

TITLE 20

MISCELLANEOUS

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CHAPTER 1

WINCHESTER LEASED HOUSING CORPORATION

SECTION

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- 20-103. Bonds of corporation not to be a city debt.
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20-101. Establishment and purpose. It is hereby necessary and proper to authorize the creation of a non-stock, not for profit corporation as an instrumentality of the City of Winchester, Tennessee known as the Winchester Leased Housing Corporation, for the purpose of constructing and financing low cost rent supplement facilities to be leased to the Winchester Housing Authority with the assistance of the federal government, and the proposed charter of incorporation and by-laws of said corporation are hereby approved. (1983 Code, § 1-701)

20-102. Confirmation and ratification of acts of the corporation. The form and content of the agreement to lease with attached form of lease agreement by and between the corporation and the Winchester Housing Authority, the indenture by and between the corporation and Commerce Union Bank, Nashville, Tennessee, and the bond resolution of the board of directors of the corporation, the sale of the bonds and the terms and conditions thereof contained in the bond resolution, and the prior action of the Winchester Leased Housing Corporation including amendment of its corporate name as an agency and instrumentality of the City of Winchester are hereby ratified and confirmed. (1983 Code, § 1-702)

20-103. Bonds of corporation not to be a city debt. The bonds of the Winchester Leased Housing Corporation shall not constitute a debt of the City

of Winchester or the Winchester Housing Authority within the meaning of the Constitution and laws of the State of Tennessee. (1983 Code, § 703)

20-104. Acceptance of deed of gift. The City of Winchester hereby accepts the grant of rights contained in the form of deed of gifts and accepts a present and remainder interest in the realty described therein as improved. (1983 Code, § 1-704)

CHAPTER 2

MUNICIPAL AIRPORT AUTHORITY

SECTION

20-201. Establishment; organization.

20-202. Purpose.

20-203. Authority and duties.

20-204. Meetings; budget.

20-205. Duties, powers and limitations.

20-201. Establishment; organization. There is created and established the Winchester Municipal Airport Authority to be composed of seven (7) persons to serve as its commissioners who shall be elected by the city council to serve without compensation. The term of office for said commissioners shall be five (5) years, or until their respective successors are appointed and qualified, except that the commissioners first appointed shall be designated to serve for terms of one, two, three, four and five years, respectively. Vacancies occurring otherwise than at the expiration of terms shall be filled for the unexpired term in the same manner as the original appointments. The city council may by majority vote remove any commissioner at any time, solely in the discretion of the city council.

The commissioners thus elected shall immediately apply for a Certificate of Incorporation from the Secretary of State. Upon the receipt of a certificate of incorporation, the commissioners shall elect a chairman and vice chairman from their number and adopt suitable by-laws for the management of the affairs of the authority. (1983 Code, § 1-801, amended by Ord. #686, May 1995)

20-202. Purpose. The purposes of the Winchester Municipal Airport Authority are to plan and promote the orderly development of air terminals and aviation facilities to serve the City of Winchester for air commerce, trade, industry, and other purposes; and to protect the competitive position of the City of Winchester against other air terminals, municipalities or localities in any suit, action or proceeding affecting the trade or commerce thereof. (1983 Code, § 1-802)

20-203. Authority and duties. The Winchester Municipal Airport Authority shall have the power and authority to make contracts and leases with persons operating airplanes and airlines for the use of the Winchester Municipal Airport and its facilities, for space in buildings and hangars, and for services; to make contracts and leases with the State of Tennessee in regard to facilities; to make contracts and leases with the Federal Government or any agency thereof; to make contracts and leases for the sale of gasoline, oil and other products for the operation of airplanes; and generally to make any and

all necessary contracts and leases for the use of the airport and appurtenances thereto; provided, however, that all leases entered into by the Winchester Municipal Airport Authority for services or facilities at the Winchester Municipal Airport shall be subject to the approval of the city council of the City of Winchester; and provided further that whenever any real estate under the jurisdiction of the Winchester Municipal Airport Authority is to be sold or any additional real estate is proposed to be acquired, the same shall be sold or acquired in the same manner the city would otherwise buy or sell real estate. (1983 Code, § 1-803)

20-204. Meetings; budget. The Winchester Municipal Airport Authority shall hold its meetings open to the public and keep a minute record of all its transactions, and said minutes shall at all times be available to the city council. Said authority shall submit a recommended annual budget to the city council on or before the 1st day of June of each calendar year. The city council will consider its recommendation along with other items of its general budget and notify the authority as to the approved budget for its annual operation. Said authority shall submit monthly financial reports to the city council. Said authority shall not be authorized to incur any financial obligation on behalf of the City of Winchester without a resolution authorizing the same, duly adopted by the city council. The Airport Authority shall be required to operate within the budget approved by the city council. (1983 Code, § 1-804)

20-205. Duties, powers and limitations. Except as otherwise provided herein, it is the intention of this chapter to confer upon the Winchester Municipal Airport Authority all those duties, powers and limitations anticipated in Tennessee Code Annotated §§ 42-3-101 through 42-3-205, as amended. (1983 Code, § 1-805)

CHAPTER 3

FALSE ALARMS ORDINANCE

SECTION

20-301. Definitions.

20-302. Response to alarms.

20-303. Excessive false alarms and fee assessment.

20-304. Appeal of false alarm.

20-301. Definitions. For the purpose of this chapter, certain words and phrases shall be defined as herein set forth:

(1) "Subscriber" is any person, firm, corporation, partnership or entity who or which purchases, leases, contracts for, or obtains an alarm system.

(2) "Alarm system" means any mechanical or electrical device that is arranged, designed, or used to signal the occurrence in the City of Winchester of a burglary, robbery, or other criminal offense, fire emergency or medical emergency requiring urgent attention, and to which police, fire, or emergency medical personnel are expected to respond. Alarm systems include those through which public safety personnel are notified directly of such signals through automatic recording devices or are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to the fire or police department. Alarm systems also invisible, or in other ways perceptible outside a protected building structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located who in turn may notify the police or fire department of the signal. Alarm systems do not include those affixed to automobiles; furthermore, alarm systems do not include auxiliary devices installed by telephone companies to protect telephone equipment or systems which might be damaged or disrupted by the use of an alarm system. Alarms in separate structures are to be counted as separate systems even though owned by same person or entity.

(3) "False alarm" means an alarm signal eliciting a response by the police or fire department when a situation requiring a response by the police or fire department does not in fact exist. False alarm does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false alarms:

- (a) Criminal activity or unauthorized entry.
- (b) Earthquake causing structural damage to the protected premises.
- (c) High winds sufficient to activate motion detection system or causing physical damage to the protected premises.

- (d) Flooding of the protected premises due to overflow of natural drainage.
- (e) Lightning bolt causing physical damage to the protected premises.
- (f) Telephone line malfunction verified in writing to the City by at least a first line telephone company supervisor.
- (g) Electrical service interruption verified in writing to the department by local power company.
- (h) Communication to the police or fire department before a unit is dispatched to investigate clearly indicating that the alarm resulting from authorized entry, authorized system test, or other non-criminal cause.
- (i) An alarm caused on the reasonable but mistaken belief that a burglary, robbery, or other criminal offense, fire emergency, or medical emergency is in progress.
- (j) The generation of a false alarm which is beyond the reasonable control of the system user. (Ord. #703, April 1996)

20-302. Response to alarms. (1) Whenever an alarm is activated in the City of Winchester thereby requiring an emergency response to the location by the police or fire department and the police or fire department does respond, the police or fire department personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm system was a false alarm.

(2) If the police or fire department personnel at the scene of the activated alarm system determines the alarm to be false, said officers shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm user at the address of said alarm system installation location, advising the alarm user of the false alarm.

(3) The city's fire inspector or building inspector shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter. (Ord. #703, April 1996)

20-303. Excessive false alarms and fee assessment. (1) If any alarm system produces four (4) false alarms in any calendar year, the public safety director shall provide written notice of the fact, which shall be given by certified mail or delivery to the subscriber asking the subscriber to take corrective action in regard to false alarms and informing subscriber of the false alarm fee schedule provided herein.

(2) Subscribers installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed no-false alarms. The

grace period shall cease thirty (30) days after installation of or modification to an alarm system.

(3) A false alarm beyond four (4) in any calendar year will be considered as excessive and will be assessed a fee as set by the city council of Winchester. Said fee will be reviewed and adjusted if needed by a favorable vote of the city council when presented as an agenda item at any meeting of the Winchester governing body.

All fees assessed must be paid to the City of Winchester or a written appeal must be submitted to the city administrator within three (3) days of fee assessment. (Ord. #703, April 1996)

20-304. Appeal of false alarm. (1) Any subscriber who has been notified of a false alarm or assessed a false alarm fee may appeal to the city administrator by giving written notice and posting a bond equal to the amount of fee, if applicable, within three (3) days of the invoice assessing such fee. Upon receipt of the appeal notice and bond, if applicable, a certain time shall be set for a hearing.

(2) The appellant shall be given reasonable notice of such hearing, failure of the appellant to appear at such hearing shall, if applicable, result in forfeiture of the appeal bond, and application of such bond toward the false alarm fee assessed by the city.

(3) The city administrator or his designee shall serve as hearing officer, the burden of proof shall be upon the appellant to show by a preponderance of the evidence that the alarm signal in question was not a false alarm.

(4) After receipt of all relevant evidence, the hearing officer shall, within three (3) days, render his decision. If the hearing officer determines that the appellant has met the burden of proof, then he shall order the appeal bond released to the appellant and/or rescind the false alarm determination. If the hearing officer determines that the appellant has not met the burden of proof, then he shall order the appeal bond be forfeited and applied toward the alarm fee as assessed by the city and/or enter such alarm as a false alarm.

(5) All decisions made pursuant to this chapter are final. (Ord. #703, April 1996)

CHAPTER 4

HUNTING

SECTION

20-401. Guidelines and restrictions.

20-401. Guidelines and restrictions. Hunting is allowed on pre-approved properties and the following guidelines and restrictions are adopted and implemented regarding hunting and for public safety of the citizens of Winchester:

(1) Hunting will only be allowed with written permission of the landowner, which the hunter must carry and show to a police officer, if contacted.

(2) Hunting will only be allowed in those areas of land consisting of 25 (twenty-five) acres or more and by advance approval given to the land owner through a resolution adopted by the mayor and city council, and such areas be clearly marked on a map displayed in the Winchester Police Department.

(3) Each hunter must follow all state and federal hunting regulations.

(4) The only allowable hunting weapon shall be a legal gauged shotgun.

(5) No shot pellet larger than four (4) will be allowed.

(6) In no case will hunting be allowed within 300 feet of the airport, any building or inhabited structure, a paved roadway, or a city park. Also, hunting will not be allowed within 300 feet of any adjacent property line unless:

(a) The adjacent property owner has received permission for hunting on his property, or

(b) The adjacent property owner gives permission in writing to the landowner seeking permission.

(c) The adjacent property is not within the city limits.

(7) All hunters under the age of 18 shall be accompanied by a responsible adult 18 years or older.

(8) Any hunter requested to do so by a police officer shall show the officer the written permission and a copy of these rules which shall be carried with the hunter when the hunter is hunting within the city limits.

(9) Hunting will only be allowed within the city limits of Winchester on undeveloped parcels of land of twenty-five (25) continuous acres or larger. In order for a parcel to qualify to be placed in a hunting zone, the landowner(s), or their duly authorized agent and attorney in fact, must petition the city council for a resolution by the council to approve said parcel for hunting. A registry shall be kept by the appropriate city official concerning each parcel approved, said registry to include whatever date the city from time to time deems necessary for proper record keeping.

(10) Any land owner who seeks to have his property approved for a hunting zone, in his petition or application to the city must agree that he will indemnify and hold harmless the city from all losses, court costs, legal expenses, etc., arising out of any claim for personal injuries or damages by any persons for occurrences upon landowner's property. (Ord. #743, Nov. 1998)

CHAPTER 5

DEPARTMENT OF PLANNING

SECTION

20-501. Department of planning established.

20-501. Department of planning established. A department of planning is hereby established and shall be staffed, funded and recognized as a department of the City of Winchester and be allowed to function in the same manner as all other recognized departments presently existing in Winchester city government. (as added by Ord. #778, April 2001)