, or herb layer. (as added by Ord. #1289, Dec. 2010)

20-606. Activities of developers. (1) Protected trees. Developers shall indicate on site plans submitted to the planning commission for approval, the location of protected trees, as defined herein, which are proposed to be destroyed during the course of development. The planning commission may, at its option, do any or all of the following:

(a) Encourage that any protected tree(s) that is destroyed be replaced according to the provisions of paragraph "Tree planting" of this ordinance.

(b) Encourage that the site plan be altered so as to preserve any protected tree(s).

(c) Encourage that developer transplant any protected tree(s) to another location on the site.

(d) The tree board suggests that any of the following trees be planted as public or private trees. (as added by Ord. #1289, Dec. 2010)

20-607. Most highly recommended street and yard trees for Middle Tennessee as recommended by State of Tennessee Forestry Division. (1) Small trees (15'-25').

- (a) American Smoke Tree (*Cotinus obovatus*).
- (b) Serviceberry.
- (c) Crape myrtle.
- (d) Crabapple.
- (e) Redbud.
- (f) Amur Maakia.
- (g) Globe Norway maple.
- (h) Wireless Zelkova.
- (i) Tatarian maple.
- (j) Fragrant epaulette tree.

(2) Mid-sized trees (25'-40').

- (a) Overcup oak.
- (b) Chalk maple.
- (c) American hophornbeam.
- (d) Persimmon.
- (e) Chinese pistache.
- (f) Lacebark elm.
- (g) Goldenrain tree.
- (i) Turkish filbert.

(3) Large trees (> 40').

- (a) American elm, resistant.
- (b) Black maple.
- (c) Swamp white oak.
- (d) Bur oak.
- (e) Willow oak.
- (f) Ginkgo.
- (g) Hardy rubber tree.
- (h) Japanese Zelkova.

Note: columnar (fastigate) varieties are available for several species where horizontal space is quite limited. (as added by Ord. #1289, Dec. 2010)

20-608. Tree maintenance. (1) Public trees. The City of Dickson shall be responsible for pruning, watering, fertilizing, insect and disease control, and other tree care to keep all public trees reasonably healthy and minimize the risk of hazard to residents and visitors to the city.

(2) Private trees. Care and maintenance of private trees are encouraged to minimize health and safety risks to people. The City of Dickson may remove, prune, fertilize, water, or otherwise treat with insecticides, fungicides, herbicides, or other means, any private tree which overhangs any public right-of-way, comes in contact with overhead utility lines, creates any traffic hazard by restricting visibility, or poses a health risk to other plants, animals, or persons by disease or insect infestation.

(3) Pruning. Proper pruning with branch removal at branch or trunk junctures is required for all public trees, and strongly encouraged for all private trees. The practice of tree topping is discouraged on public trees and strongly discouraged on private trees.

(4) Hazardous trees. Trees standing on public land or standing on private land adjacent to any public land that are designated hazardous trees by the city may be removed or repaired (by means of trimming, pruning, or treating) if the public works director or his/her designee determines the removal or repair is necessary to protect the public health and safety. If the hazardous tree is on private land, the public works director or his/her designee may notify the owner of the private land in writing of said risk and request the removal or repair of the hazardous tree within a prescribed period of time.

If the owner of the private land does not remove or repair the hazardous tree within the prescribed time, then the public works director or his/her designee shall have the authority to enter upon the private land and remove or repair the hazardous tree. The cost of removal or repair including stump removal to below ground level may be charged against the owner.

TREE EQUIVALENCY TABLE

CATEGORY I	CATEGORY II	CATEGORY III
Bradford Pear	Bitternut Hickory	Lombardy Poplar
Ginkgo	Pignut Hickory	Black Willow
Black Walnut	Shellbark Hickory	Hackberry
American Chestnut and hybrids	Shagbark Hickory	Winged Elm
Southern Magnolia	Mockernut Hickory	English Elm
Bigleaf Magnolia	Butternut	Slippery Elm
Saucer Magnolia	Shingle Oak	Rock Elm
Umbrella Magnolia	Bur Oak	Paper Mulberry
Franklinia	Blackjack Oak	White Mulberry
Pin Oak	Chinkapin Oak	Red Mulberry
White Oak	Post Oak	Cumcumbertree

CATEGORY I	CATEGORY II	CATEGORY III
Scarlet Oak	Black Oak	Pawpaw
Southern Red Oak	Weeping Willow	Sassafras
Willow Oak	River Birch	Downy Serviceberry
Chestnut Oak	European White Birch	Black Cherry
Northern Red Oak	Eastern Hophornbeam	Honeylocust
Shumard Oak	Sweetgum	Black Locust
Chinese Elm	London Planetree	White Basswood
American Hornbeam	Sycamore	Black Tupelo
American Beech	Eastern Redbud	Persimmon
Yellow Poplar	Yellowwood	Shortleaf Pine
Ohio Buckeye	Horse Chestnut	Virginia Pine
Japanese Zelkova	Yellow Buckeye	Eastern Redcedar
Black Maple	Chinese Parasol Tree	Eastern Cottonwood (hybrid only)
Norway Maple	Mountain Laurel	
Red Maple	Sourwood	
Sugar Maple	White Ash	
English Holly	Green Ash	
American Holly	Blue Ash	
Flowering Dogwood	White Pine	

(as added by Ord. #1289, Dec. 2010, and amended by Ord. #1310, Nov. 2012)