

## TITLE 20

### MISCELLANEOUS

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#### CHAPTER 1

### CONSTRUCTION OF FENCES

#### SECTION

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**20-101. Location and placement of a fence.** Fences shall be erected entirely within the confines of the property boundary line of the property to which it is to serve and shall not extend or overhang onto an adjoining property or public property or right-of-way. Fences shall be placed securely within the ground to minimize damage to structures within the fence enclosure and adjoining property(ies) that may result from high wind forces. (ord. 1095(1) Jan. 1994)

**20-102. Fences--obstruction from minimum sight distance.** The erection of a fence shall not obstruct the minimum sight distance of 200 feet required to adequately egress the property to which the fence shall serve nor an adjoining property owner. The minimum sight distance is measured from a point four and one-half (4½) feet above the center line of the driveway surface to a point four (4) inches above the center line of roadway surface the distance specified above or as determine by the department of public works in the case of major collector and arterial streets, whichever is greater distance. (ord. 1095, Jan. 1994)

**20-103. Fences—requirement for private swimming pools.** All private swimming pools shall have a fence erected around the perimeter of the pool that shall include one (1) access gate. The fence shall be a minimum of four (4) feet in height. The fence shall be constructed of suitable materials and in such a manner as to not permit the passage of a 6-inch (152 mm) diameter sphere through any opening in the fence including the access gate. (ord. 1095, Jan. 1994)

**20-104. Livestock fences.** Property utilized for the raising of livestock shall be permitted to utilize barbed wire alone or in combination with other metal fencing materials as well as electrified fencing to prevent the escape of livestock from the premises. The installation of an electrified livestock fence directly adjoining a residential subdivision shall include the placement of warning signage at intervals not to exceed one hundred fifty (150) feet along the common property line between the livestock area and the residential subdivision. The warning signage shall be installed prior to the electrical service being connected to the electric fence.

**20-105. Unsafe and dilapidated fences.** (1) Any fence that has any of the following conditions, such that the life, health, property or safety of the property owner and/or tenant or the general public are endangered:

(a) The stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in recognized construction practices and standards and specifications.

(b) The fence or a portion thereof has been damaged due to flood, wind or other cause to the extent that the structural integrity of the fence is less than it was prior to the damage and is less than the minimum requirement established in recognized construction practices and standards and specifications for new fences.

(c) Any portion of fence is not securely fastened, attached or anchored such that it is capable of resisting wind or similar loads.

(d) The fence or portion thereof as a result of decay, insect infestation, deterioration or dilapidation is likely to fully or partially collapse.

(2) The code administrator shall inspect or cause to be inspected any fence which is or may be unsafe. After the code administrator has inspected or caused to be inspected a fence or portion thereof and has determined that such fence or portion thereof is unsafe, he shall initiate through proper notification and cause the abatement of the unsafe condition(s) in the fence by repair, replacement, demolition, or combination thereof.

(3) It shall be the responsibility of the property owner and/or tenant to make all necessary repairs to correct those deficiencies identified by the code administrator in making the determination that the fence is unsafe within a reasonable time period specified by the code administrator. (ord. 1095, Jan. 1994)

## CHAPTER 2

### FAIR HOUSING CODE

#### SECTION

- 20-201. Definitions.
- 20-202. Unlawful acts.
- 20-203. Exception.
- 20-204. Application to real estate services, organizations, etc.
- 20-205. Creation of housing discrimination committee; duties.
- 20-206. Filing of complaint; procedure.
- 20-207. Violation; penalty.
- 20-208. Right to seek remedial relief.

**20-201. 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, trust 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, § 4-1301)

**20-202. Unlawful 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 therewith, 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, or 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, § 4-1302)

**20-203. Exception.** 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 of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or from giving a preference to such persons, unless membership in such religion is restricted on account of race, color, national origin or sex. (1988 Code, § 4-1303)

**20-204. Application to real estate services, organizations, 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, § 4-1304)

**20-205. Creation of housing discrimination committee; duties.** By resolution of the Board of Mayor and Aldermen of the City of Tullahoma, Tennessee, there is created hereunder a housing discrimination committee, which 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 hereof and the committee's suggested means of implementing it. The 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 committee may issue reports on such conferences and consultations as it deems appropriate. (1988 Code, § 4-1305)

**20-206. Filing of complaint; procedure.** 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 committee. A complaint shall be filed within one hundred eighty (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 said committee. Upon receipt of a complaint, the committee shall promptly investigate it and shall complete its investigation within fifteen (15) days. If a majority of the

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 said committee, the committee may request the city attorney to prosecute an action in the city court against the person charged in the complaint. Such request shall be in writing. Upon receiving such written request and with the assistance of the aggrieved person and said committee, within fifteen (15) days after receiving such 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, § 4-1306)

**20-207. Violation; penalty.** Any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. (1988 Code, § 4-1307)

**20-208. Right to seek remedial relief.** 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 prevent any such person from seeking relief at any time under the Federal Civil Rights Act or other applicable legal provisions. (1988 Code, § 4-1308)

## CHAPTER 3

### CITY CEMETERIES

#### SECTION

20-301. Burial permit required.

20-302. Provisions to be incorporated into deeds to lots.

20-303. City recorder and city administrator to execute deeds; alienation; records.

20-304. Lot prices.

20-305. Lot maintenance by owner.

20-306. Lot maintenance by city.

20-307. Unlawful acts.

20-308. Rules and regulations.

**20-301. Burial permit required.** It shall be unlawful for any person to dig or cause to be dug a grave in city cemeteries without first having applied for and received a burial permit which shall be issued by the city recorder or designee of the city recorder. Such a permit must be applied for at least 24 hours prior to any burial activity being conducted at a grave site. A representative of the city shall approve and verify the location at which said burial will be conducted prior to issuance of such a permit. A charge of \$25.00 is hereby imposed for each permit issued under this section which charge must be paid at such time as application for permit is made. In issuing a burial permit, the applicant and the appropriate city official shall first determine that the title to the grave lot for which permit is requested is vested in deceased or some member of the family of the deceased. (1988 Code, § 12-701)

**20-302. Provisions to be incorporated into deeds to lots.** The terms and provisions of this chapter shall be incorporated into all cemetery lot deeds by reference. (1988 Code, § 12-702)

**20-303. City recorder and city administrator to execute deeds; alienation; records.** The city recorder and city administrator are hereby authorized and empowered to execute deeds of conveyance to purchasers of lots in the city cemeteries upon payment of the price set forth in this chapter. Said deeds shall by appropriate words prohibit the transfer or alienation of title to lots so conveyed except to the city. It shall be the duty of the city recorder or the designee of the city recorder to keep an accurate record of all cemetery lots sold, giving the name and address of the purchaser, the lot number, the date of the deed and the amount received. (1988 Code, § 12-703)

**20-304. Lot prices.** The price of lots in the Oakwood and Maplewood and Evergreen Cemeteries shall be as established by the board of mayor and aldermen from time to time for each grave unit. (1988 Code, § 12-704, modified)

**20-305. Lot maintenance by owner.** Lots in the city cemeteries shall be maintained, kept and attended in a proper manner by cutting grass, removing debris and doing other acts necessary to keep the cemetery neat and clean in appearance, and free from dangerous defects, such as sunken graves and leaning or tilting headstones or grave markers. (1988 Code, § 12-705)

**20-306. Lot maintenance by city.** Owners of lots in city cemeteries who do not desire the city to mow and maintain their lots shall so advise the city by giving written notice to the city recorder on or before the first day of March of each year. Said notice shall contain the name of the lot. In the event a lot owner fails to give this notice or fails to maintain his lot in accordance with the terms and provisions of this chapter, the city reserves the right to enter upon such lot and take the necessary steps incident to proper maintenance and it will incur no liability to the lot owner for so doing. (1988 Code, § 12-706)

**20-307. Unlawful acts.** (1) Dirt. It shall be unlawful for any person to dig a grave in the city cemeteries without providing a canvas or other receptacle to throw the dirt on, so as to keep such dirt off of the ground surrounding the grave, and without removing the surplus dirt left after re-filling the grave, within ten (10) days to some spot in the cemetery designated for that purpose.

(2) Debris. It shall be unlawful for any person to leave in any city cemetery for a longer period than ten (10) days after completion of the work, any debris left from burial, the construction of vaults, the erection of monuments, coping, fencing, or left from any other work done in the cemetery.

(3) Depredations. It shall be unlawful for any one to leave the cemetery gate open, or to pluck flowers, remove vases, or other private property, or commit any waste or depredations in the cemetery.

(4) Permits. It shall be unlawful for anyone to commence to dig a grave without applying for a permit as provided in § 20-301, above.

(5) Anyone who shall violate any of the provisions of this chapter shall be liable under the general penalty provisions provided for in the Code of Ordinances of the City of Tullahoma. (1988 Code, § 12-707)

**20-308. Rules and regulations.** The board of mayor and aldermen, by official action from time to time, shall be empowered to establish rules and regulations supplementary to the provisions of this chapter regarding use of cemetery property, activities thereon and other matters related thereto. Said rules and regulations shall be posted in a conspicuous place on the main entrance to each cemetery of the City of Tullahoma. Further, a copy of the rules and regulations shall be given to all persons purchasing cemetery lots from the City of Tullahoma after the enactment hereof. (1988 Code, § 12-708)

## CHAPTER 4

### PUBLIC PROPERTY, REAL AND PERSONAL

#### SECTION

20-401. Disposal and/or sale of real property.

20-402. Disposition of net proceeds of sale of public real property.

**20-401. Disposal and/or sale of real property.** From time to time the board of mayor and aldermen of the City of Tullahoma, Tennessee, may, by majority vote after due deliberation, declare certain real property owned, or held or claimed or apparently owned by the City of Tullahoma, Tennessee, and/or its agencies on behalf of the City of Tullahoma, Tennessee, to be surplus and may direct the disposition thereof upon such terms and conditions as the board may, from time to time, prescribe either by action properly taken or by ordinance. If said declaration of property as being surplus involves a public street or road, same shall be closed by ordinance. Pursuant to the provisions hereof any property declared to be surplus and disposed of pursuant hereto shall be conveyed to the purchaser/conveyee pursuant to the sales and/or disposition provisions established from time to time by the board.

Prior to any real property being declared surplus property by the board of mayor and aldermen, the board of mayor and aldermen shall refer the consideration of such matter to the planning commission, and upon receiving a report from said commission shall publish a notice for a public hearing for the consideration of the declaration of that certain property as surplus property at which time interested citizens may speak on the subject. Said notice must be published in a newspaper of general circulation in the City of Tullahoma at least fifteen days prior to the public hearing. Adjoining property owners shall be notified of said proposed action in writing by certified mail, return receipt requested, prior to said public hearing.

The board of mayor and aldermen shall not vote to purchase, lease or change the use of real property without first reviewing the recommendation of the planning commission. This prohibition extends to any type of document or instrument that contemplates the potential purchase, lease or change of use of real property. Subsequent to the planning commission initial review, any change in the property boundary or to the previously contemplated purchase, lease or change of use of real property, shall be resubmitted to the planning commission for further recommendation.

The board of mayor and aldermen shall not vote to sell real property prior to the planning commission reviewing the property for surplus. This prohibition extends to any type of document or instrument that contemplates the potential sale of real property. Any additions of real property to that initially contemplated for surplus shall be re-submitted to the planning commission for surplus recommendation. No vote shall be taken by the board of mayor and aldermen to sell real property that has not been reviewed by the planning commission for surplus.



When voting to sell, purchase or lease real property, the board of mayor and aldermen shall set an offer termination date. The offer termination date will identify a date certain for the completion of all paperwork and payment required to enter into the transaction. The offer termination shall be forty-five (45) days, but can be extended in thirty (30) day increments, by a majority vote of the board of mayor and aldermen. In the event the required transactions and/or payments are not completed by the offer termination date, the offer to sell, purchase or lease shall be considered withdrawn. (1988 Code, § 12-501, as amended by Ord. #1197, April 1998, Ord. #1210, Nov. 1998, and Ord. #1361, Nov. 2007)

**20-402. Disposition of net proceeds of sale of public real property.**

At any such time as any surplus real property owned by the City of Tullahoma, Tennessee, shall be disposed of as is provided for in § 20-401 of this chapter, then the net proceeds derived from the sale thereof, after payment of any and all costs attendant to the sale thereof, including attorney fees, publication costs, etc., may be deposited by the city and held by the Finance Director of the City of Tullahoma in a reserve where said sum shall be maintained for the acquisition of other real property by the City of Tullahoma from time to time, or at the option of the board of mayor and aldermen be utilized for other purposes deemed appropriate. (1988 Code, § 12-502, modified)

## CHAPTER 5

### TREES

#### SECTION

- 20-501. Purpose and intent.
- 20-502. Definitions.
- 20-503. Administration.
- 20-504. Tree policy.
- 20-505. Jurisdiction--oversight of activities and practices.
- 20-506. Hazardous trees.
- 20-507. Tree planting and replacement.
- 20-508. Protection of trees
- 20-509. Official tree designation.
- 20-510. Historical, memorial, honorary and other special trees.
- 20-511. Community development.
- 20-512. Violations and enforcement.
- 20-513. Appeals.
- 20-514. Citations.
- 20-515. Consultants.
- 20-516. Miscellaneous.
- 20-517. Severability.

**20-501. Purpose and intent.** This chapter establishes policies, regulations and standards necessary to ensure that the city will continue to realize the benefits provided by its urban forest. The provisions of this chapter are enacted to:

- (1) Establish and maintain the maximum sustainable amount of tree canopy on city land;
- (2) Maintain city trees in a healthy and non-hazardous condition through the use of recommended arboricultural practices;
- (3) Establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest. (1988 Code, § 12-301, as replaced by Ord. #1237, Jan. 2001, and Ord. #1432, Nov. 2012)

**20-502. Definitions.** (1) "Caliper Inches (CI)." The quantity in inches of the diameter of supplemental and replacement trees measured at the height of six inches (6") above the ground for trees four inches (4") in trunk diameter and under, and twelve inches (12") above the ground for trees over four inches (4") in trunk diameter. (Caliper inches shall be used in measuring newly planted material.)

- (2) "City." The City of Tullahoma, Tennessee.
- (3) "Coniferous tree." Any tree bearing cones.
- (4) "Density Units (DU)." The number value resulting from the tree value factor times the actual measured inches (DBH) of trees times the total number of trees in each respective category of trees.

- (5) "Deciduous tree." Any tree that sheds its leaves in fall or winter.
- (6) "Development sites." Any public or private project which will alter the current physical characteristics and/or usage of land within the city.
- (7) "Diameter at Breast Height (DBH)." The diameter in inches of a tree measured at four and one-half feet (4 1/2') above the existing grade. DBH shall be used to measure existing trees to remain after clearing land of other trees.
- (8) "Drip line." A vertical line extending from the outermost portion of the tree canopy to the ground.
- (9) "Endangered species." Those trees that are under the protection of state and/or federal law.
- (10) "Evergreen tree." Any broad-leaf and conifer tree that does not shed its leaves in fall or winter.
- (11) "Heritage tree." A tree of significant age or stature that constitutes a unique asset to the community.
- (12) "Minimum standard." The basic standard for tree retention would be twenty-five percent (25%) or twenty-five (25) trees per acre, whichever is greater. All trees six inches (6") in diameter or larger would be inventoried, with the exception of those already in critical areas, critical area buffers, or in native growth protection easements.
- (13) "Overstory trees." Trees that compose the top layer or canopy of vegetation.
- (14) "Pruning." The removal of living or dead parts of a tree, especially branches, to reduce size, to maintain natural shape, health, and flowering, or to regulate growth.
- (15) "Public tree." A tree located within public right-of-way or public lands owned by or under the jurisdiction of the city.
- (16) "Replacement planting." The planting of trees on a site that before its development had more than the minimum standard of trees per acre, but less than the minimum after development.
- (17) "Shrub." A woody plant that is never tree-like in habit and produces branches or shoots from or near the base.
- (18) "Supplemental planting." The planting of trees on a site that before development had less than the minimum standard of trees per acre.
- (19) "Topping." The arbitrary removal of parts of the tree above a certain height, with no regard for the natural structure or growth pattern of the tree.
- (20) "Tree." A woody plant characteristically having one (1) main stem at least twelve to fifteen feet (12' to 15') tall, and having a distinct head in most cases.
- (21) "Tree protection zone." The area around a tree corresponding to the drip line or ten feet (10') in all directions from the trunk.
- (22) "Tree value factor." The numerical value assigned to each tree category that represents the importance of that category of trees with respect to visual screening, growth characteristics, native species and aesthetics.

(23) "Understory trees." Those trees that grow beneath the overstory trees. (1988 Code, § 12-302, as replaced by Ord. #1237, Jan. 2001, and Ord. #1432, Nov. 2012)

**20-503. Administration.** The city tree program shall be administered by the city forester under the direction of the parks and recreation department director. Specific areas of responsibility are assigned as follows:

(1) Parks and recreation department. Provide administration and enforcement of this chapter through the director of parks and recreation and the city forester, the tree board and/or such other persons designated by the city administrator.

(2) City forester. (a) Review all development site plans in accordance with the provisions of this chapter as part of the review process of the development advisory committee.

(b) Provide inspection of development sites to ensure compliance with grading and tree protection recommendations.

(3) Tullahoma Tree Board. (a) The Tullahoma Tree Board shall be composed of seven (7) members, appointed by the mayor. The members shall serve for a two (2) year term and may be reappointed.

(b) The chairperson of the tree board shall be elected from the members of the tree board by a majority vote of the membership for a one (1) year term. This election shall be made during the third quarterly meeting. Regular business may be conducted with a quorum with actions approved by a majority vote of the members present.

(c) The mission of the Tullahoma Tree Board is to maintain, protect and enhance the urban forest of Tullahoma for both present and future generations through policy advocacy and community education.

(d) Specific activities of the tree board include:

(i) Meet quarterly, or as needed, upon the call of the chairperson or the chairperson's designee.

(ii) Provide community guidance and recommendations concerning public trees and tree programs.

(iii) Recognize groups, businesses and individuals that promote, protect, maintain, nurture, plant and use trees in accordance with established and accepted arboricultural standards.

(iv) Coordinate the donation of trees or funds to purchase and plant memorial and honorary trees on public property. The price to be paid by the donor will be set by the tree board and may be changed from time to time.

(v) Evaluate and recommend to the board of mayor and aldermen trees to be submitted as candidates to be included in the Tennessee Landmark and Historic Tree Register.

(vi) Perform other tree-related activities as requested by the board of mayor and aldermen consistent with the intent of this chapter.

(vii) Advise and notify the city forester of trees that may require removal and to recommend replacement trees.

(viii) Recommend actions to be taken by the city forester, for potential violations of this chapter.

(ix) Recommend to the city enforcement proceedings in compliance with the objectives of this chapter.

(x) Provide community education and sponsor events on the care and benefit of trees.

(xi) Designate memorial and honorary trees and their locations.

(4) Board of mayor and aldermen. (a) Provide general policy direction to the tree board.

(b) Provide funding, as appropriate, for tree program activities. (as added by Ord. #1432, Nov. 2012)

**20-504. Tree policy.** Tree planting shall be a required activity on public areas applicable to this chapter. For the purposes of this chapter, public areas shall be defined as land owned by the City of Tullahoma. A planting program shall be developed by the tree board for all public areas and shall be conducted in a systematic manner to support diversity of age and species. The city forester and tree board may provide advice and information to city residents for private trees.

The following policies will be used:

(1) Species selection. All trees planted on public property shall be of a species referenced on the city's recommended tree list or approved by the tree board.

(2) Size and grade. (a) For the purpose of this chapter, trees reaching up to twenty-five feet (25') in height at maturity are defined as small trees. Medium trees will mature at twenty-five to fifty feet (25' to 50'). Large trees will mature at heights greater than fifty feet (50').

(b) All planted trees shall be free of insects, diseases, or mechanical injuries and have straight trunk(s) and forms characteristic of the species.

(3) Protection of utilities. (a) No public trees other than those with a mature height of less than twenty-five feet (25') in height shall be planted within ten feet (10') of any overhead utility line.

(b) No public tree shall be planted over or within ten (10) lateral feet of any underground water, gas or sewer line, buried fiber optic line, broadband, power cable, television cable, telephone cable transmission line or other utility lines.

(4) Location requirements. (a) No public tree shall be planted within recognized visibility standards or sight triangles and specifications for driveway and street intersections.

(b) Public trees proposed to be planted within four feet (4') of sidewalks or curbs must be approved by the city forester. (as added by Ord. #1432, Nov. 2012)

**20-505. Jurisdiction—oversight of activities and practices.** The city may initiate maintenance activities needed to keep public trees healthy and to minimize the risk of injury to people or property. Tree maintenance may include removal, pruning, fertilization, watering, and insect and disease control.

(1) No person or entity, shall plant, prune, remove, replace or otherwise disturb any public tree without obtaining approval from the city forester. Utility boards or companies may prune trees as part of their line maintenance program within their easements or public right-of-way but shall coordinate such work with the city forester.

(2) The practice of tree topping is expressly prohibited for all public trees, and is discouraged as a tree care practice for private trees. A tree severely damaged by storms or other causes, or trees under wires or other obstructions where other pruning methods are impractical shall be removed and replaced, with approval of the city forester.

(3) All pruning should be done in accordance with the International Society of Arboriculture (ISA) standards as described in the ANSI A300 Tree Maintenance.

(4) Tree pruning shall be performed in a manner that protects the public. All trees growing along streets and sidewalks as it matures must be pruned free of limbs to a height of eight feet (8') for sidewalks and twelve feet (12') for streets, with no lateral growth permitted onto the sidewalk or street below this height. Tree limbs shall not obstruct the view of any street lamp, street sign, stop sign or traffic light. Likewise, tree limbs shall not obstruct any street intersection and shall be pruned such that the driver has a clear line of vision of traffic coming from all directions. (as added by Ord. #1432, Nov. 2012)

**20-506. Hazardous trees.** (1) Public trees. (a) Dead or mortally damaged public trees that may pose a safety or health risk to the public or to other trees shall be removed in a systematic manner. The city forester shall make a risk determination on public trees and prioritize pruning or removal.

(b) No public trees may be removed or modified in any manner before first submitting a written request to and obtaining written permission from the city forester. The city forester may refer the request to the tree board. Approvals may include specific requirements for removal and replacement.

(c) All stumps of public trees shall be removed below the surface of the ground (grade) by grinding or other methods and refilled with soil mounded four inches (4") above grade.

(d) The removal of hazardous trees that pose an immediate danger to the public may be approved at the discretion of the responding emergency services personnel. Said removal should be reported to the city forester as soon as practicable.

(2) Private trees. (a) The city has the right to cause the removal and pruning of any dead, diseased, or structurally damaged trees on private

property when such trees constitute a hazard to life and property within public property.

(b) The city forester shall evaluate the tree as to the degree that safety has been compromised. The evaluation and accompanying recommendations will be acted upon in one of the following ways:

(i) The city forester will notify the owner via certified mail of such tree(s), except in cases of immediate urgency. Otherwise, removal or pruning as directed shall be done by said owners at their own expense within thirty (30) days of the date of notification. If the property owner cannot be contacted or refuses to remove the hazard, the city may initiate action to remove said hazard and charge the property owner for the costs incurred for its removal. If the property owner does not pay this charge within thirty (30) days, the city will place a lien on the property and add same to the city property taxes to be collected accordingly.

(ii) An evaluation of potentially dangerous means that a hazard will exist in the near future. The property owner will be notified via certified mail of existing problems and options for abating the hazard. (as added by Ord. #1432, Nov. 2012)

**20-507. Tree planting and replacement.** All trees planted by the city shall meet the standard established for planting stock by the American Association of Nurserymen's American Standard for Nursery Stock. Planting or replanting of trees at a public project construction site shall be included in the cost of construction.

(1) Unless the city forester or tree board determine otherwise, trees that are removed because of construction requirements will be replaced in an appropriate number, using "minimum standard" as a guideline, to create an equivalent tree canopy at maturity and of a size and at location(s) as prescribed by the city forester. The city forester will provide the property owner with a list of tree species that may be used.

(2) Any tree that dies will be replaced by the person or agency that originally planted the tree unless mortality was caused by unintentional acts of human interference or by environmental events such as a late spring freeze or ice storm.

(3) Whenever a person, entity, or city agency obtains written permission to remove a tree from any city-owned land for the purpose of construction or for any other reason, such person, entity, or city agency shall subsequently replace the tree within one (1) year of removal, in a location to be determined by the tree board at the expense of the person, entity, or city agency that obtained such permission.

(4) Whenever it is necessary to remove a tree from a public right-of-way in conjunction with the paving of a sidewalk or widening of a street, the city shall replace such tree. If conditions prevent planting in the right-of-way, this requirement may be satisfied by planting on the adjoining property if the

property owner grants a landscape easement to the city, or by planting a replacement tree on other public property within the corporate limits.

(5) All trees planted on public property will be appropriately maintained.

(6) When planting balled and burlapped trees:

(a) Twine and other ties must be removed;

(b) The planting hole should be the depth of the root ball and two (2) times as wide as the root ball. The hole shall be excavated precisely to this depth. Refilling a hole that was too deeply dug is unacceptable since the root ball will settle and result in the top of the root ball being below grade--a primary cause of death for transplanted trees.

(c) After lowering the tree into the hole, burlap shall be pushed down below grade and not removed. If left above grade, burlap will act as a wick and cause desiccation of the root ball. Burlap supports the root ball, will disintegrate over time, will support the root ball in the initial phase, and will allow root growth through the burlap. If wire support baskets contain the root ball, said wire will be bent to below grade.

(d) No fertilizer should be used at the time of planting; soil amendments shall not be used; mulch should be used to cover the circumference of the planting hole with a depth of two inches to four inches (2" to 4"), leaving a clear space of two inches (2") around the trunk of the tree;

(e) Trees shall be watered as required during the first year after planting, never allowing the soil in the root ball area to become dry.

(7) Replacement trees shall meet the standards of size, species and cultivar, placement specified by the city forester. Trees shall be inspected before planting by the city forester, to ensure tree health and quality, and to confirm identity of the received plant to be the required species and cultivar. Whenever any person is required to replace a tree pursuant to this chapter, all the aforementioned conditions will apply. (as added by Ord. #1432, Nov. 2012)

**20-508. Protection of trees.** (1) Unless specifically authorized in writing by the city forester or the tree board, no person, entity, or city agency shall intentionally damage, cut, carve, transplant, prune, nor remove any tree on city property; nor attach rope, wire, nails, advertising posters or other contrivance to any tree; nor allow any gas, liquid or solid substance which is harmful to any tree to come into contact with it; nor set fire or permit any fire to burn when such fire or heat thereof will injure any portion of a public tree.

(2) No person, entity, or city agency shall deposit, place, store or maintain upon any public place of the city any stone, brick, sand, impermeable concrete or any other material which may impede the free passage of water, fertilizer and air to the roots of trees within the drip line area.

(3) The city forester shall be contacted before excavating tunnels, ditches, or trenches or the laying of pavement within the tree protection zone.



(4) All construction and utility activities shall be conducted using techniques which minimize damage to and enhance survivability of all public trees. (as added by Ord. #1432, Nov. 2012)

**20-509. Official tree designation.** The tree board may recommend to the board of mayor and aldermen the designation of an official tree for the City of Tullahoma. (as added by Ord. #1432, Nov. 2012)

**20-510. Historical, memorial, honorary and other special trees.** A tree can constitute a unique asset to the community and may be given special protection and care. Upon the recommendation of the tree board the board of mayor and aldermen may designate a unique specimen as a Tullahoma Heritage Tree. The Tullahoma Tree Board may designate memorial and honorary trees. A tree so designated will be given special protection, maintenance and/or recognition as the situation warrants. (as added by Ord. #1432, Nov. 2012)

**20-511. Community development.** Development within the city shall include the preservation of existing trees whenever possible.

(1) Adequate protection should be given to trees scheduled to be preserved on a construction site. Appropriate measures, including the erection of protective barriers at the outer edge of the tree protection zone are to be installed around public and private trees identified to be preserved.

(2) Trees scheduled for planting should be high quality specimens whose physical site requirements are compatible with the intended development project. These trees shall be maintained with mulch and watering for two (2) years after planting, and any trees that die during that time shall be replaced.

(3) In residential subdivisions, the developer is encouraged to protect all trees that can be preserved and to plant trees according to the minimum standard. Replacement trees should be evenly distributed throughout the subdivision. (as added by Ord. #1432, Nov. 2012)

**20-512. Violations and enforcement.** The city forester has the authority to enforce this chapter and may issue citations to the entities allegedly violating this chapter. These citations shall be made to the city court. Any entity or person or agency found violating this chapter may be deemed guilty of a misdemeanor, according to the laws of the State of Tennessee, and may be fined accordingly, and/or civil penalties may be levied and enforced by the city judge. These penalties include but are not limited to the assessment of any cost incurred by the city in enforcing the provisions hereunder, or in remediating any actions causing pecuniary loss to the city and its trees. The city shall also have the authority to take appropriate civil action against any violator of the provisions hereof, and/or may attach any costs incurred by the city in remediating any damages caused by said violator to the property taxes of the violator, assessed against the property upon or adjacent to which said violation occurred, and same shall be collected as other property taxes and assessments. Each day that any violation of this chapter continues unabated shall constitute

a separate offense and shall be dealt with accordingly. (as added by Ord. #1432, Nov. 2012)

**20-513. Appeals.** (1) Any person dissatisfied with any decision rendered relative to the enforcement of this chapter by the city court shall have the right to appeal that decision from the city court to the circuit court only in the manner prescribed by law.

(2) Any person dissatisfied with a decision issued relative to the application or interpretation of this chapter by the city forester shall have the right to appeal that decision in the following progression:

- (a) Tree board;
- (b) City administrator;
- (c) Board of mayor and aldermen.

(3) The chairperson of the tree board may call a special meeting, upon proper notice to all members and the appealing party, to consider any appeals of such non-penal matters. All rulings by the tree board shall be recorded and transmitted in writing to the appealing party and to the city administrator. If an appeal is made to the city administrator he shall consider the written record and render a decision in writing and furnish it to the appealing party and the tree board. If an appeal of a decision by the city administrator is made to the board of mayor and aldermen, the appealing party and chairman of the tree board must be given an opportunity, upon reasonable notice, to present to the board of mayor and aldermen any facts, evidence or justification to aid said board in making a final decision. All appeals must be made within ten (10) working days of the rendering of any decision. (as added by Ord. #1432, Nov. 2012)

**20-514. Citations.** All citations for violations issued pursuant to this chapter shall be by certified mail, receipt requested, or by direct service upon the addressee. (as added by Ord. #1432, Nov. 2012)

**20-515. Consultants.** The tree board, with the prior approval of the city administrator, may engage the services of professional arborists or other experts to aid it in the performance of its duties. (as added by Ord. #1432, Nov. 2012)

**20-516. Miscellaneous.** All municipal code chapters that contain references to trees are hereby incorporated by reference into this chapter. (as added by Ord. #1432, Nov. 2012)

**20-517. Severability.** Should any part or provision of this chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof other than the part held to be invalid. (as added by Ord. #1432, Nov. 2012)

## CHAPTER 6

### EMERGENCY MANAGEMENT

#### SECTION

- 20-601. Establishment of emergency management agency.
- 20-602. Definitions.
- 20-603. Creation of office of coordinator.
- 20-604. Emergency management agency.
- 20-605. Mayor's responsibility, line of authority.
- 20-606. Coordinator responsibility.
- 20-607. Cooperation by agencies.
- 20-608. Volunteer appointees.
- 20-609. City employees' status.
- 20-610. Immunity from liability.
- 20-611. Violations.

**20-601. Establishment of emergency management agency.** There is established an organization, to be known as the Tullahoma Emergency Management Agency, that will insure the complete and efficient utilization of all the city facilities to cope with emergencies from man-made or natural disaster. The agency will be the coordinating agency for all activity in connection with emergency management. It will be the instrument through which the Tullahoma Board of Mayor and Aldermen shall exercise its authority under the laws of this state during an emergency in this city or any part of the state. This chapter will not relieve any Tullahoma city agency or department of the normal responsibilities or authority given to it by general law or local ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in natural disaster. (1988 Code, § 1-1401)

**20-602. Definitions.** The following definitions shall pertain to this chapter:

(1) "Emergency." A disaster occurrence or a situation which seriously threatens loss of life and damage to property. It usually develops suddenly and unexpectedly and demands immediate, coordinated, and effective response by government and private sector organizations to protect lives and limit damage to property.

(2) "Emergency management." Refers to programs and capabilities designed to prepare for, respond to, recover from, and mitigate the effects of all hazards. Emergency management represents the broadest and most useful designation for this program.

(3) "Disaster." An occurrence of a severity and magnitude that normally results in deaths, injuries, and property damage, and that cannot be managed through the routine procedures and resources of government. It usually develops suddenly and unexpectedly and requires immediate,

coordinated, and effective response by government and private sector organizations to meet human needs and speed recovery.

(4) "Volunteer." Any person contributing service, equipment, or facilities to the emergency management organizations without remuneration or without formal agreement or contract of hire. While engaged in such services they shall have the same immunities as personnel and employees of the city performing similar duties.

(5) "Coordinator." The person selected to coordinate the Tullahoma Emergency Management Agency.

(6) "Emergency operations center." An area designated by the board of mayor and aldermen to provide adequate working space for emergency operations, to include: Communications to local operating forces as well as to higher level and adjacent E.O.C.'s; maps, charts and supplies necessary to permit the board of mayor and aldermen to function efficiently. This facility may be a joint use area under normal conditions.

(7) "Emergency support services." The departments of local government that have the capability to respond to emergencies 24 hours a day. They include police, fire/rescue, and public works. They may also be referred to as emergency response personnel or emergency operating forces. (1988 Code, § 1-1402)

**20-603. Creation of office of coordinator.** There is hereby created the office of Coordinator of the Tullahoma Emergency Management Agency, who shall be responsible for directing the day-to-day operations of the agency and supporting the activities of the various city agencies and departments during a period of emergency. The coordinator shall be appointed by the mayor and approved by the board. The coordinator shall be empowered and required to coordinate and render assistance to city officials in the development of plans for the use of all facilities, equipment, manpower and other resources of the city for the purpose of minimizing or preventing damage to persons or property in emergency situations. City department heads shall include in such plans the restoration of governmental services and public utilities necessary for the public health, safety, and welfare. The coordinator shall further assist the city administrator in directing the efforts of the city emergency management agency in the implementation of the provisions of this chapter. (1988 Code, § 1-1403)

**20-604. Emergency management agency.** All city officials and employees together with those volunteer forces enrolled to aid them during emergencies and persons who may by agreement or operation of law be charged with duties incident to the protection of life and property in the city during times of emergency shall constitute the Tullahoma Emergency Management Agency. The city administrator shall direct this agency with the assistance of the coordinator. (1988 Code, § 1-1404)

**20-605. Mayor's responsibility, line of authority.** The mayor shall be responsible for meeting the problems and dangers to the city and its residents

resulting from emergencies of any origin and may issue proclamations and regulations concerning disaster relief and related matters which during an emergency situation shall have the full force and effect of law. If for any reason, the mayor is not available, the line of authority and responsibility shall be: mayor pro tem, city administrator, police chief. Each department head shall establish and include as part of the emergency operations plan, a line of succession for his department.

A state of emergency may be declared by the mayor by proclamation if he finds a disaster has occurred, or that the threat thereof is imminent, and extraordinary measures are deemed necessary to cope with the existing or anticipated situation. Once declared, the state of emergency shall continue until terminated by proclamation of the city board. All proclamations issued pursuant to this section shall indicate the nature of the emergency in the area or areas affected by the proclamation, the conditions which required the proclamation of emergency and the conditions under which it will be terminated.

In addition to any other powers conferred by law, the mayor may, under the provisions of this chapter:

(1) Suspend existing laws and regulations prescribing the procedures for conduct of city business if strict compliance with the provisions of any statute, order, rule or regulations would in any way prevent, hinder or delay necessary action in coping with the emergency;

(2) Utilize all available resources of city government as reasonably necessary to cope with an emergency;

(3) Transfer the direction, personnel or functions of city departments and agencies or units thereof for purposes of facilitating or performing emergency services as necessary or desirable;

(4) Compel performance by elected and appointed city government officials and employees of the duties and functions assigned in the city disaster plan;

(5) Contract, requisition and compensate for goods and services from private sources;

(6) Direct and compel evacuation of all or part of the population from any stricken or threatened area within the city if such action is deemed necessary for the protection of life or other disaster mitigation, response or recovery;

(7) Prescribe routes, modes of transportation and destinations in connection with evacuation;

(8) Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein;

(9) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles;

(10) Make provisions for the availability and use of temporary housing;

(11) Suspend or limit non-emergency activities; prohibit public assemblies; and impose a curfew;

(12) Delegate to the city administrator and/or coordinator any or all powers granted under this chapter. (1988 Code, § 1-1405, modified)

**20-606. Coordinator responsibility.** The coordinator shall maintain liaison with the state and federal authorities, and the coordinators of other nearby political subdivisions, so as to insure the most effective operation of the emergency plan. He shall be accountable for all funds and property placed in his care.

His duties include, but shall not be limited to, the following:

(1) Development and maintenance of an emergency operations center and publication of emergency plans in conformity with state emergency plans for the immediate use of all facilities, equipment, manpower and other resources of the city for the purpose of minimizing or preventing damage to persons or property and protecting and restoring the usefulness of governmental services and public utilities necessary for the public health, safety and welfare.

(2) Control any necessary record-keeping for funds and property which may be made available from the federal, state, county and city governments.

(3) Submission of annual budget requirements to the city, state and federal governments.

(4) Signing such documents as are necessary in the administration of the city emergency management program to include project applications and billings for purchases under project applications.

(5) Coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the city for emergency management purposes.

(6) Through public information programs, educating the civil population as to the actions necessary and required for the protection of their persons and property in case of emergency.

(7) Conducting simulated exercises and public practice alerts to insure efficient operations of the emergency management agency and to familiarize residents of the city with emergency regulations, procedures and operations.

(8) Coordinating the activity of all other public and private agencies engaged in any emergency management programs.

(9) Negotiating with owners or persons in control of buildings or other property for the use of such buildings or property for emergency purposes, and designating suitable buildings as public shelters.

(10) Develop a community shelter plan which will have as its ultimate goal an assigned shelter space for every citizen of the city.

(11) Conduct such activity as may be necessary to promote and execute the emergency operation plan. (1988 Code, § 1-1406)

**20-607. Cooperation by agencies.** (1) All employees of departments, commissions, boards, committees and other agencies of the city, designated as emergency support services, shall cooperate with the coordinator in the formulation of the city emergency operations plan, and shall comply with the orders of the city administrator and/or mayor when such orders are issued pursuant to the provisions of this chapter.

(2) All such emergency support services shall notify the city administrator and/or mayor of conditions in the city resulting from man-made

or natural disaster, and they shall inform them of any conditions threatening to reach the proportions of a disaster as defined herein. Failure to notify the mayor and/or administrator, however, shall not prevent the coordinator from exercising any authority assigned to him by this chapter. (1988 Code, § 1-1407)

**20-608. Volunteer appointees.** (1) Department heads may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of their departments in time of civil emergency. Such volunteer citizens shall be enrolled as emergency management volunteers, and they shall be subject to the rules and regulations set forth by the department head for such volunteers.

(2) The coordinator may appoint volunteer citizens to form the personnel of an emergency management service for which the city has no counterpart. He may also appoint volunteer citizens as public shelter managers who, when directed by the mayor, shall open public shelters and take charge of all stocks of food, water and other supplies and equipment stored in the shelter, admit the public according to the community shelter plan and take whatever control measures necessary for the protection and safety of the occupants. The coordinator may also appoint volunteer citizens to man and operate the emergency operations center. (1988 Code, § 1-1408)

**20-609. City employees' status.** Municipal employees assigned to duty as a part of the emergency support services pursuant to the provisions of this chapter shall retain all the rights, privileges, and immunities of employees, and shall receive the compensation incident to their employment. (1988 Code, § 1-1409)

**20-610. Immunity from liability.** (1) This chapter is an exercise by the city of its governmental functions for the protection of the public peace, health, and safety, and the city or agents and representatives of the city, or any individual, receiver firm, partnership, corporation, association or trustee, or any of the agents thereof in good faith carrying out, complying with, or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of the chapter shall not be liable for any damage sustained to persons or property as a result of such activity.

(2) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or threatened emergency, or during an authorized emergency management practice exercise, shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission, or for the loss of, or damage to, the property of such person. (1988 Code, § 1-1410)

**20-611. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the regulations issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the civil emergency organization in the enforcement of the provisions of this act or any regulation issued thereunder. Violators shall be subject to the general penalty provisions set forth in the code of ordinances of the City of Tullahoma, Tennessee. (1988 Code, § 1-1411)



## CHAPTER 7

### LOCAL GOVERNMENT EMERGENCY ASSISTANCE POLICIES

#### SECTION

20-701. Emergency assistance policies and procedures for emergency assistance.

20-702. Definitions.

20-703. Requesting assistance.

20-704. Responding to a request for emergency assistance.

**20-701. Emergency assistance policies and procedures for emergency assistance.** The Board of Mayor and Aldermen of the City of Tullahoma, Tennessee, shall establish by ordinance, and may amend or alter by ordinance from time to time policies and procedures for emergency assistance. These policies and procedures will govern the City of Tullahoma in the process of requesting emergency assistance from another local government or in responding to the request of another local government for emergency assistance.

The following provisions are hereby adopted as guidelines which decisions and implementations will be made regarding emergency assistance. (1988 Code, § 1-1501)

**20-702. Definitions.** (1) "Emergency assistance" as defined in the Local Government Emergency Assistance Act of 1987 shall mean fire fighting assistance, law enforcement assistance, public works assistance, emergency medical assistance, civil defense assistance, or other emergency assistance provided by local government or any combination or all of these requested by a local government in an emergency situation in which the resources of the requesting local government are not adequate to handle the emergency.

(2) "Local government" shall mean any incorporated city or town, metropolitan government, county utility district, metropolitan airport authority, or other regional district or authority.

(3) "Requesting party" means a local government which requests emergency assistance.

(4) "Responding party" means a local government which responds to a request for emergency assistance.

(5) "Appropriate senior officer" shall mean department head, fire chief, chief of police, or designated senior officer on duty. (1988 Code, § 1-1502)

**20-703. Requesting assistance.** All requests for emergency assistance made on behalf of the City of Tullahoma shall be made or authorized by the fire chief or the chief of police. The City of Tullahoma, through its appropriate senior officer, in accordance with the provisions of the Local Government Emergency Assistance Act of 1987, will be in full command of its emergency as to strategy, tactics, and overall direction of the operation and shall direct the

actions of the responding party by relaying orders to the senior officer in command of the responding party.

The City of Tullahoma accepts liability for damages or injuries, as defined in Tennessee Code Annotated, § 29-20-101, et seq., caused by the negligence of its employees or the employees (including authorized volunteers) of a responding party while under the command of the senior officer of the City of Tullahoma. However, the City of Tullahoma does not accept liability for damages to the equipment or personnel (including authorized volunteers) of a responding party, nor is the City of Tullahoma liable for any damages caused by the negligence of the personnel of the responding party while en route to or returning from the scene of the emergency.

The City of Tullahoma acknowledges that any party from whom assistance is requested has no duty to respond nor does it have any duty to stay at the scene of the emergency and may depart at its discretion. (1988 Code, § 1-1503)

**20-704. Responding to a request for emergency assistance.** The City of Tullahoma will respond to calls for emergency assistance only upon request for such assistance made by the appropriate senior officer on duty for the requesting city. All requests for emergency assistance shall be made only to the fire chief or chief of police or appropriate officer in charge at the time of the request.

Upon the receipt of a request for aid as provided for in the preceding paragraph the city is authorized to respond as follows:

(1) The city is authorized to provide at least one (1) piece of equipment and one (1) person or crew from that particular service area from which emergency assistance is requested.

(2) The greatest response that the City of Tullahoma will provide is 50% of the personnel and resources of that particular service for which emergency assistance is requested. The City of Tullahoma response shall be determined by the severity of the emergency in the requesting party's jurisdiction as senior officer of the requesting party.

The City of Tullahoma has no duty to respond to a request and will reject a request for emergency assistance or will depart from the scene of the emergency based upon the discretionary judgment of the appropriate senior officer in command at the scene of the emergency. However, the City of Tullahoma shall not be liable for any property damage or bodily injury at the actual scene of any emergency due to actions which are performed in responding to a request for emergency assistance.

The personnel of the City of Tullahoma shall have extended to any geographical area necessary as result of a request for emergency assistance the same jurisdiction, authority, rights, privileges, and immunities, including coverage under the worker's compensation laws, which they have in the City of Tullahoma.

Emergency assistance requests or responses will be made only with those local governments that have also adopted policies and procedures that govern their actions during such requests or responses. (1988 Code, § 1-1504)

**CHAPTER 8****EMERGENCY RESCUE SQUAD****SECTION**

- 20-801. Established and created.
- 20-802. Function.
- 20-803. Supervision; organization.
- 20-804. Meetings.
- 20-805. Compensation prohibited.
- 20-806. Powers and authority when on duty.
- 20-807. Receipt and expenditure of funds.
- 20-808. Chief to assist civil defense director.
- 20-809. Rendition of service as needed.

**20-801. Established and created.** There is hereby established and created an emergency rescue squad, to consist of the personnel as hereinafter stated, to be part of and to function with the civil defense organization of the city, and shall cooperate fully with and be under the appropriate county civil defense director for all activities conducted outside the city. (1988 Code, § 1-1601)

**20-802. Function.** The function of said emergency rescue squad shall be primarily to render emergency rescue service which shall include the following:

- (1) Assist in the recovery of drowned persons in the area of and surrounding the city, in conjunction with the emergency rescue squad of the county, if any;
- (2) The releasing of persons who are trapped beneath debris or in damaged structures;
- (3) Rendering first aid during a period of release of victims or recovery of drowning or drowned persons, and subsequent transportation to the nearest safe location or hospital where they can be cared for or treated by litter bearer teams or first aid personnel;
- (4) The locating and recovery of persons lost in forest areas in and about the city;
- (5) To locate and recover and render assistance to persons marooned in boats or other watercraft;
- (6) To assist in the recovery and first aid treatment and transportation of persons in a dangerous situation, or a situation which is likely to or has damaged or injured such persons, especially in an emergency situation brought about by any calamity;
- (7) To maintain close coordination and cooperation with all other civil defense services, particularly the medical, fire, engineer and warden services, and all other civil services of the city, including the fire department, the police department and the sheriff's office of the county;

(8) To cooperate with rescue organizations in Coffee County and in all adjoining counties of Coffee and with the rescue service of the civil defense department of the state. (1988 Code, § 1-1602)

**20-803. Supervision; organization.** The emergency rescue service shall be under the direction and supervision of the director of civil defense of the city. It may by bylaws establish its own organization, rules and regulations, membership requirements, etc.; provided, however, said bylaws shall be approved by the director of civil defense of the city. (1988 Code, § 1-1603)

**20-804. Meetings.** The rescue service shall meet at such place as designated by the chief, and as may be available, at least twice each month for training purposes and to transact such business as may be necessary by the rescue service. (1988 Code, § 1-1604)

**20-805. Compensation prohibited.** All of the personnel of the rescue service shall be upon a voluntary basis and no compensation shall be paid to any of the personnel of said service for their services as such. (1988 Code, § 1-1605)

**20-806. Powers and authority when on duty.** While on duty, in performing the functions of the rescue service, all personnel shall be under the direction and control of the director of civil defense, or his assistant, the chief of the rescue service, and shall be empowered to act with and have the same authority as a member of the civil defense organization of the city and pursuant to the laws of the state. (1988 Code, § 1-1606)

**20-807. Receipt and expenditure of funds.** The rescue service shall have the right to receive and expend such sums as may be appropriated by the board of mayor and aldermen, and to receive and expend such sums as may be donated by any private organization, club, association or person to it for the expenses of said rescue service and for the purchase of equipment or supplies in connection therewith, and said rescue service shall have the right to purchase such equipment as needed by it from or through the civil defense department of the state or the federal civil defense administration, as and a part of the civil defense organization of the city. (1988 Code, § 1-1607)

**20-808. Chief to assist civil defense director.** The chief of the rescue service shall act as assistant to the director of civil defense of the city, in rescue matters. (1988 Code, § 1-1608)

**20-809. Rendition of service as needed.** The service of the rescue unit shall be available, upon the need for the same, of any individual in the city, or upon the need of any other rescue service in Coffee County and adjoining counties; the service to be rendered upon authority and under the direction of the director of civil defense or his duly appointed assistant. (1988 Code, § 1-1609)

## CHAPTER 9

### BURGLARY AND ROBBERY ALARMS

#### SECTION

- 20-901. Definitions.
- 20-902. Classification of alarm systems.
- 20-903. General provisions.
- 20-904. Alarm system requirements.
- 20-905. Permits required.
- 20-906. Issuance of permit and decal.
- 20-907. Permit fees.
- 20-908. Inspection of alarm system.
- 20-909. Current information required.
- 20-910. False alarm fees.

**20-901. Definitions.** (1) "Alarm system" means a device or system of interconnected devices, including hardware and related appurtenances, mechanical or electrical, designed to give warning of activities indicative of felony and criminal conduct requiring urgent attention and to which the police department is expected to respond but does not include alarms installed in conveyances or fire alarms.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof, wherein any alarm system is maintained.

(3) "Communication center" means the Coffee County Consolidated Communication Center that provides communication service to the Tullahoma Police Department.

(4) "False alarm" means any activation of an alarm system upon or following which communication is made to the department that an alarm has been triggered, except alarms resulting from one (1) of the following causes:

- (a) Criminal activity or unauthorized entry.
- (b) Earthquake causing structural damage to the protected premises.
- (c) Tornado winds causing structural damage to the protected premises.
- (d) Flooding of the protected premises due to the overflow of natural drainage.
- (e) A lightning bolt causing physical damage to the protected premises.
- (f) Fire causing structural damage to the protected premises verified by the fire department.
- (g) Telephone line malfunction verified in writing to the department by at least a first line telephone company supervisor within seven (7) days of the occurrence.

If police units, responding to an alarm and checking the protected premises according to standard department operating procedure, do not discover any evidence of unauthorized entry or criminal activity, there shall be a rebuttable presumption that the alarm is false. Entries in the police department daily officer's log shall be prima facie evidence of the facts stated therein with regard to alarms and responses. (1988 Code, § 1-1801, as replaced by Ord. #1393, Nov. 2009)

**20-902. Classification of alarm systems.** (1) Class I. An alarm system is one which incorporates a remote annunciator installed on the premises of the department or the communications center.

(2) Class II. An alarm system incorporating an automatic dialer which directly or indirectly requires a response by the Tullahoma Police Department.

(3) Class III. An alarm system in which the annunciator is an audible annunciator located at the protected premises, and which does not incorporate an automatic dialer. Class III alarms are exempt from the requirements of this chapter. (1988 Code, § 1-1802, as replaced by Ord. #1393, Nov. 2009)

**20-903. General provisions.** Reserved by Ord. #889, § C. (1988 Code, § 1-1803, as replaced by Ord. #1393, Nov. 2009)

**20-904. Alarm system requirements.** (1) No alarm system shall be installed, used or maintained in violation of any of the requirements of this code.

(2) The alarm user shall be responsible for training and re-training all employees, family members and other persons who may make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger a sensor.

(3) The alarm user shall, at all times, be responsible for the proper maintenance and repair of the system.

(4) In event of power failure or outage, only those systems with a power system back-up will be responded to. Others will be presumed to be set by loss of power. (1988 Code, § 1-1804, as replaced by Ord. #1393, Nov. 2009)

**20-905. Permits required.** (1) It shall be unlawful for any person to use or maintain any alarm system without a current valid permit.

(2) In the event police investigate an alarm, the permit holder or an agent shall cooperate by promptly coming to the premises upon request. Refusal shall constitute grounds for suspension or revocation of a permit.

(3) If an alarm user has one (1) or more alarm systems protecting two (2) or more structures having different addresses, a separate permit will be required for each structure. (1988 Code, § 1-1805, as replaced by Ord. #1393, Nov. 2009)

**20-906. Issuance of permit and decal.** (1) Upon receipt by the city recorder of the permit application and fee, if applicable, the chief of police or his

designee shall undertake whatever investigation or inspection he deems necessary.

(2) If the investigation by the chief of police is satisfactory, a decal with the alarm user's permit number will be issued with the permit. This decal must be permanently posted on or near the front entrance to the premises so that the information on the decal is visible from outside of the structure. (1988 Code, § 1-1806, as replaced by Ord. #1393, Nov. 2009)

**20-907. Permit fees.** (1) Class I - One hundred twenty dollars (\$120.00)--A one-time fee to be paid when the initial application for a permit hereunder is filed with the city.

(2) Class II - No fee -- however, persons with Class II alarm systems must obtain a permit. (1988 Code, § 1-1807, as replaced by Ord. #1393, Nov. 2009)

**20-908. Inspection of alarm system.** Prior to issuing an alarm system permit, and at any time thereafter, the chief of police may inspect any alarm system for which a permit is required. Such inspection shall be for the purpose of ascertaining that information furnished by the applicant or permittee is correct, and that the system is maintained in conformation with the provisions of this chapter. (1988 Code, § 1-1808, as replaced by Ord. #1393, Nov. 2009)

**20-909. Current information required.** Within ten (10) days following any change of circumstances which renders obsolete any of the information previously submitted, the alarm user shall file an amendment to his application setting forth the currently accurate information. Failure to comply with this section shall constitute grounds for revocation of the permit. (1988 Code, § 1-1809, as replaced by Ord. #1393, Nov. 2009)

**20-910. False alarm fees.** (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by the police department, and the police department does respond, a police officer on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response is in fact required as indicated by the alarm system or whether in some way the alarm system malfunctions and thereby activated a false alarm.

(2) Charges for false alarms received by the City of Tullahoma shall be twenty-five dollars (\$25.00) for each false alarm except for those caused by violent acts of nature, provided, however, that each alarm user with a valid permit shall not be charged for the first false alarm each calendar year. Said service charge for answering a false alarm incurred shall be billed and payment made within thirty (30) days from the date of receipt thereof. The penalty for monitoring alarm systems shall increase or decrease automatically in compliance with state law as codified in Tennessee Code Annotated, § 62-32-321(e). (1988 Code, § 1-1810, as replaced by Ord. #1393, Nov. 2009)



## CHAPTER 10

### COMPREHENSIVE SCHEDULE OF FEES AND CHARGES

#### SECTION

- 20-1001. Building and code administration fees.
- 20-1002. Police and fire department fees.
- 20-1003. Finance and administration fees.
- 20-1004. Reserved.
- 20-1005. Zoning and subdivision regulation fees.
- 20-1006. Public works and solid waste fees.
- 20-1007. Animal control and shelter fees.
- 20-1008. [Deleted.]

#### **20-1001. Building and code administration fees.**

- (1) Building permit fees.

<u>Total Valuation</u>	<u>Fee</u>
\$1-\$50,000	\$30.00 up to the first \$1,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, up to and including \$50,000.00.
\$50,001-\$100,000	\$275.00 for the first \$51,000.00 plus \$4.00 for each additional \$ 1,000.00, or fraction thereof, up to and including \$100,000.00.
\$100,001-\$200,000	\$500.00 for the first \$ 101,000 plus \$3.00 for each additional \$1,000.00, or fraction thereof, up to and including \$200,000.00.
\$200,001-\$500,000	\$750.00 for the first \$201,000.00 plus \$3.00 for each additional \$1,000.00, or fraction thereof, up to and including \$500,000.00.
\$500,001 and up	\$1,500.00 for the first \$500,001 plus \$2.00 for each additional \$ 1,000.00 or fraction thereof.

(2) Calculation of valuation. The valuation for new construction and additions shall be determined by the costs listed in the latest quarterly edition of the International Code Council data sheet.

(3) Code administration and related fees.

(a) Re-inspection fee \$25.00/building or structure.

(b) Plan review and permit processing. When the valuation of the proposed construction is equal to or greater than five hundred dollars (\$500.00), the applicant shall pay a plan review fee equivalent to one-half (50%) of the building permit fee.

(c) Failure to obtain a building permit. Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits, shall be subject to a penalty of one hundred percent (100%) of the usual permit fee in addition to the required permit fees (i.e. double permit fees).

(4) Plumbing permit and related fees.

<u>Type</u>	<u>Fee</u>
(a) Plumbing permit-- single-family dwelling	\$75.00
(b) Plumbing permit - sprinkler system inspection fee	\$100. 00 or \$1.00 per sprinkler head, whichever is greater; and subject to re-inspection fee of \$25.00
(c) Plumbing permit all other types	\$75.00
(d) Mechanical permit - one and two family	\$75.00
(e) Mechanical permit - all other types	\$75.00

(5) Demolition permit.

Type	Fee
(a) Residential	\$75.00
(b) Non-residential	\$150.00

- (6) Pool permit.
- (a) All above-ground swimming pools \$100.00
- (b) All in-ground swimming pools \$200.00

(7) State electrical permit processing. \$25.00

(8) Publicly-owned property fee waivers. Some fees for building permits, plan review and processing, plumbing permits, gas permits, and mechanical permits may be waived for public construction projects conducted upon publicly owned property, upon recommendation by staff and approval of the board of mayor and aldermen. (Ord. #1156, Oct. 1996, as replaced by Ord. #1369, June 2009, Ord. #1389, Sept. 2009, Ord. #1447, June 2015, and Ord. #1522, June 2019 *Ch10\_6-22-20*)

**20-1002. Police and fire department fees.**

<u>Type</u>	<u>Fee</u>
(1) Police (accident and case) reports	\$0.15 per page
(2) Police record check	\$5.00/individual
(3) Special duty officer	\$26.59 per officer/hour
(4) Reserve officer	\$12.00 per officer/hour
(5) Fire incident reports	\$5.00 per report
(6) Miscellaneous copies	\$0.15/page
(7) Police department video	\$10.00
(8) Hazmat clean-up	Cost plus 15%

(Ord. #1156, Oct. 1996, as amended by Ord. #1348, and replaced by Ord. #1369, June 2008, and Ord. #1447, June 2015)

**20-1003. Finance and administration fees.**

<u>Type</u>	<u>Fee</u>
(1) Copies (black and white)	\$0.15/page
(2) Copies (color)	\$0.25/page
(3) Solicitor permit	\$20.00
(4) Business master file list	\$10.00
(5) Background checks	\$50.00

(Ord. #1156, Oct. 1996, as replaced by Ord. #1369, June 2008, and Ord. #1447, June 2015)

**20-1004. Reserved.** (Ord. #1156, Oct. 1996, as replaced by Ord. #1369, June 2008, and Ord. #1447, June 2015)

**20-1005. Planning and zoning fees.**

<u>Type</u>	<u>Fee</u>
(1) Zoning amendments	\$300.00
(2) Preliminary plat and construction plan review fee	\$15.00 per lot
(3) Subdivision construction plan	\$400.00
(4) Site plan	\$250.00
(5) Final plant	\$10.00 per lot
(6) Planned unit	<u>Residential:</u>
Development and zero lot	1-15 dwelling units: \$150.00 per lot
line development review fee	16 or more dwelling units: \$100.00 per lot
Review fee	<u>Commercial:</u>
	Less than 5,000 sf of GFA: \$300 per 1,000 sf
	Greater than 5,000 sf of GFA: \$200 per 1,000 sf
	<u>Mixed use:</u>
	1-15 dwelling units: \$150.000 per lot
	16 or more dwelling units: \$100 per lot
	Less than 5,000 sf of GFA: \$300 per 1,000 sf
	Greater than 5,000 sf of GFA: \$200 per 1,000 sf
(7) Temporary use permit	\$100.00
(8) Conditional use permit	\$100.00
(9) Variance review fee	\$200.00
(10) Appeal review fee	\$200.00

(Ord. #1156, Oct. 1996, as replaced by Ord. #1369, June 2008, Ord. #1389, Sept. 2009, Ord. #1447, June 2015, and Ord. #1522, June 2019 *Ch10\_6-22-20*)

**20-1006. Public works and solid waste fees.**

<u>Type</u>	<u>Fee</u>
(1) Solid waste fees	
(a) Business dumpster	\$4.27/cy per dump
(b) Business can	\$8.54/cart per month)
(2) Roadway spill clean-up fee	\$100.00/hour

(Ord. #1156, Oct. 1996, as replaced by Ord. #1369, June 2008, and Ord. #1447, June 2015)

**20-1007. Animal control and shelter fees.**

<u>Type</u>	<u>Fee</u>
(1) Pick-up fee	\$15.00/animal
(2) Fine	\$25.00/animal
(3) Maintenance of animals	\$7.50/animal per day
(4) Quarantined animals	\$12.50/animal/per day
(5) Adoption fee	\$10.00/animal
(6) Unvaccinated animal fine	\$50.00

(Ord. #1156, Oct. 1996, as amended by Ord. #1348, Dec. 2006, and replaced by Ord. #1369, June 2008, and Ord. #1447, June 2015)

**20-1008. [Deleted.]** (Ord. #1156, Oct. 1996, as deleted by Ord. #1369, June 2008)

## CHAPTER 11

### ARTS COUNCIL

#### SECTION

20-1101. Created.

20-1102. Purpose.

20-1103. Composition.

**20-1101. Created.** There is hereby created the Tullahoma Arts Council that is vested with the responsibility to promote the arts in the community of Tullahoma through awareness, appreciation, education and support thereby creating a connection between artists and audiences to enrich the quality of life for all and position Tullahoma as an arts rich community and regional arts destination. (as added by Ord. #1439, Aug. 2013)

**20-1102. Purpose.** The arts council is formed to implement the mission statement through development of a unified arts calendar, improved communication among various arts groups and promotion of participation of professional artists, interested amateurs, educators, students and audiences. It is also responsible for the acquisition and maintenance of the city's public artwork collection, as well as to serve as advisors and advocates for the enhancement and integration of the arts in the community. The arts community includes artists and organizations that comprise the performing, cultural, visual and dramatic arts. (as added by Ord. #1439, Aug. 2013)

**20-1103. Composition.** The Tullahoma Arts Council shall be comprised of no more than eleven (11) voting members, appointed by the board of mayor and aldermen. Members shall serve without compensation.

(1) Members should be selected based upon interest and involvement in the various arts and represent a cross-section of the arts community. The arts council will be comprised of:

One (1) representative from the community playhouse, appointed annually;

One (1) representative from the South Jackson Civic Association, appointed annually;

One (1) representative from the Tullahoma Fine Arts Center, appointed annually;

One (1) representative from the Tullahoma High School, appointed annually;

Seven (7) at-large members, appointed for three (3) year terms.

(2) The Tullahoma High School representative will be appointed with the recommendation of the Tullahoma High School principal.

(3) Members shall be residents of the city or the urban growth boundary of Tullahoma.

(4) At-large members will serve three (3) year terms. Terms will be staggered for organizational continuity.

(5) The initial terms for the at-large members will be: two (2) members for three (3) years; two (2) members for two (2) years; and three (3) members for one (1) year. (as added by Ord. #1439, Aug. 2013)

**CHAPTER 12**

(as added by Ord. #1496, Jan. 2018,  
and deleted by Ord. #1513, Oct. 2018 *Ch10\_6-22-20*)