

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. BROWN-SPURLOCK PARK.
2. CIVIL DEFENSE ORGANIZATION.
3. FAIR HOUSING REGULATIONS.
4. TELEPHONE FRANCHISE.
5. FALSE BURGLAR ALARM CALLS.
6. CONTROL OF OUTDOOR LIGHT FIXTURES.
7. STREET LIGHT POLICY.

**CHAPTER 1**

**BROWN-SPURLOCK PARK**

**SECTION**

- 20-101. Vehicles limited to roadways and parking areas.  
20-102. Speed limit.  
20-103. Authorized hours for public use.

**20-101. Vehicles limited to roadways and parking areas.** It shall be unlawful for any person to park, drive, or permit any vehicle to be parked or driven upon any area in Brown-Spurlock Park other than on established roadways or in parking areas. (1977 Code, § 12-301)

**20-102. Speed limit.** It shall be unlawful for any person to operate any motor vehicle within the Brown-Spurlock Park at a speed in excess of fifteen (15) miles per hour. (1977 Code, § 12-302)

**20-103. Authorized hours for public use.** The park shall be open for public use between the hours of 7:30 A.M. and 10:30 P.M. When these hours have been conspicuously posted it shall be unlawful for any unauthorized person to violate them by entering or being in the park at any other time. (1977 Code, § 12-303)

## CHAPTER 2

### CIVIL DEFENSE ORGANIZATION

#### SECTION

- 20-201. Civil defense organization created.
- 20-202. Authority and responsibilities.
- 20-203. Office of director; his authority and responsibility.
- 20-204. Office of civil defense created.
- 20-205. No municipal or private liability.
- 20-206. Expenses of civil defense.

**20-201. Civil defense organization created.** There is hereby created the Town of Woodbury Civil Defense Organization, which shall be an operation by the Town of Woodbury for the purpose of organizing and directing civil defense for the citizens of the entire town. (1977 Code, § 1-1101)

**20-202. Authority and responsibilities.** In accordance with federal and state enactments of law, the Town of Woodbury Civil Defense Organization is hereby authorized to assist the regular government of the town, as may be necessary due to enemy caused emergency or natural disasters, including but not limited to storms, floods, fires, explosions, tornadoes, hurricanes, droughts, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare, and property of the citizens of Woodbury. The Town of Woodbury Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Town of Woodbury Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

The Town of Woodbury Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Woodbury, to establish and co-ordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1977 Code, § 1-1102)

**20-203. Office of director; his authority and responsibility.**

(1) The office of the "director of civil defense" is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayor or vice mayor, or by higher authority as appropriate.

(2) The director shall have overall responsibility for the preparation of all plans and for recruitment and training of personnel. All local civil defense plans will be in consonance with state plans and shall be approved by the state CD office.

(3) The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this chapter, subject to the approval of the chief executive officer of the town.

(4) The director shall be responsible to the chief executive officer of the town for the execution of the authorities, duties, and responsibilities of the Town of Woodbury Civil Defense Organization, for the preparation of all plans and administrative regulations, and for recruitment and training of personnel. (1977 Code, § 1-1103)

**20-204. Office of civil defense created.** The Town of Woodbury Office of Civil Defense is hereby created. The office of civil defense shall be under the direction of the director of civil defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the civil defense members shall be outlined in the civil defense emergency plan. (1977 Code, § 1-1104)

**20-205. No municipal or private liability.** The duties prescribed in this chapter are an exercise by the town of its governmental functions for the protection of the public peace, health, and safety and neither the Town of Woodbury, the agents and representatives of said town, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to person or property as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack, shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission or for loss of, or damage to, the property of such person. (1977 Code, § 1-1105)

**20-206. Expenses of civil defense.** No person shall have the right to expend any public funds of the town in carrying out any civil defense activities authorized by this chapter without prior approval by the board of mayor and aldermen; nor shall any person have any right to bind the town by contract, agreement, or otherwise without prior and specific approval by the board of mayor and aldermen. The civil defense director shall disburse such monies as may be provided annually by appropriation of the town for the operation of the civil defense organization. Control of disbursements will be as prescribed by agreement between the treasurer of the town and the civil defense director. The civil defense director shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the town. All funds shall be disbursed upon vouchers properly executed by the director of civil defense,

subject to audit by the Town of Woodbury. The civil defense director is hereby authorized to accept contributions to the civil defense organization from individuals and other organization, such funds becoming liable for audit by the town. (1977 Code, § 1-1106)

## CHAPTER 3

### FAIR HOUSING REGULATIONS

#### SECTION

- 20-301. Policy.
- 20-302. Definitions.
- 20-303. Unlawful practice.
- 20-304. Discrimination in the sale or rental of housing.
- 20-305. Discrimination in the financing of housing.
- 20-306. Discrimination in the provisions of brokerage services.
- 20-307. Exemption.
- 20-308. Administration.
- 20-309. Education and conciliation.
- 20-310. Enforcement.
- 20-311. Investigations; subpoenas; giving of evidence.
- 20-312. Enforcement by private persons.

**20-301. Policy.** It is the policy of the Town of Woodbury, to provide, within constitutional limitations, for fair housing throughout the community. (Ord. #266, April 1996)

**20-302. 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, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, 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 owned by the occupant.

(5) "Discriminatory housing practice" means an act that is unlawful under §§ 20-304, 20-305 or 20-306. (Ord. #266, April 1996)

**20-303. Unlawful practice.** Subject to the provisions of § 20-307(2), the prohibitions against discrimination in the sale or rental of housing set forth in § 20-304 shall apply to:

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

(2) Nothing in § 20-304 shall apply to:

(a) Any single-family 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-family 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 one time: Provided further that the sale or rental of any such single-family houses shall be excepted from the application of this title only 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 § 20-304(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, 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 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 services 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 designed or intended for occupancy by, or occupied by, five or more families. (Ord. #266, April 1996)

**20-304. Discrimination in the sale or rental of housing.** As made applicable by § 20-303 and except as exempted by §§ 20-303(2) and 20-307 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 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 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, religion, sex, national origin, familial status, or handicap.

(6) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by that person if such modifications are necessary to afford that person full enjoyment of the premises.

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (Ord. #266, April 1996)

**20-305. 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, or to discriminate against him in the fixing of the amount, interest rate, 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 the 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 or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-303(2). (Ord. #266, April 1996)

**20-306. 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 in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status, or handicap. (Ord. #266, April 1996)

**20-307. 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 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, 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 lodgings to its member or from giving preference to its members. (Ord. #266, April 1996)

**20-308. Administration.** (1) The authority and responsibility for administering this act shall be in the Mayor of the Town of Woodbury.

(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 rule on or prescribe rights of appeal from the decisions of his hearing examiners to other officers in the community, to boards of officers or to himself, as shall be appropriate and in 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. (Ord. #266, April 1996)

**20-309. 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. (Ord. #266, April 1996)

**20-310. Enforcement.** (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the mayor or Tennessee Human Rights Commission. Complaints shall be in writing and shall contain such information and be in such form as the mayor or Tennessee Human Rights Commission requires. Upon receipt of such a complaint, the mayor or Tennessee Human Rights Commission shall furnish a copy of the same to the person or persons who allegedly committed or is 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 or Tennessee Human Rights Commission shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the mayor or Tennessee Human Rights Commission 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 or Tennessee Human Rights Commission 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 or Tennessee Human Rights Commission, 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 or Tennessee Human Rights Commission, the mayor or Tennessee Human Rights Commission 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 or Tennessee Human Rights Commission will assist in this filing.

(4) If the mayor or Tennessee Human Rights Commission has been unable to obtain voluntary compliance within 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 or Tennessee Human Rights Commission shall immediately terminate all efforts to obtain voluntary compliance. (Ord. #266, April 1996)

**20-311. Investigations; subpoenas; giving of evidence.** (1) In conducting an investigation, the mayor or Tennessee Human Rights Commission 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 person as are reasonably necessary for the furtherance of the investigation; Provided, however, that the mayor or Tennessee Human Rights Commission first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor or Tennessee Human Rights Commission 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 or Tennessee Human Rights Commission may administer oaths.

(2) Upon written application to the mayor or Tennessee Human Rights Commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the mayor or Tennessee Human Rights Commission to the same extent and subject to the same limitations as subpoenas issued by the mayor or Tennessee Human Rights Commission 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 subpoenas of the mayor or Tennessee Human Rights Commission 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 services of a subpoena upon any person, such person may petition the mayor or Tennessee Human Rights Commission to revoke or modify the subpoena. The mayor or Tennessee Human Rights Commission 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 Tennessee Human Rights Commission 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 subpoenas or lawful order of the mayor or Tennessee Human Rights Commission 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 or Tennessee Human Rights Commission, 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 or Tennessee Human Rights Commission pursuant to his subpoena or other order, or shall willfully neglect or fail to make or 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 mayor or Tennessee Human Rights Commission attorney shall conduct all litigation in which the mayor or Tennessee Human Rights Commission participates as a party or as amicus pursuant to this chapter. (Ord. #266, April 1996)

**20-312. Enforcement by private persons.** (1) The rights granted by §§ 20-303, 20-304, 20-305 and 20-306 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 § 20-310(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, 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 not 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 or for life. (Ord. #266, April 1996)

CHAPTER 4

**TELEPHONE FRANCHISE**

**SECTION**

20-401. To be furnished under franchise.

**20-401. To be furnished under franchise.** Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.<sup>1</sup>

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<sup>1</sup>The agreements are of record in the office of the recorder.

**CHAPTER 5**

**FALSE BURGLAR ALARM CALLS**

**SECTION**

20-501. Fees.

**20-501. Fees.** The following fees shall be enforced for the answering of false burglar alarm calls within the corporate limits of the Town of Woodbury, Tennessee:

1 - 5 calls per year	No charge
6 - 10 calls per year	\$25.00 each
Over 10 calls per year	\$50.00 each (Ord. #286, May 1998)

## CHAPTER 6

### CONTROL OF OUTDOOR LIGHT FIXTURES

#### SECTION

- 20-601. Purpose.
- 20-602. Definitions.
- 20-603. Applicability.
- 20-604. Prohibitions.
- 20-605. Light trespass.
- 20-606. Illuminance and luminance requirements.
- 20-607. Approved materials and methods of installation.
- 20-608. Temporary exemptions.
- 20-609. Violations and penalties.
- 20-610. Appeals.

**20-601. Purpose.** The governing body of the Town of Woodbury does herein find that regulation of outdoor lighting in the Town of Woodbury is necessary to prevent misdirected or excessive artificial light, caused by inappropriate or misaligned light fixtures that produce glare, light trespass (nuisance light), and/or unnecessary sky glow; and also that such regulation is necessary to discourage the waste of electricity and to improve or maintain nighttime public safety, utility, and security. (as added by Ord. #311, Aug. 2000)

**20-602. Definitions.** (1) "Glare." The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

(2) "IESNA, Illuminating Engineering Society of North America." An organization that recommends standards for the lighting industry.

(3) "Light trespass." Any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance, as specified in this chapter.

(4) "Objectional direct glare source." Any direct glare source offensively visible above a height of five (5) feet at the subject property line.

(5) "Outdoor light fixtures" means outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for:

- (a) Buildings and structures;
- (b) Recreational facilities;
- (c) Parking lots;

- (d) Landscape lighting;
- (e) Billboards and other signs (advertising and other);
- (f) Street lighting;
- (g) Walkway lighting.

(6) “Shielded light fixture.” A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees above nadir, through the light fixture’s lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed. (as added by Ord. #311, Aug. 2000)

**20-603. Applicability.** All outdoor light fixtures installed and thereafter maintained after passage of this chapter, other than those serving one and two family dwellings, shall comply with the requirements as specified below:

(1) Where used for security purposes or to illuminate walkways, roadways, and parking lots, only shielded light fixtures shall be used.

(2) Where used for commercial and industrial purposes such as in merchandise display areas, work areas, platforms, signs, architectural, landscape, or sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and comply with the following:

(a) Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.

(b) Other upward directed architectural, landscape, or decorative directive direct light emissions shall have at least 90 percent of their total distribution pattern within the profile of the illuminated structure.

(c) Recreational and sports facility lighting shall be shielded whenever possible. Such lighting shall have directional and glare control devices, when necessary, to comply with this chapter.

(d) Externally illuminated signs including commercial billboard, building identification, or other similar illuminated signs, shall comply with the following:

(i) Top mounted light fixtures shall be shielded and are preferred.

(ii) When top mounted light fixtures are not feasible, illumination from other positioned light fixture shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill light to an absolute minimum.

(e) All other outdoor lighting shall use shielded light fixtures.

(3) All floodlight type fixtures, once properly installed, shall be permanently affixed in the approved position.

(4) Foundations supporting lighting poles not installed four (4) feet behind the curb shall not be less than 24 inches above ground. (as added by Ord. #311, Aug. 2000)

**20-604. Prohibitions.** (1) Recreational facility. No outdoor recreational facility, public or private, shall be illuminated after 11 P.M. except to conclude any recreational or sporting event or other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11 P.M.

(2) Outdoor building, landscaping and signs. The unshielded outdoor illumination of any building or landscaping is prohibited except with incandescent fixtures with lamps of 100 watts or less. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure and shall comply with the shielding requirements of this chapter. (as added by Ord. #311, Aug. 2000)

**20-605. Light trespass (nuisance light).** All light fixtures, except street lighting and those used on one or two family dwellings, shall be designed, installed, and maintained to prevent light trespass, as specified in (1) and (2) below.

(1) At a height of five (5) feet above the property line of subject property, illumination from light fixtures shall not exceed 0.1 footcandles in a vertical plane on residentially zoned property.

(2) Outdoor light fixtures, properly installed and thereafter maintained, shall be directed so that there will not be any objectionable direct glare source visible from any property.

Note: Commercial and/or industrial light fixtures near adjacent property may require special shielding devices to prevent light trespass. (as added by Ord. #311, Aug. 2000)

**20-606. Illuminance and luminance requirements.** Illuminance and luminance requirements shall be as set forth in the current edition of the IESNA Lighting Handbook.

(1) Street lighting. Average IESNA illuminance recommendations shall not be exceeded. IESNA average to minimum illuminance uniformity ratios are to be used as a guide for designing safe and adequate roadway lighting.

(2) Outdoor parking facilities. Outdoor parking lot illuminance shall be based on the type of use, applicable level of activity, and maintained horizontal illuminance recommended by the IESNA.

(a) All IESNA recommended minimum illuminance levels must be met.

(b) IESNA recommended uniformity ratios (average/minimum) of 4:1 shall not be exceeded.

(c) IESNA average illuminance (based on uniformity ratios) for the high and medium levels of activity shall not be exceeded. The average illuminance for the low level of activity may be increased, if desired, but not to exceed the average illuminance for the medium level of activity.

(3) All other illuminance uses shall not exceed IESNA recommendations. (as added by Ord. #311, Aug. 2000)

**20-607. Approved materials and methods of installation.** The provisions of this article are not intended to prevent the use of any material or method of installation not specifically prescribed by this article provided any such alternate has been approved. The Town of Woodbury Board of Mayor and Aldermen or, for street lighting within the right-of-way, the street department supervisor, may approve any such alternate provided that the proposed design, material or method:

(1) Provides approximate equivalence to the specific requirements of this article or;

(2) Is otherwise satisfactory and complies with the intent of this chapter. (as added by Ord. #311, Aug. 2000)

**20-608. Temporary exemptions.** (1) Information required. Any individual may submit a written request to the building official for a temporary exemption from the requirements of this chapter. The request for temporary exemption shall contain the following information:

(a) Name, address and telephone number of the applicant;

(b) Location of the outdoor light fixtures for which the exemption is requested;

(c) Specific exemption(s) requested;

(d) Use of the outdoor light fixtures involved;

(e) Duration of the requested exemption(s);

(f) Type of outdoor light fixture to be used, including total lumen output, character of the shielding, if any;

(g) Previous temporary exemptions, if any;

(h) Such other data and information as may be required by the building official.

The building official shall have five (5) business days from the date of receipt of the request for temporary exemption to approve or disapprove the request. The applicant will be notified of the decision in writing. (as added by Ord. #311, Aug. 2000)

**20-609. Violations and penalties.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve or convert any lighting structure or cause the same to be done, contrary to or in violation of any provision of this chapter. Any person, firm or corporation

violating any provision of this division shall be deemed guilty of an infraction and/or misdemeanor as hereinafter specified. Each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. Any person convicted of a violation of this code shall be punished by

(1) An infraction offense and a fine not exceeding fifty dollars (\$50) for a first violation;

(2) An infraction offense and a fine not exceeding (\$200) for a second violation of the same ordinance on the same site and perpetrated by the same owner and/or agent. The third and any additional violations on the same site and perpetrated by the same owner and/or agent shall each constitute a misdemeanor offense and shall be punished by a fine not exceeding five hundred dollars (\$500) or six months in jail or both. Payment of any penalty herein provided shall not relieve a person, firm or corporation from the responsibility of correcting the condition consisting of the violation. (as added by Ord. #311, Aug. 2000)

**20-610. Appeals.** All appeals must be submitted in writing to the board of mayor and aldermen for review. The person appealing will be notified by the Town of Woodbury concerning the date and time of the appeal hearing. The hearing will be conducted at the regular meeting of the board of mayor and aldermen unless otherwise stated in the notification. (as added by Ord. #311, Aug. 2000)

## CHAPTER 7

### STREET LIGHT POLICY

#### SECTION

20-701. Purpose.

20-702. Location within the city only.

20-703. Location of lights.

20-704. Exceptions.

20-705. New installations.

**20-701. Purpose.** The following is hereby adopted as the policy for the location and installation of street lights. (as added by Ord. #326, Sept. 2001)

**20-702. Location within the city only.** Street lights paid for by the Town of Woodbury shall be located within the corporate limits only. (as added by Ord. #326, Sept. 2001)

**20-703. Location of lights.** Street lights will be provided in residential and commercial areas according to the following:

(1) Street lights shall not be placed closer than two hundred (200) feet apart or every other utility pole.

(2) Street lights shall be used to light streets only, except such lights may be placed in publicly owned parking lots and around city owned buildings and facilities.

(3) Street lights shall face the street on which they are located.

(4) Street lights shall not be provided on privately owned streets or private property. (as added by Ord. #326, Sept. 2001)

**20-704. Exceptions.** The chief of police may request or recommend that a street light not in conformance with § 20-703, (1), (2), or (3) if such light is within a high crime area or traffic hazard location. Such request must be presented in writing on a standardized form, and approved by the board of mayor and aldermen. (as added by Ord. #326, Sept. 2001)

**20-705. New installations.** Installation of new street lights will be made by the Middle Tennessee Electric Company only through a standard work request signed by the public works director. (as added by Ord. #326, Sept. 2001)