

TITLE 20**MISCELLANEOUS****CHAPTER**

1. FAIR HOUSING CODE.
2. CIVIL EMERGENCIES.
3. INDUSTRIAL PARK PROPERTY.
4. NONRESIDENT PROPERTY OWNERS.
5. PARKS AND RECREATION.
6. UNCLAIMED PROPERTY POLICY.
7. REPEALED.

CHAPTER 1**FAIR HOUSING CODE****SECTION**

- 20-101. Definitions.
- 20-102. Unlawful discriminatory acts.
- 20-103. Limited exemption for religious organizations.
- 20-104. Access to multiple listing services, etc.
- 20-105. Educational and conciliatory activities.
- 20-106. Complaints.
- 20-107. Penalty.
- 20-108. Exhaustion of remedies.

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, 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 not owned by the occupant. (1988 Code, § 4-1101)

20-102. Unlawful discriminatory 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, religion, national origin, or sex.

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

(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, national origin, or sex.

(4) To represent to any person because of race, color, religion, national origin, or sex, 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, national origin, or sex. (1988 Code, § 4-1102)

20-103. Limited exemption for religious organizations. 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 dwelling 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 the religion is restricted on account of race, color, national origin, or sex. (1988 Code, § 4-1103)

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, religion, national origin, or sex. (1988 Code, § 4-1104)

20-105. Educational and conciliatory activities. The human relations sub-committee of the citizens advisory committee of Dayton is authorized and directed to undertake such educational and conciliatory activities as in its judgement will further the purposes of this chapter. It may

call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions this chapter and the committee's suggested means of implementing it. The sub-committee shall further endeavor, with the advice of the housing industry and other interested parties, to work out programs of voluntary compliance and may advise appropriate city officials on matters of enforcement. The sub-committee may issue reports on such conferences and consultations as it deems appropriate. (1988 Code, § 4-1105)

20-106. 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 chairman of said sub-committee. 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 human relations sub-committee. Upon receipt of a complaint the sub-committee shall promptly investigate it and shall complete its investigation within thirty (30) days. If a majority of the human relations sub-committee finds reasonable cause to believe that a violation of this chapter has occurred, or if a person charged with violation of this chapter refuses to furnish information to the sub-committee, the sub-committee may request the city attorney to prosecute an action in the city court against the person charged in the complaint. This request shall be in writing.

Upon receiving the written request and with the assistance of the aggrieved person and the sub-committee, within fifteen (15) days after receiving the 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. (1988 Code, § 4-1106)

20-107. Penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty clause for this code of ordinances. Each day the violation continues shall constitute a separate offense. (1988 Code, § 4-1107)

20-108. 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 prevents any such person from seeking relief at any time under the federal civil rights acts or other applicable legal provisions. (1988 Code, § 4-1108)

CHAPTER 2

CIVIL EMERGENCIES

SECTION

20-201. City manager, mayor, and vice-mayor to have certain powers during civil emergencies.

20-201. City manager, mayor, and vice-mayor to have certain powers during civil emergencies. For the purposes of, Tennessee Code Annotated, title 38, chapter 9, the chief administrative officer of the city shall be the city manager or, in his absence or disability, the mayor. In the absence or disability of both the city manager and the mayor and vice-mayor is designated as the chief administrative officer. Any person violating the provisions of orders issued by the chief administrative officer pursuant to Tennessee Code Annotated, title 38, chapter 9, shall be guilty of a misdemeanor and shall be punished under the general penalty clause of this code of ordinances. (1988 Code, § 1-901)

CHAPTER 3

INDUSTRIAL PARK PROPERTY

SECTION

20-301. Sales restricted.

20-301. Sales restricted. The property hereinafter described shall not be granted, conveyed, or otherwise disposed of except by sale to an immediate industrial or commercial user.

The City of Dayton shall not grant, convey, or otherwise dispose of this property for an amount less than the acquisition cost or a pro rata share thereof in the event that less than the entire tract is sold.

This real estate is described as follows:

In the Third Civil District of Rhea County, Tenn., to-wit:

TRACT NO. 1:

BEGINNING on a stake in the North right-of-way line of Walnut Grove Road, corner with La-Z-Boy Chair Company property; thence with the La-Z-Boy Chair Company property lines, as follows: North 43° 24' East 1800 feet, South 46° 36' East 837 feet to a stake in CNO & TP Railroad Right-of-Way; thence with the Railroad-right-of-way North 42° 21' East 1307.8 feet to a stake, corner with Rockholt; thence with the lines of Rockholt, as follows: North 10° 22' West 378 feet, North 39° 16' West 56.2 feet, North 6° 5' East 106.2 feet, North 39° 34' West 1100 feet; thence with other lines of City of Dayton property in a Southwesterly direction to a stake in the North right-of-way line of Walnut Grove said stake being located North 46° 36' West 500 feet from the point of beginning, above described; thence with Walnut Grove Road South 46° 36' East 500 feet to the point of beginning.

Containing 70 acres, more or less.

TRACT NO. 2:

BEGINNING on a stake in the center of Little Richland Creek and in the North right-of-way line of Walnut Grove Road; thence with the center of Little Richland Creek, with the following calls, North 12° 20' East 430 feet, North 30° East 200 feet, North 17° 50' East 470 feet corner with Morgan; thence with the Morgan line North 43° 23' West 471 feet to a stake in the East right-of-way of CNO & TP Railroad; thence with said Railroad right-of-way South 26° 5' West 388 feet, South 23° 20' West 724.5 feet to a stake in the North right-of-way line of Walnut Grove Road; thence with Walnut Grove Road, South 44° 10' East 583 feet to the point of beginning.

The mayor and city recorder are authorized and directed to file with the Register's Office of Rhea County, Tennessee, a certified copy of this provision. (1988 Code, § 1-1001)

CHAPTER 4**NONRESIDENT PROPERTY OWNERS****SECTION**

20-401. Absentee voting for voters registered as nonresident property owners.

20-401. Absentee voting for voters registered as nonresident property owners. Pursuant to Tennessee Code Annotated, § 2-6-205, in the case of individuals who are registered to vote in municipal elections as nonresident property owners all such voters are hereby required to cast his/her municipal ballots as absentee by mail ballots and shall not hereafter vote in the municipal election except by absentee ballot. (as added by Ord. #571, Feb. 2015)

CHAPTER 5**PARKS AND RECREATION****SECTION**

- 20-501. Creation and general duties.
- 20-502. Definitions.
- 20-503. Persons invited to use the city parks; park hours.
- 20-504. Duties of the Director.
- 20-505. Enforcement.
- 20-506. Additional rules and regulations.
- 20-507. Liability for injuries or damages.
- 20-508. Unlawful activities generally.
- 20-509. Sanitation.
- 20-510. Closed areas.
- 20-511. Traffic.
- 20-512. Use of athletic fields, parks and other recreational facilities.
- 20-513. Merchandising, advertising and signs.
- 20-514. Parks and recreation user fees.
- 20-515. Pavilion reservation.
- 20-516. Application for permit.
- 20-517. Special events.
- 20-518. Tournaments.
- 20-519. Deposit.

20-501. Creation and general duties. There is hereby created a parks and recreation department and the city manager, or such assistant or department manager appointed by the city manager, shall be the head of the department of parks and recreation. (as added by Ord. #652, Dec. 2021 *Ch8_12-04-23*)

20-502. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Athletic fields" are all city owned baseball, softball, soccer, and futsal fields including any facilities and any improvements, whether the same is now or shall hereafter be owned, whether by easement or otherwise, or be acquired by the city.

(2) "City" is the City of Dayton, Tennessee.

(3) "Director" is the director of parks and recreation of the City of Dayton, the person immediately in charge of all park areas and park activities,

recreational facilities and its activities, and athletic fields and its activities and to whom all park employees in such area are responsible.

(4) "Park" is all city owned parks including any facilities, playgrounds, parkways and any improvements whether the same is now or shall hereafter be owned or acquired by the city.

(5) "Recreational facilities" are all other city owned recreational areas, including but not limited to, tennis courts, pickle ball courts, basketball courts, boat docks, boat slips, piers and any facilities and improvements and entrances and approaches thereto whether the same is now or shall hereafter be owned or acquired by the city.

(6) "Special event" means any public gathering that is outside the normal usage, including, but not limited to the following: block party, festival, parade, celebration, concert, tournament, athletic clinic, athletic camp, etc.

(7) "Vehicle" means any wheeled conveyance, whether motor-powered, animal drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby strollers, vehicles in service of the city, and power mobility devices used for accessibility purposes. (as added by Ord. #652, Dec. 2021 *Ch8_12-04-23*, and replaced by Ord. #688, May 2023 *Ch8_12-04-23*)

20-503. Persons invited to use the city parks; park hours.

(1) All persons are invited to use city parks, athletic fields and recreational facilities who will comply with the terms hereof and such rules and regulations as may be promulgated hereunder governing the use of city parks, athletic fields and recreational facilities.

(2) City parks, athletic fields and all other recreational facilities will be open to use by the public invited thereto between the hours of 7:00 o'clock A.M. EST and 11:00 P.M. EST unless posted otherwise. (as added by Ord. #652, Dec. 2021 *Ch8_12-04-23*)

20-504. Duties of the director. (1) It shall be the duty of the director to oversee, develop, provide, maintain, conduct, and supervise public playgrounds, athletic fields, recreation centers, and other recreational facilities and activities on properties owned or controlled by the City of Dayton. The aim and the purpose of the park and recreation department shall be the advancement of the welfare of the citizens and residents of the city in the area of recreation. The director, if not the city manager, shall report directly to the city manager.

(2) The director shall develop a comprehensive recreational program for the City of Dayton, Tennessee.

(3) The director shall administer the policies of the City of Dayton, recommend rules and regulations to the recreation board and to the city of Dayton for their consideration and perform such other duties as may be assigned him/her by the city manager, recreation board or city council.

(4) The director shall be responsible for the maintenance and upkeep of all public playgrounds, athletic fields, recreation centers and other recreational facilities through the assistance of the other departments of the city (streets, maintenance, sanitation, water, fire and police).

(5) The director shall be responsible for the development and implementation of programs and/or leagues for all age groups, upon approval of the recreation board and the city council, in the following areas:

- (a) Softball;
- (b) Baseball;
- (c) Tennis;
- (d) Pickleball;
- (e) Soccer;
- (f) Futsal; and
- (g) Other areas as recommended by the recreation board and approved by the city council.

(6) The director shall attend all recreation board meetings and shall attend city council meetings as needed. The director shall report to the recreation board and to the city council concerning matters relating to the development, implementation and maintenance of the city public playgrounds, athletic fields, recreation centers, and other recreational facilities.

(7) The director shall be responsible for establishing a budget for the department and for following established procedures for the expenditures of funds.

(8) The director shall recommend to the recreation board and the city council rules and regulations to assure an impartial, fair and safe use and enjoyment by those persons using the city parks, athletic fields, recreation centers and other recreational facilities. The director shall have the authority to schedule the use of the tennis courts, pickleball courts, playgrounds, athletic fields and other recreational facilities. Regulations pertaining to specific activities shall be displayed in a prominent and public location at the point of the activity controlled. Rules and regulations adopted in accordance with this section shall have the same force and effect as if copied herein verbatim.

(9) The director shall be responsible for the scheduling of all activities of the city parks, athletic fields, and all other recreational facilities. (as added by Ord. #652, Dec. 2021 *Ch8_12-04-23*)

20-505. Enforcement. (1) It shall be unlawful to violate any provisions of this chapter. Any violation shall be fined under the general penalty clause of this code.

(2) Officials. The director, recreation employees and members of the City of Dayton Police Department shall, in connection with their duties imposed by law, diligently enforce the provisions of this Chapter.

(3) Ejectment. The director and any members of the City of Dayton Police Department shall have the authority to eject from the parks, athletic

fields, and other recreational facilities any person acting in violation of this chapter or rules and regulations promulgated hereunder. (as added by Ord. #652, Dec. 2021 ***Ch8_12-04-23***)

20-506. Additional rules and regulations. The city council shall have the authority to promulgate such rules and regulations, upon recommendation by the director and recreation board, as may be necessary to carry out the provisions of this chapter and to assure an impartial, fair and safe use and enjoyment of the city parks, athletic fields, and other recreational facilities by those persons lawfully using said recreational facilities. The director shall have the authority to schedule the use of the tennis courts, pickle ball courts, soccer fields and ball fields under this chapter, upon approval by the recreation board. Regulations pertaining to specific activities shall be displayed in a prominent and public location at the point of the activity controlled. Rules and regulations pertaining to the parks as a whole shall be publicly and prominently displayed at each entrance to city parks. Rules and regulations adopted from time to time by the City Council in accordance with this chapter shall have the same force and effect as if copied herein verbatim. (as added by Ord. #652, Dec. 2021 ***Ch8_12-04-23***)

20-507. Liability for injuries or damages. All persons using the parks and recreation facilities will do so at their own risk. The city shall not be liable for any injuries or damages sustained by persons using said parks and recreation facilities. (as added by Ord. #652, Dec. 2021 ***Ch8_12-04-23***)

20-508. Unlawful activities generally. It shall be unlawful for any person within the city parks, athletic fields or any other recreational facility to:

- (1) **Buildings and other property.** (a) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any buildings, bridges, tables, benches, railings, paving or paving material, walk, wall, water lines or other public utilities or parts or appurtenances thereof, restrooms, signs, notices or placards, whether temporary or permanent, monuments, fences, stakes, posts or other boundary markers, or other structures or equipment, facilities or city park property or appurtenances whatsoever, either real or personal.
 - (b) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.
 - (c) Removal of natural resources. Dig or remove any sand, soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
 - (d) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in

character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(2) Trees, shrubbery, lawns. (a) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(b) Climbing trees. etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences, or upon any other property not designated or customarily used for such purposes.

(3) Wild animals, birds, etc. (a) Hunt, pursue, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he/she remove or have in his/her possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

(b) Feeding. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

(4) Camp or erect or maintain a tent or shelter, camp-trailer, house-trailer or the like.

(5) Distribute, display, or construct any material for advertising purposes (except for league or city affiliated signs approved by the recreation board and/or city council).

(6) Bring in, distribute, have possession of, or partake of any alcoholic beverage, drug or illegal substance.

(7) Park or drive in any areas other than designated parking areas.

(8) Be responsible for the entry of any domesticated animal, other than a service animal as authorized by state and/or federal law into areas other than automobile parking concourses and walks immediately adjacent thereto, except for the dog park, and in other areas as designated. Nothing in this section shall be construed as to permit the running of dogs at large.

(9) Interfere with, encumber, obstruct, or render dangerous any part of the public parks, athletic fields or other recreational areas.

(10) Throw, cast, or propel stones or other missiles.

(11) Enter an area posted as "Closed" or "Closed to the Public" nor shall any person use or abet the use of any area in violation of posted notices.

(12) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(13) Smoke in prohibited areas.

(14) No fires shall be built in any area of any park, athletic field, or other recreational facilities, except in such areas as are specifically designed for fire building, nor shall any person dump, throw, or permit to be scattered, by any means, lighted matches, burning tobacco products, or any other flammable

material within any park area, athletic field or other recreational facilities, or any highway, road, or street abutting thereto.

(15) Engage in any activity prohibited by city ordinance or by state or federal law.

(16) Neglect to clean up and properly dispose of animal waste produced by any animal under their care or control.

(17) Bring or have in his/her possession, or set off or otherwise cause to explode, discharge or burn, any firecracker, torpedo, rocket or other fireworks or explosives or inflammable material, or discharge them or throw them into any such area from the land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substances or compound would be similarly dangerous.

(18) Horses are prohibited at the city parks, athletic fields and other recreational facilities.

(19) Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as golf balls, stones, arrows, javelins or model airplanes, except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball, and soccer is prohibited except on fields and courts or in areas provided therefor. (as added by Ord. #652, Dec. 2021 *Ch8_12-04-23*)

20-509. Sanitation. It shall be unlawful for any person within city parks, athletic fields or other recreational facilities to:

(1) Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park, athletic field, or other recreational facility or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, athletic field or other recreational facilities or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided all such rubbish or waste shall be carried away from the park by the persons responsible for its presence, and properly disposed of elsewhere. (as added by Ord. #652, Dec. 2021 *Ch8_12-04-23*)

20-510. Closed areas. Any section or part of any park, athletic field or other recreational facilities may be declared closed to the public by the director or the city manager at any time and for any interval or at regular or started intervals (daily or otherwise) or entirely or merely restricted to certain uses as the director or city manager shall find reasonably necessary. Any party using

the closed area shall be deemed to be trespassing. (as added by Ord. #652, Dec. 2021 *Ch8_12-04-23*)

20-511. Traffic. It shall be unlawful for any person within the parks to:

(1) State motor vehicle laws and city traffic ordinances apply. Fail to comply with all applicable provisions of the state motor vehicle traffic laws and the traffic ordinances of the City of Dayton in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.

(2) Obey personnel; enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever need in the parks.

(3) Operation confined to specific areas. Drive any vehicle on any area except the paved park or recreational facilities roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director.

(4) Parking. (a) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions at each park or recreational facilities and with the instructions of any employee who may be present.

(b) Full-parking. Full-park on the road or driveway at any time.

(c) Night parking. Leave a vehicle standing or parked at night without lights clearly visible for at least one hundred feet (100') from both front and rear and on any driveway or road area except legally established parking areas.

(d) Abandonment. Leave a vehicle within the boundaries of a park after park hours. Any vehicle remaining in said park after closing hours will be towed away and stored at the expense of the owner.

(e) All disabled vehicles not removed from parks and other recreational facilities within twenty-four (24) hours shall be subject to citation and removal by the city and impounded until such time as redeemed at the owner's expense.

(f) No person shall change any parts of or repair, wash or grease a vehicle on any park roadway, parkway, driveway, parking lot or other park property.

(5) Bicycles, motorcycles and all terrain vehicles. (a) Confined to roads. Ride a bicycle or motorcycle on other than a paved vehicular road or specifically designated route.

(b) Have or operate trail bikes, motorcycles, ATVs/UTVs, or any other type or kind of motorized vehicle except upon the roadways and parking areas within a park.

(c) Immobile. Leave a bicycle or motorcycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

(d) Night operation. Ride a bicycle or motorcycle on any road within the parks between thirty (30) minutes after sunset or thirty (30) minutes before sunrise without an attached headlight plainly visible at least two hundred feet (200') in front of, and without a red tail light or red reflector plainly visible from at least one hundred feet (100) from the rear of such bicycle or motorcycle.

(6) Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property. (as added by Ord. #652, Dec. 2021 ***Ch8_12-04-23***)

20-512. Use of athletic fields, parks and other recreational facilities. The activities sponsored by the parks and recreation department shall have priority and use of the athletic fields, parks and other recreational facilities. (as added by Ord. #652, Dec. 2021 ***Ch8_12-04-23***)

20-513. Merchandising, advertising and signs. No person in a city park shall:

(1) Expose or offer for sale any article or thing, nor shall he/she station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is hereby made for holders of a special event permit issued pursuant to title 16, chapter 3, special events and parades of the Municipal Code of the City of Dayton.

(2) Announce, advertise or call the public attention in any way to any article or service for sale or hire.

(3) Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park. (as added by Ord. #652, Dec. 2021 ***Ch8_12-04-23***)

20-514. Parks and recreation user fees. In addition to the deposit requirements set forth in 20-519, user fees for this chapter shall be as follows:

(1) Swinging Bridge Park:

(a) Small pavilion - Twelve dollars (\$12.00) for a four (4) hour time frame.

(b) Big pavilion - Twenty four dollars (\$24.00) for a four (4) hour time frame.

(c) The four (4) hour time frames for the use of all the pavilions at the Swinging Bridge Park shall be based on the following time periods: 9:00 A.M. to 1:00 P.M.; 1:30 P.M. to 5:30 P.M.; and 6:00 P.M. until the park closes but no later than 11:00 P.M. In addition to the charge(s) for the use of the pavilion(s), there shall also be charged a one hundred dollar (\$100.00) special event fee.

(2) Point Park:

(a) Small pavilion - Eight dollars (\$8.00) for a four (4) hour time frame.

(b) Big pavilion - Twenty dollars (\$20.00) for a four (4) hour time frame.

(c) The four (4) hour time frames for the use of all the pavilions at Point Park shall be based on the following time periods: 9:00 A.M. to 1:00 P.M.; 1:30 P.M. to 5:30 P.M.; and 6:00 P.M. until the park closes but no later than 11:00 P.M. In addition to the charge(s) for the use of the pavilion(s), there shall also be charged a one hundred dollar (\$100.00) special event fee.

(3) Pendergrass Park: All pavilions at Pendergrass Park are available on a first come basis. These pavilions cannot be reserved in advance. Also, there is no charge for the use of the pavilions at Pendergrass Park.

(4) Pickleball Courts: One hundred twenty five dollars (\$125.00) per day per court.

(5) Jim Barnes Complex Baseball fields:

(a) One hundred dollars (\$100.00) per day and per field;

(b) Fifty dollars (\$50.00) per day for use of each concession building;

(c) Ten dollars (\$10.00) per bag for field drying agent;

(d) Thirty dollars (\$30.00) per field and per day for field lights;

and

(e) A minimum charge of two hundred dollars (\$200.00) for use of the baseball fields.

(6) Delaware Complex Baseball fields:

(a) One hundred dollars (\$100.00) per day and per field;

(b) Fifty dollars (\$50.00) per day for use of each concession building;

(c) Ten dollars (\$10.00) per bag for field drying agent;

(d) Thirty dollars (\$30.00) per field and per day for field lights;

and

(e) A minimum charge of two hundred dollars (\$200.00) for use of the baseball fields.

(7) Delaware Complex tennis courts: Seventy five (\$75.00) per day.

(8) Voight Field:

(a) One hundred dollars (\$100.00) per day and per field;

(b) Fifty dollars (\$50.00) per day for use of each concession building;

(c) Ten dollars (\$10.00) per bag for field drying agent;

(d) Thirty dollars (\$30.00) per field and per day for field lights;

and

(e) A minimum charge of two hundred dollars (\$200.00) for use of the field.

- (9) Green Field:
- (a) One hundred dollars (\$100.00) per day and per field;
 - (b) Fifty dollars (\$50.00) per day for use of each concession building;
 - (c) Ten dollars (\$10.00) per bag for field drying agent;
 - (d) Thirty dollars (\$30.00) per field and per day for field lights;
- and
- (e) A minimum charge of two hundred dollars (\$200.00) for use of the field.
- (10) Centennial Park: Seventy five dollars (\$75.00) per day.
- (11) Futsal Court: One hundred twenty five dollars (\$125.00) per day.
- (12) Soccer fields: Seventy five dollars (\$75.00) per day.
- (13) All other individual fields, softball and baseball fields, located at the Jim Barnes Complex and at the Delaware Complex:
- (a) One hundred dollars (\$100.00) per day and per field;
 - (b) Fifty dollars (\$50.00) per day for use of each concession building;
 - (c) Ten dollars (\$10.00) per bag for field drying agent;
 - (d) Thirty dollars (\$30.00) per field and per day for field lights;
- and
- (e) A minimum charge of two hundred dollars (\$200.00) for use of the field. (as added by Ord. #673, Oct. 2022 *Ch8_12-04-23*, and replaced by Ord. #688, May 2023 *Ch8_12-04-23*)

20-515. Pavilion reservation. Any organization, group, civic club, individual, firm, or corporation that desires to reserve a pavilion at the Swinging Bridge Park, Point Park, or Pendergrass Park must complete an application and obtain a permit as set forth in this chapter. individuals, organization, civic club, firms, corporations or groups who obtain a permit for use of the pavilion(s) must have the permit in his/her/their possession and be able to display it upon demand at the time and place listed in the permit. (as added by Ord. #681, Dec. 2022 *Ch8_12-04-23*)

20-516. Application for permit. (1) Any organization, group, civic club, individual, firm, or corporation seeking issuance of a permit pursuant to this Chapter shall sign and file an application with the director or his/her designee. An indemnity agreement must be signed by the applicant upon the filing of the application with the director or his/her designee. The application shall state the following:

- (a) The name and address of the applicant;
- (b) The name and address of the person, persons, organization, club, firm, corporation, or association sponsoring the activity, if any;
- (c) The day and hours for which the permit is desired;
- (d) The pavilion(s) or facility for which the permit is desired;

- (e) The proposed use of the facility;
- (f) An estimate of the anticipated attendance and the proposed number of person who will participate in the activity involved;
- (g) A description of the activity proposed;
- (h) A detailed description of all equipment to be brought into the park or facility, if any;
- (i) A statement of any special circumstances which are material to the permit requested;
- (j) Any other information which the director or his/her designee shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(2) Standards for issuance. (a) The director or his/her designee shall issue a permit hereunder when he/she finds:

- (i) That the proposed activity or use of the pavilion/park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (ii) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (iii) That the proposed activity or use is not unreasonably anticipated to incite violence, crime or disorderly conduct;
- (iv) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the city; and
- (v) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(b) Any individual or group, firm, or corporation using a park, recreational or municipal public facility for any purpose, shall agree to indemnify the city for any loss, costs of clean-up, or other costs associated with their/its use, which may accrue to the city.

(c) If applicable, the organization, group, civic club, individual, firm or corporation using a municipal public facility shall be responsible for obtaining authorization for performances of copyrighted musical works and other material and that they/it will be responsible for ensuring that all entertainers have obtained the proper and necessary authorization to perform any licensed material. It is understood and agreed that the city is not responsible for any unauthorized performance of copyrighted material and will hold the city harmless and will indemnify the city from and against any and all claims, lawsuits, and demands in connection with the performance of copyrighted material.

(d) Any organization, group, civic club, individual, firm, or corporation using a park, recreational or municipal public facility for any purpose, agrees to be legally bound for themselves/itself, heirs, executors, administrators and assigns, to hold the city harmless and to waive and

release any and all rights and claims for loss against the city, its volunteers, officers, agents or employees.

(e) Any organization, group, civic club, individual, firm, or corporation using a park, recreational or municipal public facility for any purpose, shall not hold the city, its volunteers, officers, agents or employees liable for any loss, injury, bodily injury, property damage or theft that they/it, or any of their/its invitees, employees, agents, or persons working with them/ it, sustain or suffer while attending the event being held/sponsored by them/it.

(3) Appeal. Within seven (7) days after receipt of an application, the director shall apprise an applicant in writing of his/her reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within two (2) days to the city manager, which shall consider the application under the standards set forth herein and sustain or overrule the director's decision within five (5) days. The decision of the city manager shall be final.

(4) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances, laws, statutes and regulations fully as though the same were inserted in said permits.

(5) Liability of permittee. The person or persons or organization, firm, group, etc. to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of the negligence or intentional act(s) of the person or persons, organization, firm, group, etc. to whom such permit shall have been issued, and shall provide certificate of insurance upon request.

(6) Revocation. The director shall have the authority to revoke a permit upon a finding of violation of any rule, ordinance, law, regulation, or upon good cause shown. (as added by Ord. #681, Dec. 2022 *Ch8_12-04-23*)

20-517. Special events. The term "special event" shall be defined as in § 16-301 and every special event shall be required to have a permit from the city and shall comply with the requirements set forth in title 16, chapter 3, special events and parades. Further, every special event using city streets, sidewalks, parks, pavilions and other city facilities shall be required to have the approval of the city council. In addition, the sponsor of a special event shall be required to sign an indemnity agreement and to obtain insurance for the said special event. (as added by Ord. #681, Dec. 2022 *Ch8_12-04-23*)

20-518. Tournaments. All tournaments and sporting events using city recreational facilities, athletic fields, and parks shall be required to obtain a permit as set forth herein and shall be required to obtain city council approval. In addition, sponsors of tournaments and sporting events shall be required to enter into a tournament/sporting event agreement which at a minimum shall require the sponsor to obtain and maintain insurance, indemnify and hold harmless the City of Dayton for personal injuries and property damage, and

comply with concussion and sudden cardiac arrest laws. (as added by Ord. #681, Dec. 2022 *Ch8_12-04-23*)

20-519. Deposit. Persons wishing to reserve an athletic field, park, court, pavilion or any other recreational facility shall submit a deposit in the amount of two hundred dollars (\$200.00) to the City of Dayton to reserve such athletic field, park, pavilion or recreational facility. The deposit is refundable within seven (7) business days after the event or use of such athletic field, park, court, pavilion or recreation facility provided that the premises are left clean and there is no damage to the premises. Any costs incurred by the city in repairing any loss or damage to the premises or for cleaning the premises after the event or use of said facility will be deducted from the deposit. Should damages exceed the deposit amount, then the person and/or organization reserving said premises shall be responsible for any additional costs, including but not limited to, repair or replacement costs, cleaning costs, court costs, and attorney fees. Checks shall be made payable to the "City of Dayton." (as added by Ord. #688, May 2023 *Ch8_12-04-23*)

CHAPTER 6

UNCLAIMED PROPERTY POLICY

SECTION

20-601. Unclaimed property - definition, exceptions.

20-602. Due diligence required for unclaimed property.

20-603. Methods of disposal of unclaimed property.

20-604. Disposition of proceeds of sale of unclaimed property.

20-601. Unclaimed property - definition, exceptions. (1) "Unclaimed property" as used in this ordinance includes all property that comes to be in the possession of the city through abandonment or other means. Tennessee's Uniform Unclaimed Property Act¹ applies to unclaimed property the city is holding for other organizations or individuals and for which the city has had no contact with the apparent owner for a minimum of one (1) year up to the maximum statutory period.

(2) "Unclaimed property" includes, but is not limited to:

- (a) Uncashed payroll checks;
- (b) Uncashed disbursement checks;
- (c) Uncashed miscellaneous checks;
- (d) Credit balances in accounts receivables;
- (e) Utility deposits;
- (f) Unclaimed personal property.

(3) Exceptions: "Unclaimed property" does not include:

- (a) Real property;
- (b) City surplus property²;
- (c) Any weapon, including but not limited to firearms or knives³; or
- (d) Property that is seized and/or forfeited through law enforcement action.⁴

¹State law reference

Tennessee Code Annotated §§ 66-29-101, et seq.

²Surplus personal property owned by the city/town is disposed of under the Surplus Property Policy

³Weapons must be disposed of under the provisions of Tennessee Code Annotated § 39-17-1317

⁴Seized or forfeited property must be disposed of under applicable state laws.

20-602. Due diligence required for unclaimed property. (1) Before reporting unclaimed property to the Tennessee Department of Treasury, the city must exercise due diligence by attempting to notify the individual who is the apparent owner of the property in writing that the city is in possession of unclaimed property belonging to the individual in an amount of fifty dollars (\$50.00) or greater. The notice must also include information on how the apparent owner can claim the property.

(2) The written notice must be sent via first-class or registered mail to the last known address of the apparent owner.

(3) Such written notice must be sent not more than one hundred eighty (180) days, nor less than sixty (60) days, before filing the report with the Tennessee Department of Treasury.

(4) If an apparent owner of unclaimed property consented to receive electronic mail communications from the city, the city shall send the notice by both first-class mail to the apparent owner's last known mailing address and by electronic mail, unless the city has reason to believe that the apparent owner's electronic mail address is not valid.

(5) The notice to the apparent owner must contain a heading that reads substantially the same as the following: "Notice: The State of Tennessee requires us to notify you that your property may be transferred to the custody of the Treasurer if you do not contact us within thirty (30) days after the date of this notice."

(6) Mail returned as "undeliverable" is evidence that the apparent owner cannot be located. When the apparent owner cannot be located, the property is considered abandoned and the city must report it to the Tennessee Department of Treasury as unclaimed property.

(7) No written notice is required to be sent to an apparent owner when the property that comes into the possession of the city is not at least fifty dollars (\$50.00). The property must be submitted to the Tennessee Department of Treasury with the other unclaimed property that comes into the possession of the city during each respective calendar year. (as added by Ord. #656, Feb. 2022 *Ch8_12-04-23*)

20-603. Methods of disposal of unclaimed property. (1) Methods of disposal which may be used by the purchasing agent shall include:

- (a) Sales at public auction, publicly advertised and held;
- (b) Sale under sealed bids, publicly advertised, opened and recorded; or
- (c) Sale by internet auction.

(2) Notice of any public auctions and sales under sealed bids, as provided in this chapter, shall be publicly advertised and publicly held. Notice of intended sale by public auction or sale under sealed bid shall be published by the purchasing agent in at least one (1) newspaper of general circulation in Rhea

County. Such notice shall specify and reasonably describe the property to be sold, the date, time, place, manner, and conditions of sale, all as previously determined by the purchasing agent in accordance with the regulations of the city. The advertisement shall be printed in the public notice or equivalent section of the newspaper and shall be run not less than one (1) day. The auction or sale under sealed bid shall be made not sooner than seven (7) days after the last day of publication nor later than fifteen (15) days after the last day of publication of the required notice, excluding Saturdays, Sundays, and holidays. Prominent notice shall also be posted conspicuously for ten (10) days prior to the date of disposal, excluding Saturdays, Sundays, and holidays, in at least two (2) public places in the county. Furthermore, notice shall be sent to the county clerk and such notice shall be posted in the county courthouse unless otherwise directed by the purchasing agent.

(3) Notice of intended disposal by internet auction shall be posted on the city's website notifying the public of such intended internet sale. Such notice shall identify the website and provide a link to the online auction website in which any citizen may view and/or bid on any article. The website notice shall be displayed on a basis of twenty-four (24) hours a day, seven (7) days per week. The website notice shall reasonably describe the property to be sold, the date(s), time, manner and conditions of sale, all as previously determined by the internet auction provider in accordance with the contract and/or signed agreement with the city.

(4) The purchasing agent shall furnish the governing body a list of all unclaimed personal property disposed of, the method of disposal of such property, and the price obtained as a result of the sale of any unclaimed property. (as added by Ord. #656, Feb. 2022 *Ch8_12-04-23*)

20-604. Disposition of proceeds of sale of unclaimed property.

(1) All funds received from the sale of unclaimed property from any city department shall be paid by the purchasing agent into the city treasury. The purchasing agent shall certify to the city recorder the expense incurred in making the sale or otherwise disposing of such property, including the costs and expenses of storage during the period such property was in the possession of the city. All funds received from the sales of unclaimed personal property shall be paid into the general fund.

(2) If the owner of any article of unclaimed personal property sold presents satisfactory proof to the city that they were the owner of any article sold within a period of thirty (30) days after the sale, they shall be entitled to the proceeds of the sale thereof, less their proportionate share of the expenses of the sale. (as added by Ord. #656, Feb. 2022 *Ch8_12-04-23*)

CHAPTER 7

(as added by Ord. #677, Nov. 2022 *Ch8_12-04-23*, and
repealed by Ord. #687, May 2023 *Ch8_12-04-23*)