

TITLE 20

MISCELLANEOUS

CHAPTER

1. FAIR HOUSING.
2. TREE MANAGEMENT.
3. PUBLIC RECORDS POLICY.

CHAPTER 1

FAIR HOUSING

SECTION

- 20-101. Policy.
- 20-102. Definitions.
- 20-103. Unlawful practice.
- 20-104. Discrimination in the sale or rental of housing.
- 20-105. Discrimination in the financing of housing.
- 20-106. Discrimination in the provision of brokerage services.
- 20-107. Exemption.
- 20-108. Administration.
- 20-109. Education and conciliation.
- 20-110. Enforcement.
- 20-111. Investigations, subpoenas, giving of evidence.
- 20-112. Enforcement by private persons.

20-101. Policy. It is the policy of the City of Gallaway to provide, within constitutional limitations, for fair housing throughout the community. (2003 Code, § 20-101)

20-102. Definitions. (1) "Discriminatory housing practice" means an act that is unlawful under §§ 20-104, 20-105 or 20-106.

(2) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one (1) 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.

(3) "Family" includes a single individual.

(4) "Person" includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and judiciaries.

(5) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant. (2003 Code, § 20-102)

20-103. Unlawful practice. Subject to the provisions of subsection (2) and § 20-107, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-104 shall apply to:

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

(2) Nothing in § 20-104 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 (1) 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 (1) such sale within any twenty-four (24) 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 (3) such single-family houses at one (1) time; provided further that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:

(i) Without the use in any manner of the sale or rental facilities of 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 § 20-104(3) of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, 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 (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.

(3) For the purposes of subsection (2) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) He has, within the preceding twelve (12) 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 (2) or more transactions involving the sale or rental of any dwelling or interest therein; or

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (2003 Code, § 20-103)

20-104. Discrimination in the sale or rental of housing. As made applicable by § 20-103 and except as exempted by §§ 20-103(2) and 20-107, 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 the provision of services or facilities 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; and

(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. (2003 Code, § 20-104)

20-105. 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 therefor 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 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 § 20-103(2). (2003 Code, § 20-105)

20-106. 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. (2003 Code, § 20-106)

20-107. 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 preferences to its members. (2003 Code, § 20-107)

20-108. Administration. (1) The authority and responsibility for administering this chapter shall be the city manager of the City of Gallaway.

(2) The city manager 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 city manager shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the community, to boards of officers or to himself, as shall be appropriate and in accordance with the 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 city manager to further such purposes. (2003 Code, § 20-108)

20-109. Education and conciliation. Immediately after the enactment of the ordinance codified herein, the city manager shall commence such

educational and conciliatory activities as will further the purposes of this chapter. He may 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 may endeavor with their advice to work out programs of voluntary compliance and of enforcement. (2003 Code, § 20-109)

20-110. 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 city manager. Complaints shall be in writing and shall contain such information and be in such form as the city manager requires. Upon receipt of such a complaint, the city manager 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 (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (3) below, the city manager shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the city manager 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 city manager who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year.

(2) A complaint under subsection (1) above shall be filed within one hundred and eighty (180) 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 city manager, which shall be granted whenever it would be reasonable to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty (30) days after a complaint is filed with the city manager, the city manager has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The city manager will assist with this filing.

(4) If the city manager has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) 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 city manager shall immediately terminate all efforts to obtain voluntary compliance. (2003 Code, § 20-110)

20-111. Investigations, subpoenas, giving of evidence. (1) In conducting an investigation, the city manager 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 persons as are reasonably necessary for the furtherance of the investigation; provided, however, that the city manager first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The city manager may issue subpoenas to compel its 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 city manager may administer oaths.

(2) Upon written application to the city manager, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the city manager to the same extent and subject to the same limitations as subpoenas issued by the city manager 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 subpoena of the city manager 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 the service of a subpoena upon any person, such person may petition the city manager to revoke or modify the subpoena. The city manager shall grant the petition if it 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 the case of contumacy or refusal to obey a subpoena, the city manager 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 subpoena or lawful order of the city manager, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the city manager, 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 city manager pursuant to its 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 other means falsify any documentary evidence, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

(7) The City of Gallaway attorney shall conduct all litigation in which the city manager participates as a party or as amicus pursuant to this chapter. (2003 Code, § 20-111)

20-112. Enforcement by private persons. (1) The rights granted by §§ 20-103, 20-104, 20-105, and 20-106 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 (180) days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought to this section or § 20-110(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 or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a);

(b) Affording another person or class of persons opportunity or protection so to participate; or

(c) Any citizen because he is or has been, or in order to discourage such citizens 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 described in subsection 15(a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than one thousand dollars (\$1,000.00), or imprisoned not more than one (1) year, or both; and, if bodily injury results, shall be fined not more than ten thousand dollars (\$10,000.00), 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. (2003 Code, § 20-112)

CHAPTER 2

TREE MANAGEMENT

SECTION

- 20-201. General requirements.
- 20-202. Purpose.
- 20-203. Definitions.
- 20-204. Applicability.
- 20-205. Related activities.
- 20-206. Exemptions.
- 20-207. Inspection.
- 20-208. Appeal
- 20-209. Violations and penalty.

20-201. General requirements. A permit shall be required for the removal of trees more than sixteen inches (16") in diameter. An exception will be granted for a family home site, accessory buildings, or private drives. When drives related to industry are in the planning process and trees that are sixteen inches (16") and larger in diameter are located directly in the path of the drive, the drive must detour around the tree. If a problem exists concerning this requirement, it must be presented to the planning commission for their approval. A plot plan or hand drawing of trees to be removed along with a removal and a signed clean up agreement must be presented to the planning commission before permits can be issued. Clean up must be completed within sixty (60) days of completion of said project. (2003 Code, § 20-201)

20-201. Purpose. The requirements in this chapter are not meant to be over bearing, unreasonable, or controlling. If a private citizen or any property owner has any future problem with this chapter, it can be dealt with through the planning commission or board of commissioners. Common sense and reasonableness are the purpose of this chapter.

(1) To provide a mechanism for the management for trees and other woody vegetation within the city. This is based on the premise that trees are a part of our heritage and our future, and that they are an essential part of the quality of life in our city.

(2) To create greater human comfort by providing shade; to cool the air and otherwise temper the effects of summer heat. To reduce glare and noise levels. To promote clean air quality by increasing dust filtration.

(3) To emphasize the importance of trees as a visual screen.

(4) To beautify and enhance improved and undeveloped land.

(5) To ensure that tree removal does not unduly reduce the property value, all of which aid in protecting the health, safety, and general welfare of the City of Gallaway.

(6) The provisions of this chapter are intended to provide standards for and promote the preservation of trees, including, but not limited to, during the land development process and during the construction process; preventing the indiscriminate tree removal without mitigation provisions for preservation of trees within the City of Gallaway. (2003 Code, § 20-202)

20-203. Definitions. For purposes of this chapter, the following definitions shall apply:

(1) "Applicable site." Land upon which a minimum tree density must be maintained, including, but not limited to, land upon which a commercial subdivision is being developed.

(2) "Development approval." For the purpose of this chapter, an official authorization issued by the Gallaway Municipal Planning Commission and/or the board of commissioners, including, but not limited to, approvals for subdivisions, planned residential developments, and planned commercial developments.

(3) "Public tree." A tree that is located on lands for which the city has responsibility for tree management.

(4) "Retention tree." Any tree that is designated on a tree survey or tree management plan to be retained on a site.

(5) "Root protection zone." The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The root protection zone will typically be represented by the drip line of that tree.

(6) "Topping." The severe cutting back of limbs to stubs within the trees crown to such as to remove the normal canopy and disfigure the tree.

(7) "Tree removal permit." A formal letter or permit will be issued by city hall (after inspection and approval) allowing for the removal of said trees on a property. (2003 Code, § 20-203)

20-204. Applicability. (1) No subdivision development plat or plan, building permit, rezoning request, or site plan shall be approved by the Gallaway Planning Commission or an authorized Gallaway staff member without such application being in full compliance with the provisions of this chapter.

(2) As required by this chapter, a tree survey or tree management plan shall be a part of each of the above listed documents.

(3) No person shall remove, cause to be removed, poison, or damage any tree through an activity regulated by this chapter without first obtaining a tree removal permit. (2003 Code, § 20-204)

20-205. Related activities. The following activities require compliance with the Gallaway Tree Management Ordinance.

- (1) Subdivision development (regardless of underlying zoning classification).
- (2) Planned residential development (regardless of underlying zoning classification).
- (3) Planned commercial development (regardless of underlying zoning classification).
- (4) Any commercial or industrial activity requiring issuance of a building permit (regardless of previous approvals on or current use of land).
- (5) Rezoning requests (regardless of previous approvals on or current use of land). (2003 Code, § 20-205)

20-206. Exemptions. The following activities shall be exempt from the provisions of this chapter:

- (1) The necessary removal of trees by a utility company within dedicated utility easements.
- (2) The removal of trees on public rights-of-way conducted by, on behalf of a federal, state, county, municipal, or other government agency in pursuit of its lawful activities or functions in the construction or improvement of public rights-of-way.
- (3) The removal of any tree which has become or is a danger to human life or property.
- (4) The removal of trees from recreation areas such as playgrounds, ball fields, and other such approved uses.
- (5) Single-family residential sites. (2003 Code, § 20-206)

20-207. Inspection. After all blueprints or hand drawn diagrams have been delivered to city hall for the purpose of drawing permits, the city code enforcement officer will inspect the property and if found in order will furnish the planning commission and city hall with a clearance letter. (2003 Code, § 20-207)

20-208. Appeal. An appeal may be requested by a private citizen, firm, or corporation in whole or part upon the provisions of this chapter. Upon the hearing any person or party may appear and be heard in person or by agent or attorney. Appeal process as follows:

If a private citizen, company, firm, or corporation has cause to disagree with the decision of the planning commission, they must request city hall place them on the agenda for the next stated city business meeting. At that time they or their agent or attorney may present their appeal to the mayor and board of commissioners. (2003 Code, § 20-208)

20-209. Violations and penalty. Unless otherwise specified in a title, chapter, or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or

is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and cost for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Any time the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean a "civil penalty."

If cleanup of said project extends beyond the sixty (60) day limit, the city code enforcement officer will become involved and fines and penalties will be assessed accordingly. (2003 Code, § 20-209, modified)

CHAPTER 3

PUBLIC RECORDS POLICY

SECTION

- 20-301. Definitions.
- 20-302. Requesting access to public records.
- 20-303. Responding to public records requests.
- 20-304. Inspection of records.
- 20-305. Copies of records.
- 20-306. Fees and charges and procedures for billing and payment.

20-301. Definitions. (1) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. (See *Tennessee Code Annotated*, § 10-7-503(a)(1)(A).)

(2) "Public records request coordinator." The individual, or individuals, designated in § 20-103(1)(c) of this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. (See *Tennessee Code Annotated*, § 10-7-503(a)(1)(B).) The public records request coordinator may also be a records custodian.

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

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication.

20-302. Requesting access to public records. (1) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee (or via online submission) in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

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

(3) Requests for inspection may be made orally or in writing on Form A¹ at City of Gallaway City Hall, 333 Old Brownsville Road, Gallaway,

¹Form A may be obtained at Gallaway City Hall.

Tennessee 38036, by phone at 901.867.3333, or by email to dcarpenter@gallawaytn.gov.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing on Form A in person or by mail at City of Gallaway City Hall, 333 Old Brownsville Rd, Gallaway, Tennessee 38036 or by email to dcarpenter@gallawaytn.gov.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of ID is required as a condition to inspect or receive copies of public records. (modified)

20-303. Responding to public records requests. (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

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

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

(iii) If the city is the custodian of the records.

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

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

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

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

(D) Aggregation of multiple or frequent requests.

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

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

(B) The request lacks specificity;

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

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

(E) The records do not exist.

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

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

(c) The designated PRRC(s) is (are):

(i) Name or title: City recorder

(ii) Contact information: City of Gallaway City Hall. 333 Old Brownsville Road, Gallaway, Tennessee 38036 or by phone at 901.867.3333, or by email to dcarpenter@gallawaytn.gov.

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

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

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 20-103(1)(b)(i), and may use the public records request response Form B.

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

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

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

(b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given

¹Form B may be obtained at Gallaway City Hall.

for redaction shall be general in nature and not disclose confidential information. (modified)

20-304. Inspection of records. (1) There shall be no charge for inspection of public records.

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

(3) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection.

20-305. Copies of records. (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

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

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

(4) A requestor will not be allowed to make copies of records with personal equipment. Requestors may purchase storage devices from the City of Gallaway upon which the records will be downloaded.

20-306. Fees and charges and procedures for billing and payment. Fees and charges for copies of public records should not be used to hinder access to public records.

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

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

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

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

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

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

(d) Labor when time exceeds one hour.

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

(4) Payment is to be made in cash, by personal check, or by credit card payable to the City of Gallaway and presented to the records custodian/city recorder/city clerk.

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

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

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

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

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

(iii) Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to: agendas and approved minutes.