

TITLE 20

MISCELLANEOUS

CHAPTER

1. CEMETERY MANAGEMENT.
2. ALARM ORDINANCE.
3. CIVIL DEFENSE ORGANIZATION.
4. CIVIL EMERGENCIES.

CHAPTER 1

CEMETERY MANAGEMENT

SECTION

20-101. Rules and regulations.

20-101. Rules and regulations. (1) It is hereby established a board of trustees to hold and manage the area known as Swiss Cemetery and owned by the City of Hohenwald.

(2) The trustees shall consist of the mayor and four (4) councilmen of the city, plus two (2) additional trustees elected by the council.

(3) Each person hereafter elected to the office of mayor or councilman shall become a member of the board of trustees upon taking his or her oath of office as such elected official.

(4) The board of trustees shall have the authority to set prices for which lots will be sold in the cemetery together with such other rules and regulations as they deem necessary and advisable for the operation of the cemetery.

(5) Initially the price charged for lots shall be four hundred dollars (\$400.00). Three hundred dollars (\$300.00) shall be put into a trust account for the maintenance of the cemetery. Only interest may be used for maintenance of the cemetery and the corpus shall remain intact.

(6) A one hundred dollar (\$100.00) portion of the proceeds of the sale of lots may be placed into the city's general account.

(7) The board of trustees shall have the power to alter the price for lots and the use of the proceeds thereof. An amendment of the ordinance comprising this chapter shall not be required.

(8) All matters desired for the regulation of the cemetery may be adopted by resolution of the board of trustees.

(9) Any lots previously sold with which the owner is willing to part may be purchased by the board of trustees at such a price and upon such terms as they may determine.

(10) It is the intention of this chapter to grant to the board of trustees broad powers to use, in their discretion, for the care and operation of the cemetery. (Ord. #570, Oct. 2003)

CHAPTER 2

ALARM ORDINANCE

SECTION

- 20-201. Definitions.
- 20-202. Notification and permits required.
- 20-203. Duties of permit holders.
- 20-204. Violations.
- 20-205. Automatic dialing devices.
- 20-206. Appeals procedure and rights to a hearing.
- 20-207. Response to false alarms--required reports of corrective action and disconnection.
- 20-208. Enforcement.
- 20-209. Disposition of fees.

20-201. Definitions. For the purpose of this ordinance, the following terms shall have the following meanings:

(1) "Activate" means to "set off" an alarm system indicating in any manner an incident of burglary, robbery, fire, etc.

(2) "Alarm system" means any mechanical or electrical/electronic or radio controlled device which is designed to be used for the detection of any fire or unauthorized entry into a building, structure or facility, or unlawful act within a building, structure, or facility, or both, which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dialing telephone devices, audible alarms and monitored alarms. Excluded from the definition of alarm systems are devices that are designed or used to register alarms that are audible or visible and emanate from motor vehicles; auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service; and self-contained smoke detectors; and medical-alert alarms.

(3) "Automatic dialing device" means an alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect, but shall not include such telephone lines exclusively dedicated to an alarm central station which are permanently active and terminate within the communications center of the Hohenwald Police Department.

(4) "Commercial premises" mean any structure or area, which are not defined herein as residential premises.

(5) "False alarms" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner/lessee of an alarm system or his employee, servants or agents; or any other activation of the alarm system not caused by a

fire or forced entry or attempted forced entry or robbery or attempted robbery; such terminology does not include alarms caused by acts of nature such as hurricane, tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other conditions which are clearly beyond the control of the alarm. A maximum of five (5) false burglar alarms; three (3) false robbery-panic alarms, three (3) false fire alarms will be granted per alarm device within a physical permit year. All false subsequent activation will be considered chargeable violations.

(6) "Fire officer" means the Fire Chief of the Hohenwald Fire Department or his designated representatives.

(7) "Law enforcement officer" means the Chief of Police of the Hohenwald Police Department or his designated representatives.

(8) "Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind, to include a government or governmental subdivision or agency thereof.

(9) "Residential premises" mean any structure or combination of structures to serve as dwelling units including single family as well as multi-family units. (Ord. #574, May 2004)

20-202. Notification and permits required. Every commercial premises who shall own, operate or lease any alarm system as defined herein within the corporate city limits of the City of Hohenwald, Tennessee area, whether existing or to be installed in the future, shall, within one hundred twenty (120) days of the effective date of the ordinance comprising this chapter for existing alarm systems, or prior to use of new alarm systems, notify the Hohenwald Police Department, on forms to be provided of:

(1) The type, make and model of each alarm device and, if the alarm system is monitored, by whom.

(2) The name, address, business and/or home telephone number of the owner or lessee of the alarm system.

(3) The names, addresses, and telephone numbers of at least two (2) persons to be notified in the event of alarm activation.

At the time of submission of this notification, the owner, operator or lessee of said alarm system shall submit a fee of fifteen dollars (\$15.00) to the City of Hohenwald Recorder's Office for obtaining a permit for each alarm device in said system.

There will be no annual renewal fees. A new alarm registration form will be sent to each business annually. The form must be updated and returned to the police department by January 1. A fifteen dollar (\$15.00) late fee will be assessed on forms received later than February 1. (Ord. #574, May 2004)

20-203. Duties of permit holders. (1) Each owner, operator, or lessee shall be responsible for training employees, servants, or agents in the proper operation of an alarm system.

(2) Each owner, operator, or lessee of an alarm system shall insure that the correct address identification is visible from the street or roadway on which the premises are located.

(3) Any audible alarm shall be equipped with an automatic shutoff to function within twenty (20) minutes of the alarm sounding, excluding fire alarms.

(4) The current alarm registration sticker provided each permit holder shall be displayed near the primary entrance so as to be easily visible from the outside of the building. (Ord. #574, May 2004)

20-204. Violations. (1) It shall be a violation of this chapter to have a functional alarm system without having obtained a permit required by § 20-202.

(2) Having alarm activation without a permit shall constitute a violation of this chapter.

(3) It shall be a violation of this chapter when any Hohenwald Police Department or Fire Department officer responds to a false alarm after the allowable false alarms set out in § 20-201(5) have been exhausted.

(4) Any person who owns, operates, or leases an alarm system and who knowingly and purposefully fails to respond to his premises within one (1) hour after notification by police or fire department personnel of an alarm activation, whether false or not, shall be deemed to have violated this chapter.

(5) It shall be a violation of this chapter for an alarm company to make functional a newly installed alarm system if the owner, operator, or lessee of the alarm system does not have a currently valid alarm permit, unless there is a life-threatening situation making immediate operation of the alarm system necessary. In such cases, the permit shall be obtained the next business day.

(6) It shall be a violation of this chapter for an alarm company to set off a false alarm while installing, repairing or doing maintenance work on an alarm system. If the police department communication center is notified to cancel the call within two (2) minutes of the original call, it will not be considered a false alarm, unless the responding agency arrives on the scene before the original call is cancelled. If a responding police or fire service has not arrived on the scene within twenty (20) minutes of the original notification, it will not be a chargeable response. The false alarm shall not be charged to the owner, operator, or lessee.

(7) Any compliance with the requirements of the ordinance comprising this chapter shall constitute a violation and each incidence of noncompliance shall constitute a separate violation punishable by a fine of up to fifty dollars (\$50.00) plus court costs. (Ord. #574, May 2004)

20-205. Automatic dialing devices. (1) Within one hundred twenty (120) days of the effective date of the ordinance comprising chapter, it shall be a violation of this chapter for any automatic dialing device to call on the 911 or

E911 emergency line. Such devices shall be restricted to dialing the non-emergency police, fire or emergency medical services phone numbers.

- (2) Any automatic dialer shall:
 - (1) Have a clear understandable recording;
 - (2) Be capable of repeating itself a minimum of two (2) times;
 - (3) Be capable of automatically resetting itself so as to not continuously call police, fire or EMS phone numbers.
 - (3) Programmed messages on an automatic dialing device must include and are restricted to the following:
 - (1) The owner and the exact street number and name;
 - (2) A statement that it is a burglar or robbery/panic "ALARM ONLY." It shall not say burglary or robbery "in progress";
 - (3) A statement of the hours the business is open, if the device is used for both burglar and robbery/panic alarms;
 - (4) A statement that a third-party has been notified, and the identity of that third-party, if a third-party is notified by the device.
- (Ord. #574, May 2004)

20-206. Appeals procedure and rights to a hearing. (1) After a sixth (6th) false burglary alarm, a fourth (4th) false fire alarm, or upon failure of the permit holder to make a reasonable effort to comply with the requirements of this chapter, a properly designated law enforcement officer or fire officer may file a request, in writing, with the board of appeals within fifteen (15) days of the date of the request of revocation is filed with the board. The law enforcement officer or fire officer shall notify the permit holder, in writing, that a request for revocation has been filed with the board of appeals and the date on which it was filed.

(2) Pursuant to the administration of the ordinance comprising this chapter, a board of appeals shall be created for the purpose of hearing any complaint relating to the enforcement provisions of the ordinance comprising this chapter. Said board shall consist of the mayor and city council.

(3) The city recorder or his/her appointed clerk is hereby designated as secretary of the board of appeals and shall serve as custodian of its records. (Ord. #574, May 2004)

20-207. Response to false alarms--required reports of corrective action and disconnection. (1) The only alarms the Hohenwald Police Department, Fire Department, or Emergency Medical Service will respond to are:

- (1) Burglary;
- (2) Robbery/holdup (business only);
- (3) Fire;
- (4) Medical.

(2) Responsibility for a false alarm shall be borne by the owner or lessee of the alarm system or his/her employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.

(3) A response to an alarm shall result when any police or fire department officer is dispatched to or otherwise learns of the activation of an alarm system. If the user calls or the authorized agent calls the police communication center back within two (2) minutes of the original call, it will not be considered a false alarm. No violation, fine, or recourse will take place in the above time interval unless the responding Hohenwald police officer or fire officer has already arrived before the second call has been made to cancel; to Signal 9; to disregard. If a member of the Hohenwald Police Department or Hohenwald Fire Department has not arrived on the scene within twenty (20) minutes of the original alarm (notification), it will not be a chargeable response or fine of any sort.

(4) After the allowable false alarms set out in § 20-201(5), each person who owns, operates, leases or controls any premise having an alarm system, shall be cited to Hohenwald City Court for any response to a false alarm. Within fifteen (15) days of the date of conviction the person shall show proof to the police department of the corrective action taken to remedy the problem/situation. Failure to show corrective action will be grounds for revocation of the permit; however, no disconnection shall be ordered on any premises required by law to have an alarm system in operation. (Ord. #574, May 2004)

20-208. Enforcement. Hohenwald Police and Fire Department officers are specifically authorized to enforce this chapter. Any Hohenwald Police or Fire Department officer may lawfully issue a citation to an owner, operator, or user of a functional alarm system who has not obtained the permit required by § 20-202, or whose alarm system has given a false alarm in excess of the number of false alarms allowed under § 20-201(5). (Ord. #574, May 2004)

20-209. Disposition of fees. All fees collected pursuant to this chapter shall be paid to the City of Hohenwald General Fund. (Ord. #574, May 2004)

CHAPTER 3

CIVIL DEFENSE ORGANIZATION

SECTION

20-301. Created.

20-302. Authority and responsibilities.

20-303. Office of director, its authority and responsibility.

20-304. Lewis County Civil Defense Corps created.

20-305. Liability.

20-306. Expenses of civil defense.

20-301. Created. There is hereby created the Lewis County Civil Defense Organization, which shall be a joint operation by the City of Hohenwald and the County of Lewis for the purpose of organizing and directing civil defense for the citizens of the entire county. All other civil defense agencies within the limits of Lewis County shall be considered as a total part of the county-wide civil defense emergency resources, and when such agencies operate out of their corporate limits, it shall be at the direction of, subordinate to, and as a part of the Hohenwald and Lewis County Civil Defense. (1982 Code, § 1-1101)

20-302. Authority and responsibilities. (1) Authority. In accordance with federal and state enactments of law, the Hohenwald and Lewis County Civil Defense Organization is hereby authorized to assist the regular government of the county and governments of all political subdivisions therein, as may be necessary due to enemy caused storms, floods, fires, explosions, tornadoes, hurricanes, drought, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare, and property of the citizens of Lewis County. The Hohenwald and Lewis County Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Lewis County Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

(2) Responsibilities. The Hohenwald and Lewis County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Lewis County, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1982 Code, § 1-1102)

20-303. Office of director, its authority and responsibility. (1) The office of the director of civil defense is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayor and county executive or either or by higher authority as appropriate.

(2) The director shall have overall responsibility for the preparation of all plans, recruitment, and training of personnel. All local civil defense plans will be in consonance with state plans and shall be approved by the state civil defense office.

(3) The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this chapter, subject to the approval of the chief executive officers of the city and county.

(4) The director shall be responsible to the chief executive officers of the city and county for the execution of the authorities, duties, and responsibilities of the Hohenwald and Lewis County Civil Defense Organization, for the preparation of all plans and administrative regulations and for the recruitment and training of personnel. (1982 Code, § 1-1103)

20-304. Lewis County Civil Defense Corps created. The Lewis County Civil Defense Corps is hereby created. The corps shall be under the direction of the director of civil defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan. (1982 Code, § 1-1104)

20-305. Liability. Liability of governmental entities and their employees and agents engaged in civil defense activities shall be as provided by law. (1982 Code, § 1-1105)

20-306. Expenses of civil defense. No person shall have the right to expend any public funds of the city or county in carrying out any civil defense activities authorized by this document without prior approval by the governing bodies of the city and/or county; nor shall any person have any right to bind the city or county by contract, agreement, or otherwise without prior and specific approval by the governing body of the city and/or county. The civil defense director shall disburse such monies as may be provided annually by appropriation of the city and county for the operation of the civil defense organization. Control of disbursements will be as prescribed by agreement between the treasurers of the city and county. He shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the city and county. All funds shall be disbursed upon vouchers properly executed by the director of civil defense, subject to audit by either the City of Hohenwald or Lewis County. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise, when available, or state contributions, and is further authorized to accept contributions to the civil defense organization from individuals and other organizations, such funds becoming liable for audit by the city and county. (1982 Code, § 1-1106)

CHAPTER 4

CIVIL EMERGENCIES

SECTION

- 20-401. Definitions.
- 20-402. Proclamation of civil emergency.
- 20-403. Curfew authorized.
- 20-404. Powers of mayor during civil emergency.
- 20-405. Exceptions to curfew.
- 20-406. No intent to limit peaceful assemblies.

20-401. Definitions. (1) As used in this chapter, a "civil emergency" is hereby defined to be:

(1) A riot or unlawful assembly characterized by the use of actual force or violence or a threat to use force if accompanied by the immediate power to execute by three (3) or more persons acting together without authority of law.

(2) Any natural disaster or man-made calamity including but not limited to, flood, conflagration, cyclone, tornado, earthquake, or explosion within the geographic limits of Hohenwald, Tennessee, resulting in the death or injury of persons, or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

(3) The destruction of property or the death or injury of persons brought about by the deliberate acts of one (1) or more persons acting either alone or in concert with others when such acts are a threat to the peace of the general public or any segment thereof.

(2) As used in this chapter, a "curfew" is defined to be a prohibition against any person or persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property, or vacant premises within the corporate limits of Hohenwald, Tennessee, except persons officially designated to duty with reference to said civil emergency or those lawfully on the streets as defined hereinafter. (1982 Code, § 1-1201)

20-402. Proclamation of civil emergency. When in the judgment of the mayor a civil emergency as defined herein is deemed to exist, he may forthwith proclaim in writing the existence of same, a copy of which proclamation will be filed with the recorder of the City of Hohenwald. (1982 Code, § 1-1202)

20-403. Curfew authorized. After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographic areas of the city or to the city as a whole, as he deems advisable, and applicable during

such hours of the day or night as he deems necessary in the interest of the public safety and welfare. Said proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the mayor, but not to exceed fifteen (15) days. (1982 Code, § 1-1203)

20-404. Powers of mayor during civil emergency. After proclamation of a civil emergency, the mayor may at his discretion, in the interest of the public safety and welfare, make any of the following orders:

- (1) Order the closing of all retail liquor stores.
- (2) Order the closing of all establishments wherein beer or alcoholic beverages are served.
- (3) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted.
- (4) Order the discontinuance of the sale of beer.
- (5) Order the discontinuance of selling, distributing, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- (6) Order the closing of gasoline stations and other establishments the chief activity of which is the sale, distribution, or dispensing of liquid flammable or combustible products.
- (7) Order the discontinuance of selling, distributing, dispensing, or giving away of any firearms or ammunition of any character whatsoever.
- (8) Order the closing of any or all establishments or portions thereof the chief activity of which is the sale, distribution, dispensing, or giving away of firearms and/or ammunition.
- (9) Issue such other orders as are necessary for the protection of life and property. (1982 Code, § 1-1204)

20-405. Exceptions to curfew. Any curfew shall not apply to persons lawfully on the streets and public places during a civil emergency who have obtained permission of the chief of police, which permission shall be granted on good cause shown. This curfew also shall not apply to medical personnel in the performance of their duties. (1982 Code, § 1-1205)

20-406. No intent to limit peaceful assemblies. It is not the intent of this chapter to limit peaceful demonstrations, freedom of speech, or the lawful use of the streets, alleys, and public property except to the extent necessary to avert or control a civil emergency. (1982 Code, § 1-1206)