

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. PARKS AND RECREATION DEPARTMENT.
2. PUBLIC RECORDS POLICY.
3. PRIVATE ALARM SYSTEMS/FALSE ALARM ORDINANCE.

**CHAPTER 1**

**PARKS AND RECREATION DEPARTMENT**

**SECTION**

- 20-101. Department created.
- 20-102. Office of director of parks and recreation.
- 20-103. Director's duties and responsibilities.
- 20-104. Director to post rules and regulations.

**20-101. Department created.** There is hereby created the department of parks and recreation for the town whose function it shall be to administer the park and recreation program of the town. (as added by Ord. #04-0402, May 2004)

**20-102. Office of director of parks and recreation.** There is hereby created the office of the director of parks and recreation. The director shall have control over all officers and employees assigned to the department of parks and recreation, subject to the administrative supervision, authority, direction and control of the mayor.. (as added by Ord. #04-0402, May 2004, and amended by Ord. #06.09.01, Nov. 2006)

**20-103. Director's duties and responsibilities.** The director of parks and recreation shall have charge of the implementation of recreational or cultural programs that will employ the leisure time of the public in a constructive and wholesome manner. Without limiting the generalities of the foregoing responsibilities, the director shall have the duty: To control and supervise all parks, play and recreational grounds or other municipally owned recreational facilities, to plan, promote and recommend the acquisition, construction, development, maintenance or operation of such public parks, places or recreation grounds and facilities, and to implement and promote recreational programs as may be directed, from time to time, by the mayor. (as added by Ord. #04-0402, May 2004, and amended by Ord. #06.09.01, Nov. 2006, and Ord. #08.05.02, June 2008)

**20-104. Director to post rules and regulations.** The director shall, with the approval of the board of mayor and aldermen, post such rules and regulations as he/she deems necessary for the conduct of persons in the parks and other municipally owned recreational grounds and facilities. (as added by Ord. #04-0402, May 2004, and amended by Ord. #06.09.01, Nov. 2006)

## CHAPTER 2

### PUBLIC RECORDS POLICY

#### SECTION

20-201. Procedures regarding access to and inspection of public records.

**20-201. Procedures regarding access to an inspection of public records.** Consistent with the Public Records Act of the State of Tennessee, personnel of the Town of Oakland shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

(1) Employees of the Town of Oakland shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the town recorder as records custodian, or the town recorder's designee. All copying of public records must be performed by employees of the town during regular business hours, or, in the event that town personnel are unable to copy the records, by an entity or person designated by the town recorder.

(2) To prevent excessive disruptions of the work, essential functions, and duties of employees of the Town of Oakland, persons requesting inspection and/or copying of public records are required to complete a records request form to be furnished by the town and furnish a government issued photo identification upon request. Persons requesting access to open public records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication, as provided in subsection (1) above. All requests for public records shall be directed to the town recorder. The statutory time frame for responding to the request is not triggered until the request is made by the requestor to the records custodian.

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

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

or

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

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

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

(b) Standard 8 1/2 x 11 or 8 1/2 x 14 color copy - \$.50 per page for each produced.

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

(c) Accident reports - \$.50 per page for each standard 8 1/2 x 11 or 8 1/2 x 14 color copy produced.

(d) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual cost to the town. The medium for transfer must be provided by requestor and compatible with town electronic equipment.

(e) If the actual costs are higher than those reflected above, or if the requested records are being produced on a medium other than those listed above, the records custodian may develop its own charges based on actual costs.

(f) Waivers may be permitted for copies of current agendas, minutes from meetings held the previous calendar month, and copies of resolutions or ordinances on current agenda as determined by the records custodian.

(5) Requests requiring less than one (1) hour of municipal employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requestor. Employee labor in excess of one (1) hour may be charged to the requestor, in addition to the cost per copy, as provided in subsection (4). The records custodian may require payment in advance of producing any request. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.

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

(b) When the total number of requests made by requestor within a calendar month exceeds four (4), the requests will be aggregated, and the requestor shall be charged a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Request

for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, shall not be counted in the aggregated requests.

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

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

(8) The police chief shall maintain in his office records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the records custodian. The police department shall maintain its own personnel records only if under the supervision of a highly trained records custodian as determined by the town recorder as the official town record custodian. Requests for personnel records other than for undercover investigators, shall be made to the records custodian, who shall promptly notify the police chief of such request. The police chief shall make the final determination as to the release the information requested. In the event that the police chief refuses to release the information, he shall provide a written explanation of his reasons for not releasing the information.

(9) If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection. (as added by Ord. #13-20, Dec. 2013)

### CHAPTER 3

#### PRIVATE ALARM SYSTEMS/FALSE ALARM ORDINANCE

##### SECTION

- 20-301. Title.
- 20-302. Definitions.
- 20-303. Automatic dialing devices.
- 20-304. Response to false alarm - required reports of corrective action and disconnection.
- 20-305. Enforcement.
- 20-306. False alarm service charge.
- 20-307. Liability of town limited.
- 20-308. Disposition of fees.
- 20-309. Violations.

**20-301. Title.** This chapter shall be known as the "private alarm systems ordinance." (as added by Ord. #15-15, Nov. 2015)

**20-302. Definitions.** (1) "Activate." Means to set off an alarm system indicating in any manner an incident of burglary, robbery, fire, etc.

(2) "Alarm systems." Any mechanical or electrical/electronic or radio controlled device which is designed to be used for the detections of any fire or unauthorized entry into a building, structure or facility, or for alerting others of fire or of the commission of an unlawful act within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dialing telephone devices, audible alarms and monitored alarms. Excluded from the definition of alarm systems are devices which are designed or used to register alarms that are audible or visible and emanate from any motor vehicle; auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service; self-contained smoke detectors; and medical alert alarms.

(3) "Automatic dialing device." An alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect, but shall not include such telephone lines exclusively dedicated to an alarm central station which are permanently active and terminate within the dispatcher's office.

(4) "Commercial premises." Any structure or area which is not defined herein as residential premises.

(5) "False alarms." The activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or his employees,

servants or agents; or any other activation of the alarm system not caused by fire or forced entry or attempted forced entry or robbery or attempted robbery; such terminology does not include alarms caused by acts of nature such as tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other conditions which are clearly beyond the control of the alarm user. A maximum of three (3) false burglar alarms, false robbery/panic alarms, and false fire alarms, will be granted per alarm device within a twelve (12) month period for all commercial/business properties. A maximum of five (5) false burglar alarms, false robbery/panic alarms, and false fire alarms, will be granted per alarm device within a twelve (12) month period for all residential properties. A twelve (12) month period shall commence on the date of the first false alarm call. All false subsequent activation will be considered chargeable violations.

(6) "Fire office." The Fire Chief of the Oakland Fire Department or his designated representatives.

(7) "Law enforcement officer." The Chief of Police of the Oakland Police Department or his designated representatives.

(8) "Person." Any natural person, firm, partnership, association, corporation, company or organization of any kind, to include government or governmental subdivision or agency thereof.

(9) "Residential premises." Any structure or combination of structures which serve as dwelling units including single family as well as multi-family units and churches, public schools and other non-profit organizations. (as added by Ord. #15-15, Nov. 2015)

**20-303. Automatic dialing devices.** (1) Within one hundred twenty (120) days of the effective date of the ordinance enacting this chapter, it shall be a violation of this chapter for any automatic dialing device to call the 911 or E911 emergency line. Such devices shall be restricted to dialing the non-emergency police, fire or Emergency Medical Services phone numbers.

(2) Any automatic dialing device shall:

(a) Have a clearly understandable recording;

(b) Be capable of repeating itself a minimum of two (2) times;

(c) Be capable of automatically resetting itself so as to not continuously call police, fire or EMS phone numbers.

(3) Programmed messages on an automatic dialing device must include and are restricted to the following:

(a) The owner's/resident's names and the exact street number and name;

(b) A statement that it is a burglary or robbery/panic "ALARM ONLY." It shall not say burglary or robbery "in progress."

(c) A statement of the hours the business is open, if the device is used for both burglary and robbery/panic alarms.

(d) A statement that a third-party has been notified, and the identity of that third-party, if a third-party is notified by the device. (as added by Ord. #15-15, Nov. 2015)

**20-304. Response to false alarm - required reports of corrective action and disconnection.** (1) The only alarm the Oakland Police Department, Fire Department, or EMS will respond to are:

- (a) Burglary;
- (b) Robbery/hold-up;
- (c) Fire;
- (d) Medical;
- (e) Panic.

(2) Responsibility for a false alarm shall be borne by the owner or lessee of the alarm system or his/her employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.

(3) A response to an alarm shall result when any police, fire, or EMS is dispatched to or otherwise learns of the activation of any alarm system.

(4) After the allowable false alarms set out in §20-302(5), each person who owns, operates, leases or controls any premise, commercial or residential, having an alarm system, shall be cited to Oakland Municipal Court for any response to a false alarm. Within fifteen (15) days of the date of a conviction the person shall show proof to the police department of the corrective action taken to remedy the problem/situation. (as added by Ord. #15-15, Nov. 2015)

**20-305. Enforcement.** Oakland Police Department officers are specifically authorized to enforce this chapter. Any Oakland police officer may lawfully issue a citation to an owner, operator or user of a functional alarm system whose alarm system has given a false alarm in excess of the number of false alarms allowed §20-302(5). Any person who shall maliciously cause a false alarm to be reported shall be in violation of this chapter. (as added by Ord. #15-15, Nov. 2015)

**20-306. False alarm service charge.** An alarm user shall be charged a service charge of twenty-five dollars (\$25.00) for each false alarm in excess of the number of alarms allowed §20-302(5). Such service charge shall be remitted to the Oakland Police Department by the alarm user upon receipt of the statement for such service charge. In the event of more than three (3) false alarms in any given twelve (12) month period (commercial/business) or five (5) false alarms in any given twelve (12) month period (residential), the charge for each false alarm, over the allowable number of false alarms shall be twenty-five dollars (\$25.00) and the actual costs of such response by the police department, fire department or EMS personnel including the costs of equipment, fuel, personnel, administration, and other such factors as determined by the chief municipal finance officer. (as added by Ord. #15-15, Nov. 2015)

**20-307. Liability of town limited.** The town assumes no liability for:

- (1) Any defects in the operation of an alarm system.
- (2) For failure or neglect to respond appropriately upon receipt of an alarm.
- (3) For failure or neglect of any person in connection with the installation, operation or maintenance of an alarm system.
- (4) The transmission of alarm signals, prerecorded alarm messages or the replaying of such signals and messages. (as added by Ord. #15-15, Nov. 2015)

**20-308. Disposition of fees.** All fees collected pursuant to this chapter shall be paid to the Town of Oakland general fund. (as added by Ord. #15-15, Nov. 2015)

**20-309. Violations.** (1) It shall be a violation of this chapter when any Oakland Police Department, Fire Department, or EMS personnel respond to a false alarm after the allowable false alarms set out in §20-302(5) have been exhausted.

(2) Commercial property - fire alarms. Any person who owns, operates, or leases an alarm system and who shall knowingly and purposefully fail to respond to his premises within one (1) hour after notification from the Oakland Fire Department or alarm monitoring agency, whether false, or not, shall be deemed to have violated this chapter.

(3) It shall be a violation of this chapter for any alarm company to set off a false alarm while installing, repairing or doing maintenance work on an alarm system.

(4) Any non-compliance with the requirements of this chapter shall constitute a violation and each incidence of non-compliance shall constitute a separate violation, punishable by a fine of fifty dollars (\$50.00) plus court costs. (as added by Ord. #15-15, Nov. 2015)