

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. CLINTON FAIR HOUSING OPPORTUNITIES ORDINANCE.
2. SPECIAL EVENTS.
3. ALARM SYSTEMS REGULATIONS.

**CHAPTER 1**

**CLINTON FAIR HOUSING OPPORTUNITIES ORDINANCE**<sup>1</sup>

**SECTION**

- 20-101. Short title.
- 20-102. Definitions.
- 20-103. Scope and application.
- 20-104. Conciliation process.
- 20-105. Fair housing opportunity procedures manual.

**20-101. Short title.** This chapter shall be known as the Clinton Fair Housing Opportunities Ordinance. (1991 Code, § 9-401)

**20-102. Definitions.** As used in this ordinance:

- (1) "Agency" means board of housing appeals.
- (2) "Discriminatory housing practice" means an act that is unlawful under this ordinance.
- (3) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (4) "Family" includes a single individual.
- (5) "Person" includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.
- (6) "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. (1991 Code, § 9-402)

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<sup>1</sup>Municipal code reference

Residential and other related codes: title 12.

**20-103. Scope and application.** This chapter shall be applicable as follows:

(1) Nothing in this ordinance shall apply to:

(a) Any single-family house sold or rented by an owner, provided, that such private individual owner does not own more than three (3) such single-family houses at any one (1) time; and, provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this section shall apply only with respect to one (1) such sale within any twenty-four (24) month period; and, provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) single-family houses at any one (1) time; and, provided further, the sale or rental of any such single-family house shall be excepted from the application of this section only if such house is sold or rented

(i) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(ii) Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of subsection (4)(c) of this section; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

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

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

(b) He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(3) Nothing in this ordinance shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operated for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, or national origin. Nor shall anything in this ordinance prohibit a private club, not in fact opened to the public, which as an incident to its primary purpose or purposes provided lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(4) Except as exempted by subsections (1) and (3) of this section, it shall be unlawful:

(a) To refuse to sell or rent after making of bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, or national origin.

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

(c) To make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or an intention to make any such preference, limitation or discrimination.

(d) To represent to any person because of race, color, religion, sex, or national origin, that any dwelling is not available for the inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representatives regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, or national origin.

(5) It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, or national

origin of such person or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of a dwelling or dwellings in relation to which such loan or other financial assistance is made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exceptions contained in subsections (1) and (3) of this section.

(6) It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate broker's 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, sex, or national origin.

(7) It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of, his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(8) It shall be unlawful for anyone, whether or not acting under color of law, to by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with:

(a) Any person because of his race, color, religion, sex, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwellings, or applying for or participating in any service, organization, or facility related to the business of selling or renting dwellings; or

(b) Any person because he is or has been or in order to intimidate such person or any other person or any class of persons from:

(i) Participating, without discrimination on account of race, color, religion, sex, or national origin, in any act of activities, services, organizations or facilities described in subsection (a) of this section; or

(ii) Affording another person or class of persons opportunity or protection so as to participate.

(c) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination, on account of race, color, religion, sex, or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate. (1991 Code, § 9-403)

**20-104. Conciliation process.** The mayor shall appoint a board of housing appeals with members adequate to effectively assist conciliation. The conciliation procedure is as follows:

(1) **Complaints.** (a) A person who claims that another person has committed a discriminatory housing practice may report that offense to the board and file an informal complaint. An informal complaint may also be filed by the board if he has reasonable evidence to believe that a person has committed a discriminatory housing practice.

(b) The board shall treat a complaint referred by the secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, Public Law 90-284, as an informal complaint filed under subsection (a).

(c) An informal complaint must be in writing, verified and contain the following:

(i) Identity of the actor;

(ii) Date of offense and date of filing the informal complaint;

(iii) General statement of facts of the offense, including the basis of the discrimination (race, color, sex, religion, or national origin);

(iv) Name and signature of complaintant.

(d) Not more than twenty (20) days after the filing of an informal complaint, the board shall notify the actor named in the complaint that:

(i) An informal complaint alleging the commission of a discriminatory housing practice has been filed against the actor;

(ii) The actor will be furnished a copy of the complaint upon request; and

(iii) The actor may file a written, subscribed, informal answer to the informal complaint.

(e) An informal complaint or answer may be amended at any time before the board notifies the city attorney (under subsection (5)) of a discriminatory housing practice upon which the informal complaint is based. The board shall furnish a copy of each amended informal complaint or answer to the actor or complaintant, respectively, as promptly as practicable.

(f) Except for an offense based on a complaint referred under subsection (b), a person may not be prosecuted in municipal court for a discriminatory housing practice unless an informal complaint on the offense for which he is charged is filed not more than ninety (90) days after the commission of the offense.

(g) The board may not disclose or permit to be disclosed to the public the identity of the actor before the board notifies the city attorney (under subsection (5)) of a discriminatory housing practice alleged against

the actor in an informal complaint or while the informal complaint is in the process of being investigated and prior to completion of all negotiations.

(2) Investigation. (a) With respect to each discriminatory housing practice alleged in an informal complaint and each discriminatory housing practice determined from reasonable evidence by the board for which no informal complaint has been filed, the board shall conduct as promptly as practicable an investigation to determine whether there is probable cause to believe an offense was committed and the facts of the offense. This subsection does not limit the authority of the board to conduct such other investigations or to use such other enforcement procedures, otherwise lawful, as he considers necessary to enforce this chapter.

(b) If the board determines that there is not probable cause to believe that a particular alleged or suspected discriminatory housing practice has been committed, the board shall take no further action with respect to that alleged or suspected offense.

(3) Conciliation agreement. (a) The board determines that there is probable cause to believe that a discriminatory housing practice alleged in an informal complaint has been committed, the board and the actor, or a person who owns, controls, or manages a housing accommodation involved in the offense, or a person who employs the actor may voluntarily enter into a conciliation agreement.

(b) If a conciliation agreement is executed under this paragraph, a party to the agreement may not be prosecuted in municipal court for an offense specified in the agreement unless the board determines that the agreement has been violated and notifies the city attorney in writing of the violation.

(c) A conciliation agreement must be in writing in the form approved by the city attorney and must be signed and verified by the board and each other party to the agreement. A conciliation agreement that is not executed before the expiration of thirty (30) days after notification to the actor as required under subsection (1)(d) must include the city attorney as a party. If a conciliation agreement is not reached within twenty (20) days after the city attorney is included as a party, the city attorney shall immediately notify all parties of the action the city intends to take. A conciliation agreement is executed upon its signing and verification by all parties to the agreement.

(d) A conciliation agreement executed under this section must contain:

(i) An identification of the discriminatory housing practice and corresponding actor that gives rise to the conciliation agreement under subsection (a) and the identification of any other

discriminatory housing practice and actor that the parties agree to make subject to the limitation on prosecution in subsection (b);

(ii) Identification of the housing accommodation subject to the conciliation agreement; and

(iii) A statement that each party entering into the conciliation agreement with the board agrees:

(A) Not to violate this chapter or the conciliation agreement; and

(B) To file with the board a periodic activity report which states with respect to each person of the specified class (the race, color, sex, religion, or national origin alleged as the basis of discrimination in the informal complaint on the offense) who in person contacts a party to the conciliation agreement concerning either sale, rental, or financing in connection with a housing accommodation or a business relating to selling or renting housing accommodations the name and address or telephone number of the person, the date of each contact, and the result of each contact. The party who prepares the activity report shall sign and verify the report. An activity report must be filed each month on the date specified in the conciliation agreement for a period of not fewer than three (3) nor more than twenty-four (24) months, as required by the conciliation agreement.

(e) In addition to the requirements of this subsection, a conciliation agreement may include any other condition agreed to be the parties.

(f) If the board determines that a conciliation agreement has been violated, the board shall give written notice to all actors subject to the agreement.

(4) Violations of conciliation agreement. (a) A person commits an offense if, after he and the board execute a conciliation agreement he intentionally, knowingly, or recklessly violates the conciliation agreement.

(b) It is no defense to prosecution under this section that, with respect to a discriminatory housing practice that gave rise to the conciliation agreement;

(i) The actor did not commit the offense; or

(ii) The board did not have probable cause to believe the offense was committed.

(5) Notification of the city attorney. (a) Except as otherwise provided in subsection (b), if the board determines that there is probable cause to believe that a discriminatory housing practice alleged in an informal complaint has been committed, he shall promptly notify the city attorney

in writing of the identification of the actor and offense and request prosecution in municipal court.

(b) If the board elects to attempt a conciliation, he may postpone notification for a period of not more than thirty (30) days after notification to the actor of an informal complaint. However, if a conciliation agreement is executed during the period of postponement, the board is not required to notify the city attorney of the identification of the actor or of an offense specified in the conciliation agreement unless the board determines that the agreement has been violated.

(c) Notification required under subsection (a) is not a prerequisite to prosecution for an offense under this chapter. Except for notice prohibited under subsection (b), this section does not limit communications, otherwise lawful, between the board and city attorney.

(6) Dismissal of charges. If, after the city attorney files a charge in the municipal court charging an actor with a discriminatory housing practice, a conciliation agreement is executed before commencement of trial on the offense, the city attorney shall cease prosecution and move for dismissal of the charge. (1991 Code, § 9-404)

**20-105. Fair housing opportunity procedures manual.** A fair housing operating procedures manual, which specifically outlines all the details of the housing discrimination complaint process, including the investigation, the notification, the conciliation, and the monitoring process, shall be used by the board for guidance in the conciliation process. The fair housing operating procedures manual shall be developed by the department of law in consultation with the community development office and shall be made available to the general public. (1991 Code, § 9-405)



## CHAPTER 2

### SPECIAL EVENTS

#### SECTION

- 20-201. Special events defined.
- 20-202. Use of public property restricted.
- 20-203. Application process.
- 20-204. Application fees and facilities charges.
- 20-205. Reimbursement for municipal services.
- 20-206. Compliance with laws.
- 20-207. Cancellation and refunds.
- 20-208. Rescheduled events (rain dates).
- 20-209. Permit non-transferable.
- 20-210. Permit revocation.

**20-201. Special events defined.** Special events shall be defined as any planned event that is intended to attract larger crowds of individuals to one or more locations within the city than would naturally occur in the absence of said event; and, or

(1) Which will require extra assistance from city personnel to successfully conduct the event and to ensure the health and safety of the attendees as well as the general public; or

(2) Which will involve the closure, partial closure or will otherwise interfere with the public use of any road, street, sidewalk, greenway, park or any other publicly owned property or facility.

(a) Special events include but are not limited to organized walks, runs, bicycle tours, motor vehicle rallies, parades, festivals, concerts, fairs, exhibits, trade shows, carnivals, picnics, reunions, weddings, block parties and street or parking lot dances.

(b) Special events shall not include: Events organized solely by local governmental, or quasi-governmental entities.

**20-202. Use of public property restricted.** Special event permits requiring the closure, partial closure or will otherwise interfere with the public use of any road, street, sidewalk, greenway, park or any other public property or facility will only be considered for issuance to individuals or organizations offering attendance or participation in the event to the public free of charge or where entry fees or donations, net of event costs, are designated to one (1) or more bona fide charities or for a specific charitable purpose. Charitable purpose will be determined on a case by case basis by the city manager.

(1) **Permitting generally.** No person or persons shall engage in or conduct a special event unless a permit is issued by the city. No person or persons shall engage in a special event as determined by the city manager

involving the use or disruption of the public right-of-way or other public property within the corporate boundary of the City of Clinton, unless a permit is issued by the city.

(a) There shall be a maximum of four (4) special event permits per entity per year.

(b) The duration of each special event shall not exceed ten (10) calendar days unless granted an exception for cause which shall be determined by the city manager.

(2) Permitting process. A special events permit application and fee shall be submitted to the city recorder's office at least thirty (30) days prior to the commencement of the event. The approved permit and receipt for fees must be in hand prior to holding the event.

(3) Application shall include. All special event permit applications shall include the following information:

(a) Applicant's name, street address, telephone number, and e-mail address.

(b) Name, street address, telephone number, e-mail address and signature of the individual identified who assumes the responsibility of meeting the conditions of the permit.

(c) Location of event.

(d) Nature/name of event.

(e) Date and time of event.

(f) Indication of vendors at special event.

(g) Statement indicating the number of individuals reasonably expected to participate in the special event.

(h) If having tent(s), sidewalk sales, or any other outdoor activities, include a site plan showing location for such activities.

(i) If the event includes group movement such as a race or parade, the applicant shall provide a written diagrammed traffic plan setting forth the route to be utilized by the special event.

**20-203. Application process.** For every type of special event for which a permit is required, the sponsor shall complete an application on a form provided as follows:

(1) Deadline. Applications shall be filed no later than thirty (30) days prior to the date of the special event for events that do not require the closure or partial closure of any public right-of-way and will require no more than minimal or routing support from city personnel. Events involving closure or partial closure of public rights-of-way and/or require dedicated assistance from city personnel either prior to, during or after the event must be filed a minimum of sixty (60) days prior to the requested date. Applications that fail to meet the thirty (30) or sixty (60) day requirement outlined above will be denied unless it is determined that sufficient time is available to process the application. Said determination will be at the sole discretion of the city.

(2) Planning. Depending on the complexity of the proposed event, applicants may be required to attend meetings with city personnel on one (1) or multiple occasions as well as submit supplemental documentation as necessary to adequately plan the event.

(3) Estimated reimbursement charges. Based on the application and any subsequent meetings or supplemental information provided, the city will furnish the applicant with a summary of the reimbursement required to be remitted upon permit approval.

(4) Advertising. Applicants, organizers, or sponsors shall not publicly advertise or announce the date of the event via physical or digital media or by use of the airwaves prior to receiving permit approval.

(5) Conditional approval. Based on review of the application, the city manager may impose certain reasonable requirements as a condition for approval. Failure to comply with those conditions may result in permit revocation by the city prior to or during the event.

(6) Insurance and indemnity agreement. Upon permit approval, applicants must provide any required certificates of insurance and execute an indemnity statement. Insurance requirement shall be determined upon a case by case basis by the city manager.

(a) Applicants shall agree in writing to assume the defense of and indemnify and save harmless the city, its council members, boards, commissions, officers, employees, and agents, from all suits, actions, damages or claims to which the city may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of special event and the activities permitted in connection therewith.

(b) The applicant must submit a certificate of insurance from a Tennessee state licensed entity prior to the event. Waiver of this requirement is within the discretion of the city manager, and is dependent upon the nature, size, and duration of the event.

**20-204. Application fees and facilities charges**. A schedule of charges for special event application processing as well as use charges for municipal properties available for special events will be established by resolution.

(1) Application fees are required to be remitted at the time of application submission and are non-refundable.

(2) Application fees will be waived for special events sponsored by the local governmental, or quasi-governmental entities, or events co-sponsored or endorsed by the City of Clinton such as the annual Christmas Parade; however, applications will still be required to be filed.

(3) Facilities will be reserved on a first come first serve basis and the appropriate fee shall be remitted upon receiving the approved special event permit.

(4) Special event application fees are in addition to other fees as set forth herein. Application fees under this chapter, policy, etc. are not all-inclusive of other fees or charges such as alcoholic beverage permit fees which may be required based on the needs of the special event. All other fees and charges will be assessed in accordance with the laws, rules or regulations governing those additional permits or services.

**20-205. Reimbursement for municipal services.** Individuals or organizations requesting a special events permit shall reimburse the cost of city personnel, equipment, materials and supplies necessary to conduct the event. Each department will determine the staffing and other costs necessary based on review of the information included in the application and the charges will be calculated based on the rates (on file in the city recorder's office). The total of the costs calculated must be remitted upon receipt of the approved applications. Costs will include but not be limited to:

(1) Law enforcement. The police department will estimate the personnel necessary to provide security, crowd control and traffic control based on the type, size, location and duration of the event. At the sole discretion of the chief or his/her designee, trained traffic control personnel, and/or security personnel provided by the event organizers may be substituted for police officers to assist in satisfying the law enforcement functions.

(2) Fire and EMS. The fire department will determine the need, if any, for firefighters, and fire apparatus to be on-site. Additionally, on-site emergency medical personnel, aid stations, and/or ambulance requirements will be established based on the type, size and location of the event. If ambulance(s) are required, event organizers must supply evidence from the ambulance service provider that ambulance coverage will be provided as required upon receipt of the approved permit.

(3) Public works and recreation. Public works personnel and recreation personnel will be responsible for the closure or partial closure of any road, street, sidewalk, greenway, or other right-of-way along with installing temporary fencing, marking temporary parking spaces or similar tasks as required by the particular event. Barricades, directional signs, or other re-usable in-stock items will be provided at no cost. Any additional items, materials, supplies or custom fabricated signage whether purchased or rented will be added to the event's total reimbursement charges, as well as applicable labor fees. Street sweeping and post event litter clean-up fees will also be assessed if necessary.

**20-206. Compliance with laws.** All applicable ordinances and laws shall be complied with and all required permits and licenses shall be secured in connection with such special event.

(1) Loudspeakers, noise in general. Events requesting the use of any amplified sound must obtain a permit and comply with the restrictions under

§11-202 of the Clinton Municipal Code. Application for a sound permit is contained within the special event permit packet.

(2) Special event vendors. Event organizers may not authorize a vendor offering any product for sale to participants or the general public to conduct business within or near the location of the special event without first referring the vendor to the city for permitting under title 9 chapter 6 of the city municipal code and any applicable state laws.

(3) Signs. All signs shall comply with title 14 of the Clinton Municipal Code. Any sign that is not specifically permitted shall be prohibited.

(4) Animals. Participants and organizers shall adhere to all requirements outlined in title 10 of the Clinton Municipal Code.

(5) Open fires and grills. A permit must be obtained before the use of any open fire or grill as mandated by title 7 of the Clinton Municipal Code.

**20-207. Cancellation and refunds.** Event organizers may cancel an event at any time including the day of the event. For events requiring assistance from public safety personnel, cancellations on the day of the event whether prior to or during the event must be done for good cause and in consultation with the ranking city official assigned to the event. The amount of any unused city cost reimbursements will be calculated by the city and refunded to the event applicant within thirty (30) days of the cancelled event. Cancellations just prior to or during the event may result in additional charges relating to the need for additional personnel or requiring personnel to report earlier than scheduled for barricade removal, crown dispersal, traffic control, or other duties necessary to close the event. These costs will be assessed to the event organizers.

**20-208. Rescheduled events (rain dates).** Event organizers may request an alternate date (rain date) on the special event application form and if approved by the city, may advertise the rain date as part of the event publicity. Exercising a rain date may result in additional city cost reimbursement charges depending on whether costs were incurred by the city in preparing for or conducting the event on the originally scheduled date and those activities must be repeated on the rain date. Those additional charges will be assessed to the event organizers and must be received by the city within fifteen (15) days after the original event date and in any event, prior to the rescheduled event date.

**20-209. Permit non-transferable.** Any issued permit is not transferrable.

**20-210. Permit revocation.** If it becomes apparent prior to or during an event that conditions have developed that impose a risk to maintaining the health, safety and well-being of the attendees or general public, event organizers

must comply with the directives of the city to correct those conditions or in extreme cases, terminate the event.

## CHAPTER 3

### ALARM SYSTEM REGULATIONS

#### SECTION

- 20-301. Definitions.
- 20-302. Automatic telephone dialing alarm system.
- 20-303. Alarm requirements.
- 20-304. False alarms.
- 20-305. Fee assessment.
- 20-306. Violations and penalty.

**20-301. Definitions.** Unless it is apparent from the context that another meaning is intended, the following words when used in this chapter shall have the meanings indicated herein:

(1) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the police and/or fire department by any means that an emergency exists or that the services of either or both of those departments are needed. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual, or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of said hazard or emergency.

(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 an alarm system is maintained.

(3) "Answering service" refers to a telephone answering service providing among its services the receiving on a continuous basis emergency signals from alarm systems and thereafter relaying the message to the central dispatch facility.

(4) "Automatic telephone dialing alarm system" means any alarm system which is a device which automatically or electronically transmits by telephone or telephone line connected to the central dispatch facility a recorded message or code signal indicating a need for emergency response; or a system which, upon activation, connects to an answering service whose function it is to transmit to the police and/or fire department a need for emergency response.

(5) "Central dispatch facility" means the central communications center designated to receive, route, and otherwise handle all incoming police, fire, or other emergency service communications traffic.

(6) "False alarm" means an alarm signal eliciting a response by the police and/or fire department when a situation requiring a response by the police and/or fire department does not in fact exist; but this definition does not include an alarm signal caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. Also, this definition does not include an alarm signal caused by

a situation that may have been brought under control prior to the arrival of the responding police and/or fire department, that otherwise would have required a response.

**20-302. Automatic telephone dialing alarm system.** It shall be unlawful for any person, natural or corporate, to operate an automatic telephone dialing alarm system over any telephone lines exclusively used by the public to directly request emergency services from the fire and/or police department.

**20-303. Alarm requirements.** (1) It will be the responsibility of the alarm user to provide the central dispatch facility with current emergency telephone numbers of the user and two (2) representatives to permit prompt notification of alarm calls and prompt response of key holder to assist police and/or fire personnel in the inspection of the property.

(2) All alarm systems will have an automatic reset which silences the annunciator within thirty (30) minutes after activation and which will not sound again as a result of the same event that resulted in the original activation.

**20-304. False alarms.** (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by police and/or fire personnel, a police and/or fire supervisor shall determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the police or fire supervisor, determines the alarm to be false and no emergency seems necessary, then said supervisor shall submit a report of the false alarm to the respective chief. A written notification of emergency response and determination of the response shall be mailed or delivered to the alarm user at the address where the alarm was activated. The alarm user upon receipt of the notification shall be entitled to a hearing before the respective chief or his designee and the alarm user desiring a hearing shall request said hearing within ten (10) days of date of notification.

(3) In occupancies where fire alarm systems are a requirement of the adopted fire code, said alarm systems shall be restored to proper working order in a timely manner.

(4) It shall be a violation of this chapter to intentionally cause a false alarm, and any person who intentionally causes a false alarm shall be subject to the penalty provisions hereof.

(5) There shall be provided to the alarm user, a ten (10) day grace period during the initial installation of the alarm system.

(6) It shall be required and provided that any alarm business testing or servicing any alarm system notify the police and/or fire departments and instruct said departments of the location and time of said testing and servicing.



This section will not apply to the alarm user if prior notice of said testing has been made to the respective departments as outlined in this section.

**20-305. Fee assessment.** It is hereby found and determined that more than five (5) false alarms within a calendar year are excessive and constitute a public nuisance. The activation of six (6) or more false alarms within a calendar year will be handled in the following manner: A service charge shall be automatically levied against the alarm user of twenty-five dollars (\$25.00) each upon the occurrence of the sixth (6th) up to the ninth (9th) false alarm and a service charge of fifty dollars (\$50.00) for each false alarm in excess of nine (9). All service charges levied shall be paid to the city by the alarm user within thirty (30) days of the date of the written notice of said charges.

**20-306. Violations and penalty.** Any person who violates any provisions of this chapter shall be guilty of a violation, and upon conviction in city court, shall be subject to a fine not to exceed fifty dollars (\$50.00). Each occurrence shall constitute a separate offense.