TITLE 20

MISCELLANEOUS

CHAPTER
1. DEPARTMENT OF PARKS AND RECREATION.
2. FAIR HOUSING REGULATIONS.
3. THE ROCKWOOD MUNICIPAL AIRPORT.
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CHAPTER 1

DEPARTMENT OF PARKS AND RECREATION

SECTION
20-101. Department of parks and recreation created.
20-103. Duties of the commission.
20-104. Internal treasurer authorized.
20-105. Skateboard park regulations.

20-101. Department of parks and recreation created. Pursuant to Tennessee Code Annotated, §§ 11-24-101--11-24-110 there is hereby created the Department of Parks and Recreation for the City of Rockwood, which shall be governed by a commission appointed by the governing body of the City of Rockwood. (1970 Code, § 1-1201)

20-102. Members - terms - vacancies - removal. The parks and recreation commission shall consist of five members appointed by the governing body to serve for terms of five (5) years or until their successors are appointed, except that the members of the commission first appointed shall be appointed for such terms that the term of one (1) member shall expire annually thereafter. The members of the commission shall be compensated $50.00 per month for their services. The commission shall have the following representation: One (1) from the Rockwood City Council and four (4) resident citizens of the Rockwood Planning Region of which three (3) must reside within the corporate limits of the City of Rockwood. Vacancies in the commission shall be filled only for the unexpired term and shall maintain the stated representation and such appointments shall be filled by the governing body. The term of the city council representative shall not exceed the term of his elected office.

The commission shall give the governing body written notice of vacancies within ten (10) days after the next regular meeting of the commission following the death, resignation, or removal of a commission member.
A commission member may be removed by a majority vote of the governing body, upon the recommendation of the commission. A commission member may be removed from office for willful misconduct, incompetency, or failure to execute the charges of his office for a period not less than four (4) nor longer than six (6) months. At no time shall a member of the commission be removed without first being given six (6) weeks' written notice stating the charges against him by the commission at the direction of the governing body and after he has been given the opportunity for a public hearing before the governing body. (1970 Code, § 1-1202)

20-103. Duties of the commission. (1) The parks and recreation commission shall establish, operate, equip, maintain, improve, determine the size and recommend the location of parks, playgrounds and recreational areas and facilities for the City of Rockwood, as hereinafter provided.

(2) The commission shall elect from its membership the following specified officers and any other officers as may be required:
   (a) Chairman.
   (b) Secretary.

Any member of the commission shall be eligible to hold office except that the city council representative shall not be eligible to hold the office of chairman. The term of office of chairman shall not be more than four years.

(3) The commission shall keep adequate and accurate records of all its findings, proceedings, and transactions. Such records shall be open and available for public inspection at all reasonable times. A copy or the original of all records shall be filed at the Rockwood City Hall. The commission may adopt such rules and regulations as are necessary for the operation of all parks and recreational facilities in its charge.

(4) The commission is hereby authorized to collect for the City of Rockwood fees and charges for use of facilities. Such collections shall be submitted to the city's financial officer. The commission shall keep an accurate record of all collections. The commission shall further submit to the City of Rockwood an annual budget which shall include an itemized estimate of operational costs, capital costs, and anticipated revenues to be generated by the commission. All authorized expenditures within budget limits shall be paid by the City of Rockwood.

(5) The commission may cooperate with other agencies in carrying out its program and, with the approval of the Rockwood City Council, may enter into agreements with the state and federal governments or with the park and recreation commission or other corresponding body of other counties or municipalities for the joint establishment and financing of parks, recreation areas or supervised recreational programs.

(6) The commission may enter into contracts with private persons or agencies, individually or jointly, for the leasing of concession privileges within the parks or recreation areas operated by said commission and such contracts
shall set forth the standards to be observed by the lessee regarding the construction, appearance, maintenance, and operation of all facilities. All rentals and fees accruing from such contracts shall be paid into the general funds of the City of Rockwood to the account of the park and recreation commission.

(7) The commission shall recommend to the city council the employment of trained recreation leaders, recreational area directors, supervisors, superintendents or such other employees as it may deem necessary for the proper management and conduct of the work, and it may contract with other agencies for such services as it may require. The commission may adopt such rules and regulations as are necessary for the operation of the parks as it may be authorized and directed by the city council.

(8) Rockwood through its park and recreation commission may apply to the state department of conservation and other state and federal agencies for advice and consultation pertaining to the planning, acquisition, establishment, development, maintenance, operation, and enlargement of park and recreation areas, systems, facilities, and programs. (1970 Code, § 1-1203)

**20-104. Internal treasurer authorized.** An internal treasurer is authorized for the department. The treasurer shall receive funds and disburse same for the department on an internal basis. These funds are to be separate and apart from the duly authorized budget for the department as adopted by city council, and shall not be a part of the parks and recreation department budget, as set forth by the council. The treasurer shall furnish monthly reports to the council. (1970 Code, § 1-1204)

**20-105. Skateboard park regulations.** (1) Definitions. For the purposes of this section words or phrases are defined as follows:

(a) "Skateboard park" shall mean the portion of the municipal tennis court complex abutting south Gateway Avenue which has been set aside and dedicated for use by persons using rollerblades, skateboards and similar devices as defined hereinafter.

(b) "Skateboard and rollerblade" shall mean skateboard, rollerblade, in-line skate, roller skate and any other similar device approved by the recreation department for use in the Rockwood Skateboard Park.

(2) Regulations. It shall be unlawful for any person within the skateboard park to:

(a) Ride, operate, or use any device other than rollerblades or a skateboard;

(b) Ride, operate, or use rollerblades or a skateboard unless that person is wearing a helmet designed for use with rollerblades or a skateboard and is in good repair at all times during use;
(c) Place or utilize additional obstacles or other materials (including, but not limited to ramps or jumps) that are not specifically authorized by the director of recreation;
(d) Ride, operate, or use rollerblades, bicycles, or a skateboard before or after the posted hours of operation;
(e) Use or consume alcohol, tobacco products, or illegal drugs;
(f) Use or possess glass containers, bottles or other breakable glass products;
(g) Fail to obey any other rule or regulation posted on or near the facility by order of the director of recreation.

(3) Director of recreation to post regulations. The director of recreation shall post on or near all entrances to the Rockwood Skateboard Park a sign or signs that clearly summarize the regulations set forth in this section, and any other rules or regulations that the director of recreation deems reasonably necessary for the safe operation of the facility. The sign or signs to be posted shall include the following language:

(a) Eviction. Any person found to be in violation of this chapter and section or a regulation duly posted on the sign required by § 20-105 shall be subject to eviction from the skateboard park.
(b) Penalty. The privilege of any person to use the Rockwood Skateboard Park is expressly conditioned upon compliance by that person with the provisions of this section. A violation of any provision of this section shall be deemed an infraction punishable by a fine and/or temporary or permanent eviction from the facility. (as added by Ord. #06-1091)
CHAPTER 2

FAIR HOUSING REGULATIONS

SECTION
20-201. Policy.
20-203. Unlawful practice.
20-204. Discrimination in the sale or rental of housing.
20-205. Discrimination in the financing of housing.
20-206. Discrimination in the provision of brokerage services.
20-207. Exemption.
20-208. Administration.
20-209. Education and conciliation.
20-211. Investigations; subpoenas; giving of evidence.
20-212. Enforcement by private persons.

20-201. Policy. It is the policy of the City of Rockwood to provide, within constitutional limitations, for fair housing throughout the community. (1970 Code, § 4-701)

20-202. Definitions. (1) "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one 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.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporation, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and judiciaries.

(4) "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.

(5) "Discriminatory housing practice" means an act that is unlawful under §§ 20-204, 20-205 or 20-206. (1970 Code, § 4-702)

20-203. Unlawful practice. Subject to the provisions of subsection (2) and § 20-207, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-204 shall apply to:

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

(2) Nothing in § 20-204 shall apply to:

(a) Any single-house sold or rented by an owner: Provided that such private individual owner does not own more than three such
single-family houses at any one time: Provided further that in the case of the sale of any such single-house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further that the sale or rental of any such single-family house shall be excepted from the application of this title if such house is sold or rented:

(i) Without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and

(ii) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-204(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental service in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) he is the owner of any dwelling designated or intended for occupancy by, or occupied by, five or more families. (1970 Code, § 4-703)

20-204. Discrimination in the sale or rental of housing. As made applicable by § 20-203 and except as exempted by §§ 20-203(2) and 20-207, it shall be unlawful:
(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or handicap.

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

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or handicap, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status or handicap. (1970 Code, § 4-704)

20-205. 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, to discriminate against him in the fixing of the amount, interest, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or handicap of such person or of any person associated with him in 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 of given; Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-203(2). (1970 Code, § 4-705)

20-206. 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 the terms of conditions of such access,
membership, or participation, on account of race, color, religion, sex, national origin, familial status or handicap. (1970 Code, § 4-706)

20-207. **Exemption.** Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or handicap. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members. (1970 Code, § 4-707)

20-208. **Administration.** (1) The authority and responsibility for administering this act shall be in the Mayor of the City of Rockwood.

(2) The mayor may delegate any of these functions, duties, and powers to employees of the community or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The mayor shall be rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the community, to boards of officers or to himself, as shall be appropriate and accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the mayor to further such purposes. (1970 Code, § 4-708)

20-209. **Education and conciliation.** Immediately after the enactment of this chapter, the mayor shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (1970 Code, § 4-709)

20-210. **Enforcement.** (1) Any person who claims to have been injured by discriminatory housing practice or who believes that he will be irrevocable injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the mayor. Complaints shall be in writing and shall contain such information and be in such form as the mayor
requires. Upon receipt of such a complaint, the mayor shall furnish a copy of the same to the person or persons who allegedly committed or ia about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (3), the mayor shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If mayor decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the mayor who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the mayor, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty days after a complaint is filed with the mayor, the mayor has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The mayor will assist in this filing.

(4) If the mayor has been unable to obtain voluntary compliance with thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the mayor shall immediately terminate all efforts to obtain voluntary compliance.

(1970 Code, § 4-710)

20-211. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the mayor shall have access at all reasonable times
to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, that the mayor first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court of the district in which the investigation is taking place. The mayor may administer oaths.

(2) Upon written application to the mayor, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the mayor to the same extent and subject to the same limitations as subpoenas issued by the mayor himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoena of the mayor shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five days after service of a subpoena upon any person, such person may petition the mayor to revoke or modify the subpoena. The mayor shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the mayor or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the mayor shall be fined not more than $1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the mayor, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the mayor pursuant to his subpoena or other order, or shall willfully neglect or fail to make of cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify
any documentary evidence shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(7) The city attorney shall conduct litigation in which the mayor participates as a party or as amicus pursuant to this chapter. (1970 Code, § 4-711)

**20-212. Enforcement by private persons.** (1) The rights granted by §§ 20-203, 20-204, 20-205, and 20-206 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred. Provided, however, that the court shall continue such civil case brought to this section or § 20-210(4) from time to time before bringing it to trial or renting dwellings; or

(2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
    (a) Participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities; or
    (b) Affording another person or class of persons opportunity or protection so to participate, or

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than $1,000, or imprisoned no more than one year, or both; and, if bodily injury results, shall be fined not more than $10,000, or imprisoned not more than ten years, or both; and, if death results, shall be subject to imprisonment for any term of years of for life. (1970 Code, § 4-712)
CHAPTER 3

THE ROCKWOOD MUNICIPAL AIRPORT

SECTION
20-301. Unauthorized vehicles.
20-302. Loitering.
20-304. Other trespasses.

20-301. Unauthorized vehicles. It shall be unlawful for any person to drive, propel, or stop any vehicle of any kind or character (other than a duly licensed aircraft operating under license or authority of the Federal Aviation Agency and/or the Tennessee Aeronautics Commission) at the Rockwood Municipal Airport on any portion of the paved aircraft runway now extending across the property a length of approximately 4,400 feet and a width of 100 feet or on any portion of the graded and grass sown air strip extending 150 feet on either side of said paved runway, or on any portion of the paved aircraft taxiway extending from said runway to the paved aircraft parking area or ramp lying at the southwest end of said runway and in a westerly direction therefrom, or on any portion of said paved aircraft parking area or ramp. (1970 Code, § 12-401)

20-302. Loitering. It shall be unlawful for any person to walk upon or over or to loiter about any of the area or portions of said airport set forth in § 20-301. (1970 Code, § 12-402)

20-303. Exceptions. None of the foregoing provisions in this chapter shall apply to or prohibit the use of any of the areas or portions of said airport set forth in § 20-301 by the following:

(1) Vehicles or personnel (either employees or officials) of the City of Rockwood, the State of Tennessee, and/or the United States of America in the discharge of official duties incident to the construction, operation, and management of the airport.

(2) Vehicles or personnel of duly authorized contractors or agents of said City of Rockwood while engaged in the performance of necessary construction, maintenance and development of the airport.

(3) Vehicles or personnel of any airline or air carrier duly certificated by state or federal authorities to use the airport for the operation of aircraft.

(4) Ambulances, wreckers, and/or fire fighting equipment and the personnel operating the same in case of any accident, casualty or emergency occurring or impending within any of the areas as set forth hereinabove. (1970 Code, § 12-403)
20-304. **Other trespasses.** It shall be unlawful for any person to make any use of, or to trespass upon or loiter about any portion of the lands owned by the City of Rockwood and comprising the airport property, in violation of the terms of any sign or warning conspicuously posted and erected by the duly authorized officials of the city, or in violation of the directions or instructions of any officer or employee of the city having police powers at the time of such directions or instructions. (1970 Code, § 12-404)
20-401. Rules for viewing public records. The following rules are set forth for viewing Public Records of the City of Rockwood, Tennessee.

(1) Request to see public records must be made to the Recorder of the City of Rockwood, for the records to be examined.

(2) The recorder will obtain those records requested, which will be examined by the person making the request, in the recorder’s office, and in the presence of the recorder at all times.

(3) Requested copies of the records will be made only by the recorder at a charge of .25¢ per copy.

(4) Recorder will maintain a log of persons reviewing the records and particular records reviewed. (1970 Code, § 1-1701)