

## TITLE 20

### MISCELLANEOUS

#### CHAPTER

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#### CHAPTER 1

### FAIR HOUSING REGULATIONS

#### SECTION

- 20-101. Definitions.
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**20-101. Definitions.** Whenever used in this chapter, the following words and terms shall have the following meanings unless the context necessarily requires otherwise:

(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 of any such building.

(2) "Family" includes a single individual.

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

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant. (1999 Code, § 20-101)

**20-102. Unlawful acts.** Subject to the exceptions hereinafter set out, it shall be unlawful for any person to do any of the following acts:

(1) To refuse to sell or rent after the making of a bona fide offer to do so 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, sex, religion, or national origin.

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

(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, sex, religion, or national origin.

(4) To represent to any person because of race, color, sex, religion, or national origin 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, sex, religion, or national origin. (1999 Code, § 20-102)

**20-103. Exception.** Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than commercial purposes 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. (1999 Code, § 20-103)

**20-104. Access to multiple-listing services, etc.** 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, sex, religion, national origin. (1999 Code, § 20-103)

**20-105. Complaints.** Any person who claims to have been injured by an act made unlawful by this chapter, or who claims that he will be injured by such an act, may file a complaint with the Housing Authority Board. A complaint shall be filed within 180 days after the alleged unlawful act occurred. Complaints shall be in writing and shall contain such information and be in such form as required by the board. Upon receipt of a complaint, the board shall promptly investigate it and shall complete its investigation within fifteen (15) days. If a majority of the board finds reasonable cause to believe that a violation of this chapter has occurred, or if a person charged with a violation of this chapter refused to furnish information to said board, that board may

request the city attorney to prosecute an action in the city court against the person charged in the complaint. Such request shall be in writing.

Upon receiving such written request and with the assistance of the aggrieved person and designated board, within fifteen (15) days after receiving such request, the city attorney shall be prepared to prosecute an action in the city court, provided a warrant is sworn out by the aggrieved person and served upon the person or persons charged with the offense. (1999 Code, § 20-106, modified)

**20-106. Violations.** Any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty not to exceed state authorized limits for each offense. (1999 Code, § 20-107)

**20-107. Exhaustion of remedies.** Nothing in this chapter requires any person claiming to have been injured by an act made unlawful by this chapter to exhaust the remedies provided herein; nor prevent any such person from seeking relief at any time under the Federal Civil Rights Act or other applicable legal provisions. (1999 Code, § 20-108)

## CHAPTER 2

### EMERGENCY ALARM ORDINANCE

#### SECTION

20-201. Title.

20-202. Definitions.

20-203. False emergency alarms.

20-204. Schedule of notice, warning, penalties and service costs.

20-205. Enforcement.

20-206. Penalty for offenses.

**20-201. Title.** This chapter shall be known as the emergency alarm ordinance." (as added by Ord. #1059, Aug. 2010)

**20-202. Definitions.** Unless it is apparent from the context that another meaning is intended, the following words when used in this chapter shall have the meanings indicated herein:

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

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

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

(4) "Central dispatch facility" means the central communications center designated by the board of mayor and council to receive, route and otherwise handle all incoming police, fire or other emergency service communications traffic.

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

definition does not include an alarm signal caused by a situation that was brought under control prior to the calling out of responding police and/or fire department personnel, that otherwise would have required a response.

(6) "Service fee" means a fee to be assessed after the third false emergency alarm by an alarm user within a calendar year which will amount to the actual cost of the response by Lawrenceburg personnel including the cost of equipment, fuel, personnel, administration, on call fees, overtime and such other costs and expenses as determined by the appropriate chief. The service fee is not a penalty but rather a remedial fee. (as added by Ord. #1059, Aug. 2010)

**20-203. False emergency alarms.** (1) Whenever an alarm is activated in the City of Lawrenceburg thereby requiring an emergency response to the location of the alarm by the police and/or fire personnel, a police and/or fire officer on the scene of the activated alarm shall make a determination whether the emergency response was in fact required as indicated by the alarm system or whether the alarm system malfunctioned in some way and thereby activated a false emergency alarm. The determination is to be made by the police for police related alarms and by fire department personnel for fire related alarms.

(2) If a determination is made by officials of the City of Lawrenceburg that the activated alarm is determined to have been false and no emergency existed at the time of the alarm, then the officer of the City of Lawrenceburg shall submit a report of the false alarm to the respective chief of the police department or fire department. A written notification of emergency response and determination of the response shall be mailed and delivered to the alarm user at the address or location where the alarm was activated.

(3) Responsibility for a false emergency alarm shall be borne by the alarm user and/or the alarm user's employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false emergency alarm. (as added by Ord. #1059, Aug. 2010)

**20-204. Schedule of notice, warning, penalties and service costs.**

(1) It is hereby found and determined by the board of mayor and council that more than two (2) false alarms within a calendar year are excessive and constitute a public nuisance. The activation of three (3) or more false alarms within a twelve (12) month period of time will be handled in the following manner:

First false emergency alarm - Notice letter informing the alarm user of the provisions of this chapter.

Second false emergency alarm - Warning letter and notice to insure that the alarm system is to be in proper working order and that further false emergency alarms

will result in the imposition of a penalty and/or costs of providing such service.

Third false emergency alarm -	A fine of up to twenty-five dollars (\$25.00) shall be imposed.
Fourth false emergency alarm and more -	A fine of up to twenty-five dollars (\$25.00) for each false emergency alarm and the actual cost of such response by Lawrenceburg personnel including the costs of equipment, fuel, personnel, administration, on-call fees and such other costs and expenses as determined by the appropriate chief.

After the second false emergency alarms in a twelve (12) month period of time, each alarm user may be cited to the Lawrenceburg City Court for any response to a false alarm.

(2) No fine nor service fee may be assessed by the City of Lawrenceburg if it is determined that the false emergency alarm was caused by a violent act of nature in accordance with Tennessee Code Annotated, § 62-32-321. (as added by Ord. #1059, Aug. 2010)

**20-205. Enforcement.** Lawrenceburg police and fire department officers are specifically authorized to enforce the provisions of this chapter. Any Lawrenceburg police or fire officer may lawfully issue a citation to appear in city court to an alarm user whose alarm system has given a false alarm in excess of two (2) false alarms in a twelve (12) month period of time under the provisions of this chapter. (as added by Ord. #1059, Aug. 2010)

**20-206. Penalty for offenses.** Any person who violates any provisions of this chapter shall be guilty of a violation and upon conviction in city court shall be subject to a fine of not more than twenty-five dollars (\$25.00). In addition to the fine, city court costs will be assessed and service fees will be added pursuant to the provisions of this chapter for costs incurred associated the false emergency alarms. (as added by Ord. #1059, Aug. 2010)

**CHAPTER 3****LAWRENCEBURG MUNICIPAL AUDITORIUM****SECTION**

20-301. Establishment of non-refundable reservation fee.

**20-301. Establishment of non-refundable reservation fee.** (1) The Board of Mayor and Council of the City of Lawrenceburg, Tennessee hereby establishes a thirty dollar (\$30.00) per day non-refundable reservation fee for the use of the City of Lawrenceburg Municipal Auditorium.

(2) The fee shall be due and payable on reservations beginning January 1, 2015. Booking for the auditorium begins the first Monday in November.

(3) Governmental entities, Tennessee Valley Jamboree and the Lawrenceburg County Gospel Music Association are exempt from the said reservation fees. (as added by Ord. #1143, Aug. 2014)

## CHAPTER 4

### PUBLIC RECORDS POLICY

#### SECTION

- 20-401. Definitions.
- 20-402. Requesting access to public records.
- 20-403. Responding to public records requests.
- 20-404. Inspection of records.
- 20-405. Copies of records.
- 20-406. Fees and charges and procedures for billing and payment.

**20-401. Definitions.** (1) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record. (See Tennessee Code Annotated, § 10-7-503(a)(1)(C).) The records custodian is not necessarily the original preparer or receiver of the record.

(2) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. (See Tennessee Code Annotated, § 10-7-503(a)(1)(A).

(3) "Public records request coordinator." The individual, or individuals, designated in § 20-403(1)(c) of this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. (See Tennessee Code Annotated, § 10-7-503(a)(1)(B).) The public records request coordinator may also be a records custodian.

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication. (as added by Ord. #1199, March 2017 *Ch4\_03-28-19*)

**20-402. Requesting access to public records.** (1) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee at [jdicapo@lawrenceburgtn.gov](mailto:jdicapo@lawrenceburgtn.gov) in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC will request a mailing, or email address from the requestor for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing on Form A<sup>1</sup> at Lawrenceburg Municipal Complex, 25 Public Square, Lawrenceburg, Tennessee 38464, by phone at **931-762-4459** or by email to **jdicapo@lawrenceburgtn.gov**.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing on Form A in person or by mail at Lawrenceburg Municipal Complex, 25 Public Square, Lawrenceburg, Tennessee 38464 or by email to **jdicapo@lawrenceburgtn.gov**.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of ID is required as a condition to inspect or receive copies of public records. (as added by Ord. #1199, March 2017 *Ch4\_03-28-19*)

**20-403. Responding to public records requests.** (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship;

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If the City of Lawrenceburg is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requestor of this policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fees (and labor threshold and waivers, if applicable); and

(D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:

(A) The requestor is not, or has not presented evidence of being, a Tennessee citizen;

(B) The request lacks specificity;

(C) An exemption makes the record not subject to disclosure under the TPRA;

(D) The City of Lawrenceburg is not the custodian of the requested records; or

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<sup>1</sup>Request for Inspection (Form A), and any amendments thereto, may be found in the recorder's office.

(E) The records do not exist.

(iii) If appropriate, contact the requestor to see if the request can be narrowed.

(iv) Forward the records request to the appropriate records custodian in the City of Lawrenceburg.

(c) The designated PRRC is: Joyce DiCapo

(i) Name or title: Executive assistant

(ii) Contact information: City of Lawrenceburg City Hall, 25 Public Square, Lawrenceburg, Tennessee 38464 or by phone at **931-762-4459**, or by email to **jdicap@lawrenceburgtn.gov**.

(2) Records custodian. (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tennessee Code Annotated, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed public records request response form which is attached as Form B,<sup>1</sup> based on the form developed by the OORC.

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 20-403(1)(b)(ii) and may use the public records request response Form B.

(d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the public records request response Form B to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

(e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

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<sup>1</sup>Public records request response form (Form B), and any amendments thereto, are available in the recorder's office.

(3) **Redaction.** (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

(b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information. (as added by Ord. #1199, March 2017 *Ch4\_03-28-19*)

**20-404. Inspection of records.** (1) There shall be no charge for inspection of public records.

(2) The location for inspection of records within the offices of the City of Lawrenceburg shall be determined by either the PRRC or the records custodian.

(3) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection. (as added by Ord. #1199, March 2017 *Ch4\_03-28-19*)

**20-405. Copies of records.** (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at Lawrenceburg City Hall.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment. Requestors may purchase storage devices from the City of Lawrenceburg upon which the records will be downloaded. (as added by Ord. #1199, March 2017 *Ch4\_03-28-19*)

**20-406. Fees and charges and procedures for billing and payment.** Fees and charges for copies of public records should not be used to hinder access to public records.

(1) Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(2) When fees for copies and labor do not exceed ten dollars (\$10.00) the fees may be waived. (Requests for waivers for fees above ten dollars (\$10.00) must be presented to, the city administrator who is authorized to determine if such waiver is in the best interest of City of Lawrenceburg and for the public good.) Fees associated with aggregated records requests will not be waived.

(3) Fees and charges for copies are as follows:

(a) Fifteen cents (\$0.15) per page for letter- and legal-size black and white copies.

(b) Fifty cents (\$0.50) per page for letter- and legal-size color copies.

(c) The actual cost of any other medium upon which a record/information is being produced.

(d) Labor when time exceeds one (1) hour.

(e) If an outside vendor is used, the actual costs assessed by the vendor.

(4) Payment is to be made in cash or check payable to the City of Lawrenceburg and presented to the city clerk.

(5) Payment in advance will be required when costs are estimated to exceed twenty dollars (\$20.00).

(6) Aggregation of frequent and multiple requests. (a) The City of Lawrenceburg will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(b) If more than four (4) requests are received within a calendar month:

(i) Records requests will be aggregated at the department level.

(ii) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

(iii) Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to: agendas and approved minutes. (as added by Ord. #1199, March 2017 ***Ch4\_03-28-19***)

**CHAPTER 5**

**BOBBY BREWER MEMORIAL PARK BALLFIELD**

**SECTION**

20-501. Non-refundable reservation fee.

**20-501. Non-refundable reservation fee.** (1) The Board of Mayor and Council of the City of Lawrenceburg, Tennessee hereby establish a twenty-five dollar (\$25.00) per hour non-refundable reservation fee for the use of lighting at City of Lawrenceburg Bobby Brewer Memorial Park Ballfield; with a minimum of (2) hours per reservation, including all baseball, football, soccer and softball fields.

(2) The fee shall be due and payable on reservations beginning May 12, 2017.

(3) Cancellation due to weather may be rescheduled to another date, with no refund.

(4) The fee shall not apply to usage by Lawrenceburg League Teams, but is intended for usage by any team or organization not associated with Lawrenceburg League Teams. (as added by Ord. #1200, May 2017 *Ch4\_03-28-19*)