

TITLE 20

MISCELLANEOUS

CHAPTER

1. CONTRACTOR'S INSURANCE.
2. USE OF MUNICIPAL PUBLIC FACILITIES.
3. PUBLIC RECORDS PROCEDURES.

CHAPTER 1

CONTRACTOR'S INSURANCE

SECTION

20-101. Contractor's insurance required.

20-101. Contractor's insurance required. All contractors doing business with the City of Madisonville shall be required to carry liability insurance for their business and where applicable, are required to carry workers compensation insurance pursuant to Tennessee statute, and must provide the city recorder with a certificate of insurance as evidence thereof, prior to commencing work for or on behalf of the city. Limits of liability required are to be set pursuant to board administrative policy.

CHAPTER 2

USE OF MUNICIPAL PUBLIC FACILITIES

SECTION

- 20-201. Regulations for use.
- 20-202. Use of municipal public facilities.
- 20-203. Applications.
- 20-204. Limits on uses of facilities.
- 20-205. Fees.
- 20-206. Hours of operation.
- 20-207. Enforcement.

20-201. Regulations for use. The following rules and regulations are established for all municipal public facilities. It shall be unlawful for anyone to violate said rules and regulations.

(1) Any organization, group, civic club, individual, firm, or corporation using a park, recreational or public facility for any purpose, or sponsoring or promoting any activities therein agrees to abide by all laws, rules and regulations pertaining to use of the public facility.

(2) No unauthorized person shall injure or damage the grounds or any structure, rock, tree, shrub, flower, waterway, trail, bird, or animal within any park nor shall any person gather limbs, brush, or trees therein for firewood.

(3) Firearms and fireworks shall be prohibited at all times except by authorized personnel.

(4) Bows, slingshots, and other missile or projectile throwing devices are prohibited.

(5) Skateboards, rollerblades, scooters, bicycles or remote control vehicles shall not be allowed in any park or recreational area and buildings.

Service animals shall be allowed in all parks as long as said service animal is assisting the disabled.

Dogs that are pets shall be allowed in any designated nature trail or specially designated dog park unless the same is otherwise posted specifically prohibiting animals. Said dogs shall be on a leash which is no more than six feet (6') in length, crated, caged, or otherwise under physical restrictive control at all times, except for dogs within the confines of designated dog parks. The owner or custodian of any dog shall be responsible for the removal of solid waste deposited by said dog within the designated nature trail or designated dog park. Enforcement of this provision shall be by enforcement action taken by city police officers, or animal control officers. Dogs shall wear vaccination tags and shall not be allowed to disturb the peace and quiet of patrons of the designated nature trail and/or designated dog park.

(6) No vending or advertising of merchandise shall be permitted without permission of the board of mayor and aldermen.

(7) Any organization, group, civic club, individual, firm, or corporation using a park, recreational or public facility for any purpose, or sponsoring or promoting any activities therein understands and agrees that it is not permissible to bring, distribute, sell, or otherwise disseminate any materials/items which are illegal or deemed to be inappropriate, and doing so will be grounds for immediate termination of the grant to use such municipal public facilities.

(8) Motorists shall observe speed limits and other traffic regulations as posted and park only in designated areas.

(9) All vehicles, including motorcycles and terrain vehicles must remain on paved or gravel roadway inside the parking area(s).

(10) No alcoholic beverages of any kind or other illegal substances shall be permitted in any park area or recreational facility.

(11) Any organization, group, civic club, individual, firm, or corporation using a park, recreational or municipal public facility for any purpose, or sponsoring or promoting any activities therein, must repair any damage done to fields, fences, light poles, structures, landscaping, or any facility by said organization, group, civic club, individual, firm, or corporation. Violation of this section shall result in forfeiture of the right to further use of the park and/or related municipal public facilities.

(12) Any organization, group, civic club, individual, firm, or corporation using a park, recreational or municipal public facility for any purpose, or sponsoring or promoting any activities therein, shall clear the park of all rubbish, trash, or other debris immediately after said use. Violation of this section shall result in forfeiture of the right to further use of the park and/or municipal public facilities.

(13) Any organization, group, civic club, individual, 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.

(14) Overnight camping is prohibited in city parks.

(15) Fires are prohibited in city parks except as specifically authorized.

(16) No organization, group, civic club, individual, firm or corporation shall use any municipal public facility within the city except for recreational purposes or use to which such property is customarily devoted.

(17) 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.

(18) No unauthorized vehicle shall be parked at a city park outside of the authorized hours of operations. Any unauthorized vehicles which are found on park property after operational hours shall be towed away at owner's expense.

(19) Fishing shall be permitted on the lake at Kefauver Park, but swimming, boating and the related activities are prohibited.

(20) The emission of excessive noise from mechanical or electrical devices without express advance written permission from the city is prohibited.

(21) Any organization, group, civic club, individual, firm, or corporation using a park, recreational or municipal public facility for any purpose shall be responsible for any liability incurred due to the use of the municipal public facility and further understands it is their/its responsibility to obtain general liability insurance with minimum limits of one million dollars (\$1,000,000.00) per occurrence, for their/its own protection, and that the city will be named as an additional insured on that insurance coverage. It is further understood that the failure to provide insurance will not relieve them/it from personal liability and that the city does not provide any insurance protection for their/its benefit.

(22) 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.

(23) 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.

(24) The board of mayor and aldermen may from time to time establish other regulations or restrictions as policy to govern use of city parks, recreational, or any other municipal public facilities. Such policies shall be established by resolution. (as added by Ord. #13-208-0, Dec. 2013, and amended by Ord. #13-208-O-A, Dec. 2018)

20-202. Use of municipal public facilities. The city parks and recreation director may permit the use of municipal public facilities on a priority basis by civic, educational, or community service groups, provided that such activities will not interfere with the utilization of such facilities by the city for its own programs. The priority for such uses shall be set forth in this section. In the event of a conflict between priorities, the final determination shall be made by board of mayor and aldermen.

First priority shall be given, on a space-available basis, to the activities of resident(s) and resident civic, educational, or community service groups providing recreation activities that complement the recreation program of the city as determined or permitted by the city parks and recreation director.

Second priority will be given, on a space-available basis, to the activities of nonresident(s) and nonresident civic, educational, or community service groups, providing recreational activities that complement the recreation program of the city as determined or permitted by the city parks and recreation director. (as added by Ord. #13-208-0, Dec. 2013)

20-203. Applications. Facilities may be reserved and used upon an application for use on a specific date. Such application shall be filed with the city parks and recreation director and signed by the president or chairperson of the organization. The application shall state the purpose for which use of the park facility is requested, whether admission fees and charges shall be made, and state the name of the organization's current president, which shall show on its face the number of members who reside within the city and the number of members who do not reside within the city. (as added by Ord. #13-208-0, Dec. 2013)

20-204. Limits on use of facilities. Any organization, group, civic club, individual, firm, or corporation shall be limited to using the park facilities to a maximum of four (4) times per calendar year. (as added by Ord. #13-208-0, Dec. 2013)

20-205. Fees. The board of mayor and aldermen may from time to time establish, at their discretion, a fee schedule for use of certain parks and specific municipal public facilities. Said fees shall be established by resolution. (as added by Ord. #13-208-0, Dec. 2013)

20-206. Hours of operation. To protect the residential areas of the city from undue disturbance and to also preserve the safety of users of city parks and recreational facilities, the city parks and recreation director may establish hours of operation of city parks. Due to differing locations and types of use, hours of operation may vary from park to park. Certain facilities within the parks may be designated for different hours of operation than the park as a whole. No person or group shall use any park or its facilities outside hours established for their use. Any person or group found in violation of the established hours shall be instructed to leave. If a person or group fails to follow the established hours, it shall be considered trespassing and authorized personnel may have violators legally removed. (as added by Ord. #13-208-0, Dec. 2013)

20-207. Enforcement. If any individual or group of individuals fails to follow any municipal public facility rules and/or policy or any city policy related

to use of such municipal public facility, said individual or group may be requested to cease use and to leave municipal public facility. When such violations are discovered, the parks and recreation department, through its director or designee, including but not limited to, a member of the city police department are authorized to instruct said individual or group to cease any violation and to vacate the property when deemed necessary. If an individual or group fails to respond to said instructions, then authorized officers may be called upon to remove said individual or group. It is further understood and agreed that any individual or group shall comply with and follow any directions and/or orders made by city personnel, law enforcement agencies, and/or fire and safety personnel which may be made for the protection and safety of their/its invitees, employees, agents, or persons working for them/it. Failure to abide by laws, rules and regulations or to heed directions and/or orders will be considered prima facie evidence of the assumption of liability for any resulting injury or damage. (as added by Ord. #13-208-0, Dec. 2013)

CHAPTER 3

PUBLIC RECORDS PROCEDURES

SECTION

20-301. Procedures regarding access to and inspection of public records.

20-301. Procedures regarding access to and inspection of public records. (1) Consistent with the Public Records Act of the State of Tennessee, personnel of the City of Madisonville shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

(2) Employees of the City of Madisonville shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the records custodian or designee. All copying of public records must be performed by employees of the city, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the records custodian.

(3) To prevent excessive disruptions of the work, essential functions, and duties of employees of the City of Madisonville, persons requesting inspection and/or copying of public records are requested to complete a records request form to be furnished by the city. If the requesting party refuses to complete a request form, a city employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication, as provided in subsection (2) above. All requests for public records shall be directed to the records custodian.

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

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

or,

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

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

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

(b) Standard 8 1/2 x 11 or 8 1/2 x 14 color copy - fifteen cents (\$.15) per page for each produced.

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

(d) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.

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

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

(b) When the total number of requests made by a requester within a calendar month exceeds four (4), the requests will be aggregated, and the requester shall charge a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requester that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, shall not be counted in the aggregated requests.

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

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

(9) The police chief shall maintain in his office records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the records custodian. [This provision is for small police departments who do not have personnel trained in records management. Larger police departments should maintain personnel records in the department under the supervision of a trained records custodian]. Requests for personnel records, other than for undercover investigators, shall be made to the records custodian, who shall promptly notify the police chief of such request. The police chief shall make the final determination as to the release of the information requested. In the event that the police chief refuses to release the information, he shall provide a written explanation of his reasons for not releasing the information.

(10) If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection. (as added by Ord. #13-211-0, Feb. 2014)