

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. ALARM SYSTEMS.
2. PARKS AND RECREATION.
3. LOCAL GOVERNMENT STANDARDS.
4. RELEASE OF PUBLIC INFORMATION.
5. DENIAL AND REVOCATION OF CITY ISSUED PERMITS FOR NON-PAYMENT OF CITY FEES AND TAXES.

**CHAPTER 1**

**ALARM SYSTEMS**

**SECTION**

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**20-101. Purpose and intent.** The ordinance codified in this chapter is adopted for the purpose of regulating and permitting alarm systems to which the police are expected to respond in an effort to reduce the number of false alarms. (1994 Code, § 20-201)

**20-102. Definitions.** (1) "Alarm company" means the business by any person, firm, partnership, corporation, association, organization, company, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed in or on any building, structure or facility.

(2) "Alarm agent" means any person employed by, working for, representing, or subcontracted by an alarm company.

(3) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of any actual or attempted burglary or robbery to which the police are expected to respond.

(4) "Alarm user" means a person(s), firm, partnership, corporation, association, organization, company, or other entity in control of a premise where an alarm system located.

(5) "Audible alarm" means an alarm system or device that generates an audible sound.

(6) "Calendar year" means a 12-month period beginning January 1st and ending December 31st every year.

(7) "Central alarm station" means a system in which the operation of electrical protection circuits and devices are signaled automatically to, recorded at, or maintained and serviced from a place of business having trained alarm operators in attendance at all times.

(8) "Chief of police" means the City of La Vergne Chief of Police or his designee.

(9) "City" means the City of La Vergne, Tennessee.

(10) "False alarm" means activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm user or alarm user's employee, whether or not the exact cause of the alarm activation is determined, or any other activation or transmission of any alarm signal where no actual or attempted burglary or robbery exists. Severe weather, power outages, transmission line malfunction, acts of God, malicious acts of persons not under the control of the alarm user, or any other cause clearly beyond the control of the alarm user will be considered in determining if an alarm activation was false and whether or not any occurrence, fine, warning or other punitive action will be taken against the alarm user as provided for by this chapter.

(11) "Notice" means written notice given by personal service upon the addressee, or given by the United States Postal Office, postage paid, to the addressee's last known mailing address.

(12) "Permittee" means any person, firm, partnership, corporation, association, organization, company, or other entity issued an alarm permit by the city.

(13) "Person" means a natural person, or a firm, partnership, corporation, association, organization, company, or other entity.

(14) "Protected premises" means any building, structure, or facility where an alarm system is installed to signal the occurrence of any actual or attempted burglary or robbery to which the police are expected to respond. (1994 Code, § 20-202)

**20-103. Permit required.** (1) It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm

system or to be in control of a premises wherein an alarm system is operated or maintained without having first obtained a permit as provided in this chapter.

(2) It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm system or to be in control of a premises wherein an alarm system is operated or maintained when a permit therefore has been revoked.

(3) A permit must be obtained for each separately addressed operating location.

(4) All permits issued are valid for one calendar year unless revoked. There will be a one time fee of ten dollars (\$10.00) for the initial permit. If new ownership occurs at any time, a new permit must be obtained. (1994 Code, § 20-203)

**20-104. Permit application.** (1) Each applicant for a permit to maintain an alarm system shall file a written application with the police department stating:

(a) The full legal name, address, and telephone number of the applicant.

(b) The name, address and telephone number of the premises where the alarm system is located.

(c) The type of alarm system at the protected premises.

(d) A list of three persons, including their addresses and telephone numbers, who can be contacted and will respond to the premises in the event of an emergency or to reset or reactivate the alarm system, or who could contact the alarm user if the alarm user is not at the protected premises.

(e) The names, address and telephone number of the person or company that installed the alarm system.

(f) The name, address and telephone number of the person or company that is responsible for the maintenance and repair of the alarm system, if applicable.

(2) Incomplete applications shall be returned to the applicant. A permit will not be issued until the completed application is received and approval for the permit has been granted by the chief of police.

(3) The police department shall be responsible for processing and issuing alarm user permits.

(4) The initial permit fee will be ten dollars (\$10.00) per owner/alarm system.

(5) An alarm user found to not have obtained an alarm permit after January 1, 1998 will have thirty (30) days from the date of notice to obtain such permit. If after this thirty (30) day notice, a permit is not obtained, the user will be assessed a twenty-five dollar (\$25.00) fine in addition to the ten dollar (\$10.00) fee described in section 20-204(4). (1994 Code, § 20-204)

**20-105. Updating alarm user application.** It is unlawful for any alarm user to fail or refuse to amend its alarm user permit application within 14 days after any of the information required and contained therein becomes outdated or inaccurate. Permit may be subject to revocation if information is not updated. (1994 Code, § 20-205)

**20-106. Transfer of alarm user permit prohibited.** An alarm user permit cannot be transferred to another premises or to another person. (1994 Code, § 20-206)

**20-107. Audible alarm system requirements.** An alarm system that emits an audible signal that may be heard by persons outside the protected building, structure or facility shall conform to the following requirements:

(1) Audible alarm systems shall automatically discontinue emitting an audible sound within 30 minutes after it is activated.

(2) With respect to systems in existence prior to the adoption of this ordinance, the owner or operator thereof shall have 30 days from the effective date of this ordinance to effect the necessary modifications to comply with the foregoing requirements. (1994 Code, § 20-207)

**20-108. False alarms prohibited.** It is unlawful for any person to knowingly activate an alarm system for the purpose of summoning the police department except if such person knows or suspects that there is an actual or attempted burglary, robbery, or any other threatened offense against person or property. (1994 Code, § 20-208)

**20-109. False alarms-fines-notifications.** (1) Any alarm user permittee who has more than two false alarms within a calendar year at a single protected location will be assessed fines according to the following fine schedule:

3rd or more false alarms \$25.00 fine per false alarm.

(2) All fines must be paid to the police department within thirty (30) days from the date of the invoice requesting payment of the fine(s).

(3) The chief of police shall notify the alarm user, in writing, of each instance wherein the police department has recorded a false alarm. The alarm user shall have the opportunity within fourteen (14) days from the date of mailing or personal delivery to submit a report or meet with the chief of police for the purpose of showing cause as to whether circumstances exist to warrant voiding the false alarm recordation. The chief of police shall review the alarm user's report and/or meet with the alarm user and issue a written finding to the alarm user as to whether or not the false alarm record will be voided. The finding of the chief of police shall be final. (1994 Code, § 20-209)

**20-110. Permit revocation.** (1) Any alarm user permittee who fails to pay any fine or charges provided for in this chapter within thirty (30) days from

the date of the invoice requesting payment of same shall have the subject alarm user permit revoked. Any such alarm user permit shall not be reinstated until all unpaid fines are paid in full.

(2) Upon revocation of alarm user's permit, the alarm user will be required to disconnect or otherwise terminate alarm service until the fines are paid and alarm permit is reinstated. There will be no permit reinstatement fee upon payment of fine(s).

(3) An alarm user whose permit has been revoked and has a subsequent alarm activation will be in violation of this ordinance and will be subject to prosecution through the City Court of La Vergne.

(4) If the alarm user's permit is reinstated pursuant to this section, and the police department responds to a subsequent false alarm activation in the same calendar year at the protected premises, the alarm user shall be assessed a fine in the amount of \$25.00 for this and each subsequent false alarm activation through the remainder of the calendar year. (1994 Code, § 20-210)

**20-111. Testing equipment.** No person shall conduct, or cause to be conducted, any test or demonstration of any alarm system that is relayed to the police department by the alarm company as a bona fide alarm. (1994 Code, § 20-211)

**20-112. No liability of city.** The city assumes no liability for any defects in the operation of any alarm system or signal line system, for any failure or neglect of any person associated with the installation, operation or maintenance of any alarm system, for any failure or neglect of any alarm user, for the transmission or receipt of alarm signals or any failure or neglect to respond upon receipt of an alarm from any source. In the event that the city finds it necessary to revoke an alarm user permit or to otherwise provide for the disconnection of any alarm system, the city shall have no liability for such action. No special duty other than that owed to the general public shall be created by virtue of this chapter or by virtue of the issuance of an alarm system permit, the direct connection of an alarm system with the police department or as a result of the transmission to or receipt of alarm signals by the police department. (1994 Code, § 20-212)

**20-113. Severability.** If any provision, clause, sentence, paragraph, section, or part of this chapter or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter in the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved. It is hereby declared to

be the legislative intent of the city council that this chapter would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section or part thereof not been included. (1994 Code, § 20-213)

## CHAPTER 2

### PARKS AND RECREATION

#### SECTION

- 20-201. Definitions.
- 20-202. Construction and scope.
- 20-203. Prohibited acts.
- 20-204. Regulated acts-permits.
- 20-205. Penalties
- 20-206. Vehicles and traffic.
- 20-207. Intervention.
- 20-208. Parks and recreation user fees.

**20-201. Definitions.** Unless otherwise expressly stated, whenever used in this chapter, the following terms shall respectively mean and include each of the meanings set forth:

- (1) "Board." Board of mayor and aldermen.
- (2) "City." City of La Vergne/city government.
- (3) "Committee." Parks and recreation advisory committee.
- (4) "Department." Parks and recreation department.
- (5) "Director." Director of parks and recreation department.
- (6) "Foot path or trail." Any path or trail maintained for pedestrians.
- (7) "Open space." Any open grassy area at least one (1) acre in size or that is suitable for said activity.
- (8) "Owner." Any person owning, operating or having the use or control of a vehicle animal or other property under a lease or otherwise.
- (9) "Park." Unless specifically limited, such term shall be deemed to include all parks, facilities, implements, parkways, playgrounds, athletic fields, tennis courts, golf courses, swimming pools, beaches, and other recreation areas, museums, zoological and botanical gardens, places, squares, circles, spurs, open places, boulevards, roads, waters and lands under water, flora and fauna, and also entrances and approaches thereto, docks and piers, channels and bridges; in, leading to or connecting such parks or parts thereof under the supervision of the department and control of the board and such other rights and appurtenances as the board shall utilize, whether the same is now or shall hereafter be owned or acquired by the city government in fee or otherwise, including all land under and space above the surface of the ground.
- (10) "Permits." Any written authorization issued by or under the authority of the department for a specified park privilege permitting the performance of a specified act in the park.
- (11) "Playground area" Any area maintained or designated as a playground, including all territory under the supervision of the department.

(12) "Police officer." Any member of the Police Department of the City of La Vergne, and any other city employee who is a special policeman of the city and assigned duties within the park.

(13) "Rules and regulations." Any rules and regulations established by the board, committee or department will be filed with the city recorder.

(14) "Safety zone." Any space within any park so designated by appropriate signs.

(15) "Unnecessary stopping." Bringing a vehicle to a complete stop on a parkway, or a road in a park other than a parking space, or other than in conformity with traffic regulations, or other than because of any emergency. (1994 Code, § 20-301, modified)

**20-202. Construction and scope.** (1) Construction. In the interpretation of this chapter affecting parks, its provisions shall be constructed as follows:

(a) Any requirement or provisions of these rules and regulations relating to any act shall respectively extend to and include the causing, procuring, aiding, or abetting, directly or indirectly, of such act, or the permitting or the allowing of any minor in the custody of any persons, doing any act prohibited by any provision thereof.

(b) No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the city or others performing line of duty work within the park complex.

(c) Any act otherwise prohibited by this chapter, provided it is not otherwise prohibited by law, shall be lawful if performed under, by virtue of and strictly in compliance with the provisions of a permit and to the extent authorized thereby.

(d) This chapter is in addition to and supplements state and federal laws and ordinances.

(e) Where any park area is designated by the board so as to prohibit or permit certain activities, such designation shall be posted conspicuously.

(2) Scope. This chapter affecting parks shall be effective throughout the city as outlined in the charter. All areas designated as parks will operate under the supervision of the department as established by the board. (1994 Code, § 20-302, modified)

**20-203. Prohibited acts.** It shall be unlawful to:

(1) Distribute, display, or construct any material for advertising purposes (except for league or city affiliated signs approved by the director).

(2) Solicit contributions for any purpose or do any vending (without permission of the director).

(3) Camp or erect or maintain a tent or shelter without a permit or written permission from the director.



- (4) Disobey the lawful and reasonable order of a park employee or police officer in the discharge of his duties or disobey the notices, prohibitions, instructions, or directions on any park sign.
- (5) Use threatening, abusive, or insulting language.
- (6) Do any obscene or indecent act.
- (7) Throw, cast, or propel stones or other missiles.
- (8) Interfere with, encumber, obstruct, or render dangerous any part of the park.
- (9) Climb, stand, lay, skateboard upon any wall, fence, tree, shelter, monument, or other structure not meant for such.
- (10) Do any act tending to or amounting to a breach of peace.
- (11) Enter or leave any park facility except at established entrance ways or exits or at established times.
- (12) Use or gain admittance to or attempt to use or gain admittance to the facilities in the park for the use of which a charge is made without paying the charge.
- (13) Bring in, distribute, have possession of, or partake of any alcoholic beverage, drug or illegal substance.
- (14) Engage in, instigate, or encourage a contention fight.
- (15) Do, aid, abet, or assist in doing any act injurious to any person, animal, or property within the park.
- (16) Bring into or have in his/her possession in any park any weapons, firearms, slingshots, fireworks, explosives, or dangerous/noxious gases.
- (17) Play any games of chance, participate in any gambling or possess any devices used for gambling.
- (18) Take into, leave in or throw, or discharge into or on any park any rubbish of any sort except in receptacles provided for refuse.
- (19) Spit upon any walk, floor, building, or structure.
- (20) Throw, cast, drop, or discharge into or leave in the waters in or adjacent to any park any substance which may result in the pollution of such waters.
- (21) Destroy, injure, disturb, or remove any growing thing, including but not limited to any plant, flower, shrub, or tree.
- (22) Injure, deface, displace, remove, fill in, raise, destroy, or tamper with any drive, walk, bridge, wall, fence, shelter, seat, monument, building, post, sign, railing, platform, telephone, recreation equipment, pipe, basin, or any property, real or personal, owned by the City of La Vergne or under supervision or control by the City of La Vergne.
- (23) Park or drive in any areas other than designated parking areas.
- (24) Create inappropriate loud noise or music that may disrupt the leisure atmosphere within the parks without a permit or written permission from the director.
- (25) Violate any other city, state, or federal law or ordinance.

(26) No person shall voluntarily bring, land or cause to descend or alight within or upon any park, any airplane, flying machine, balloon, or parachute, other than one caused by mechanical or structural failure without a permit or written permission from the director.

(27) Smoke in prohibited areas.

(28) Skate or skateboard in prohibited areas.

(29) Allow dogs off leash except in designated areas. (1994 Code, § 20-303, modified)

**20-204. Regulated acts-permits. League and organizational facilities use.** The City of La Vergne reserves the right to charge fees for any damage incurred in the usage of any property of the City of La Vergne. All leagues and other organizations are required to carry insurance in an amount of no less than one million dollars (\$1,000,000.00) dollars with said city named as an additional insured. Any party or organization using city facilities is required to enter into a user agreement. Such agreement shall include procedures for use, disclosure of financial information, maintenance regulations and other information as deemed necessary by the city.

(1) Exhibitions, parades, racing, etc. No person shall erect any structure, stand or platform for the purpose of entertainment in any park, except in accordance with the rules and regulations and written permission of the department.

(2) Meetings, etc. (a) No person shall erect any structure, stand or platform, hold any meetings, perform any ceremony, make a speech, address or oration, or exhibit or distribute any signs, placard, notice, declaration or appeal of any kind or description, in any park except by permit issued by the director.

(b) Upon application, such permit will be issued unless:

(i) The use for which the permit is sought is of a private or commercial nature; or

(ii) The location selected is not suitable; or

(iii) The date and time requested has previously been allocated by permit, or would obstruct and interfere substantially with park use and enjoyment by the public.

(c) Whenever a permit is denied by reason of paragraphs (ii) or (iii) of subsection (b) above, alternative suitable locations and dates shall be offered to the applicant, if available.

(3) Picnics and outings. The parks and recreation department is authorized to adopt, promulgate and enforce rules and regulations governing picnics or outings consistent with the proper use and protection of park property. Such authority shall include, but not be limited to regulating the time, place and manner where picnics or outings may be held and may include the issuance of permits thereof.

(4) Peddling, sales, photographs, etc. No person shall, in any park or to any person in any park, exhibit, sell or offer for sale, hire, lease or let out any object or merchandise, or anything whatsoever, whether corporeal or incorporeal, tickets for entertainments or other affairs of any description included, except under a permit issued by the department. For advertising, commercial or publicity purposes, no person shall take moving pictures or photographs within the limits of any park, or buy or sell or publish the negatives thereof or the prints therefrom or exhibit such negative or prints in public, or use pictures or photographs of any park or park structure, or perform any personal service for hire in any park, except under a permit or merchandise in quantities, packages or containers customarily associated with peddling shall be deemed to be prima facie evidence of exhibiting or offering for sale.

(5) Protection of animals. No person shall, within any park, molest, kill, wound, trap, hunt, take, chase, shoot or throw missiles at, remove or have in his possession, any feral animal, reptile, bird, bird's nest or squirrel's nest, or remove the young of any such animal or the eggs or young of any such bird, etc., or knowingly buy, receive, have in his possession, sell or give away any such animal, reptile, bird or egg so killed or taken.

(6) Fires, lighted cigars, etc. No person shall kindle, build, maintain or use fire except in fire places provided or in self-supporting barbecue grills or stoves in designated picnic areas or under special permit.

Any fire shall be continuously under the care and direction of a competent person over eighteen years of age from the time it is kindled until it is extinguished, and no fire shall be built within ten feet of any tree or building, or beneath the branches of any trees or in any underbrush. No person shall throw away or discard any lighted match, cigar or cigarettes in any park or park street. Cigar, cigarettes and matches shall be extinguished and deposited in a suitable container provided for the reception thereof.

(7) Sun bathing and bathing. (a) No person shall sun bathe, bathe, wade or swim in or on any area under the supervision of the department and control of the board except at such times and in such places as the department may designate or maintain as bathing areas. As set forth below, nudity in any area under the supervision of the department is strictly prohibited except for those areas designated for persons to change their clothing.

(b) Notwithstanding any other ordinance, resolution or policy adopted by the City of La Vergne with regard to proper attire, nudity while on city property, except as to the changing of clothes as described above, is strictly prohibited. Nudity is defined as the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(8) Skating and coasting. (a) No person shall use roller skates in any park except at such times and upon such places as may be designated or maintained therefor, or skate, sled, walk or go upon any ice or snowshoe or ski or tow persons on skis, sleds or skates, except at such times and upon such places as may be designated or maintained therefor.

(b) No person shall, in any park, coast with handsleds, bobs, carts or other vehicles, or wheels or runners, except at such times and upon such places as may be designated or maintained therefor.

(9) Toy aviation, model boating and model automobiling. No person shall in any park engage in toy aviation, model boating or model automobiling, except at places designated or maintained therefor.

(10) Games. No person shall in any park throw, cast, catch, kick or strike any baseball, golf ball, football, basketball, bowling ball, croquet ball, bean bag or other objects, nor shall any person engage in any sport, game or competition, in places other than those designated for that activity or in open spaces. No games will be played in places where said games are specifically prohibited.

(11) Dogs and other animals at large. No person owning or being custodian or having control of any animal shall cause or permit such animal to run at large in the park. Any person owning or being custodian or having control of any animal shall pick up and properly dispose of animal waste. A dog may be brought into a park; provided, that such dog shall be continuously restrained by a leash not exceeding six feet in length; except, that no dog or other animal shall be permitted in buildings, playgrounds, bathing and other areas designated by signs as prohibited areas. Any animal found at large may be seized and impounded or disposed of pursuant to the laws or ordinances of the state and the city government in relation to the disposal of stray animals on highways or other public places. No person having the care or charge of any dog or other animal shall permit such animal to enter or drink the water of any drinking fountain, lake or pond in any park except at places designated or maintained therefor.

(12) Horses. No person shall use, lead, ride or drive a horse or other beast of burden in any park, except on designated bridle paths or along routes customarily used for access to and from bridle paths, unless mounted patrol otherwise authorized by the director. Driving or riding on a bridle path in a reckless manner is prohibited. Horses shall be well broken and constantly held in such control that they may easily or quickly be turned or stopped. No person shall permit any horse owned by him/her, or in his care or custody, to be unbridled or left unattended in any unclosed space without being securely fastened.

(13) Hours. No person shall under any circumstances enter for the purpose of remaining therein or remain in any park between the hours of 11:00 P.M. and 6:00 A.M. without general or special permission from the department.

(14) Construction work and projects. (a) No person or agency shall perform construction work or any kind of work incidental thereto in any park without a permit from the department, or unless under contract from the board.

(b) No person shall erect or maintain projections on, over or under any park without first obtaining a permit therefor from the board, and upon such terms and conditions, without making such compensation to the city government as may be determined by the aldermen and the board. (1994 Code, § 20-304, modified)

**20-205. Penalties.** It shall be unlawful to violate any provisions of this chapter. Any violation shall be fined under the general penalty clause of this code. (1994 Code, § 20-305)

**20-206. Vehicles and traffic.** (1) Traffic control. All persons shall at all times heed and comply with traffic directions of the police officers or other designated parking official indicating by gesture or otherwise in using parks, and shall further comply with directions on traffic signs along the routes in the park. Directions on such traffic signs may be disregarded only on an order of a police officer or other designated parking official. In overflow parking situations, all persons shall comply with the directions of a designated parking official.

(2) Speed limits. No person shall drive a vehicle on a street within any park at a speed greater than is reasonable and prudent under the conditions then existing. Where no special hazards exist, the maximum speed limits in all parks shall be fifteen miles per hour, unless otherwise posted. When official signs are posted indicating the speed limit in certain areas, it shall be unlawful for any person to drive or operate a vehicle in such area in excess of the legal speed limit as posted.

(3) Restrictions on vehicles. (a) Commercial vehicles. Vehicles constructed or adapted for or engaged in the carrying of merchandise, including samples of merchandise, trucks and trailers are prohibited from using any park except where necessary to make deliveries in such park. Whenever service roads adjoin the main roadway to a park, such vehicles shall use the service roads set apart for such use. In all cases, such vehicles shall enter such parks from the nearest street intersection or entrance, in the direction of traffic, and leave by the nearest intersecting street or exit in the direction of traffic, except when given permission by the director.

(b) Vehicles with signs, etc. Vehicles having any name, insignia or sign painted or displayed thereon for businesses or advertising purposes are prohibited in parks, except as provided in subsection (a) of this section. For purposes of identification, name and address only of the owner of the vehicles on the sides thereof in letters not more than two

inches in height shall not be construed as being displayed for business or advertising purposes.

(c) Carriers of offensive refuse or heavy materials. No garbage, ashes, manure, or other offensive materials shall be carried through any park. When such refuse is to be removed from premises fronting on any park, the vehicle collecting the same shall leave the park as soon as the collection has been accomplished, and by the shortest available route.

(4) Soliciting passengers. No person shall solicit passengers for any automobile, coach, taxi, omnibus or other vehicle in any park, except in such areas as may be designated therefor, and only to the extent specifically designated. All chauffeurs, drivers and attendants of such vehicles shall remain in close proximity to their vehicles while the same are unloading, awaiting or loading passengers. In no case shall cruising or soliciting of passengers in a park be permitted.

(5) Hitchhiking. No person shall in any park or park street, attempt to stop or stop, by any visible or audible sign or signal, any vehicle for the purpose of soliciting a ride, except in case of emergency.

(6) Reckless driving. No person shall, in any park, operate or drive or propel, and no owner thereof shall cause or permit to be operated, driven or propelled, any vehicle recklessly or negligently or at a speed or in such manner as to endanger or injure persons or property.

(7) Restricted areas. No person in any park shall drive or operate a vehicle within or upon a safety zone, walking trail, bridle path or any part of any park designated or customarily used for such purposes except in special circumstances or having permission from the department. No person shall ride a bicycle, or scooter in any park, except in places designated for such riding, but persons may push such machines in single file to and from such places, except on beaches.

(8) Driving instructions. Instructions in operating automobiles or motorcycles is prohibited in parks at all times. Persons who may not lawfully operate a vehicle within the state or city shall not drive or operate a vehicle within any park.

(9) Obstructing traffic. No person shall cause or permit any vehicle to obstruct traffic in any park, or to stop such vehicle except at those places specifically designated or maintained for the purpose of stopping or parking, except in case of emergency.

(10) Parking. No person, in stopping or parking a vehicle in any park area, shall:

(a) Disobey a lawful and reasonable order of a police officer or designated park official in the discharge of their duties or disobey or disregard the notices, prohibitions, instructions or directions on any park sign, including rules and regulations of museums or zoological or botanical gardens posted on the ground or buildings or such institutions.

(b) Stop or park a vehicle in a park between 6:00 A.M. and 11:00 P.M., except at places designated or maintained therefor.

(c) No over night parking permitted in any park except by permission of the department or extenuating circumstances.

(d) Any vehicle parked or left unattended in any park is at the owners risk and the city is not held responsible or liable for any damages that might occur to said vehicle (i.e.: foul balls, thefts, accidents, etc.)

(11) Towing and projecting articles. (a) No person shall cause or permit a vehicle to be towed by another vehicle in any park; except, that in case of a breakdown, a disabled vehicle may be towed to the nearest exit. Licensed towing operators may enter such park in response to a call from an owner or operator of a disabled vehicle or department employee to remove an unattended vehicle. In all cases, such towing operators shall enter such park from the nearest street intersection or entrance, in the direction of traffic, and leave by the nearest intersecting streets or exit in the direction of the traffic.

(b) No person shall operate or drive in any park a vehicle containing any person or object projecting or hanging outside or on the top thereof; except, that outdoor sports and recreation equipment, including but not limited to skis, ski poles, fishing rods, beach chairs, beach umbrellas, tent poles, and sleds, may be carried on the rear of such vehicle or on a rack designated for that purpose and attached to the top thereof; provided, that in all cases, fastenings shall be secure and substantial and such equipment so carried shall in no case project more than twelve inches above the top or to the rear of such vehicle.

(12) Driving off pavement. (a) No vehicle shall be operated or driven off the improved or paved roadways of any park or pathway unless so directed by a police officer or other designated traffic official.

(b) All staged or disabled vehicles shall be removed from paved roadways in parks so as to prevent obstruction of traffic. If not so removed by the owners or operators, then such vehicles may be removed by the city to the tow-in-lot at the expense of the owners.

(c) No disabled or unattended vehicle shall be permitted to remain in a park for a longer period than twenty-four hours.

(13) Working on vehicles. No person shall in any park, grease, lubricate or make repairs to any vehicle, except those of a minor nature, and then only in case of emergency.

(14) Cleaning vehicles. No person shall in any park wash, wax, vacuum or clean a vehicle in any way except with permission from the director.

(15) Vehicle and traffic law enforcement. No person shall operate a motor vehicle within any park area in violation of the laws of the state of the city government. Persons operating motor vehicles contrary to such laws shall be charged with violating said laws. (1994 Code, § 20-307, modified)

**20-207. Intervention.** La Vergne Parks and Recreation and the City of La Vergne has the right to intervene in any acts, legal or otherwise, that is not deemed proper. Such persons will be subject to ejection from the premises and/or legal ramifications. (1994 Code, § 20-307)

**20-208. Parks and recreation user fees.** User fees for this chapter shall be as follows:

(1) League use. (a) Concessions: Fifty percent (50%) of profits due no less than once per month.

(b) Field usage:

(i) Baseball/softball leagues: One thousand two hundred dollars (\$1,200.00) flat fee, payable at the end of each season.

(ii) Football leagues: Seven hundred fifty dollars (\$750.00) flat fee, payable at the end of each season.

(c) Sponsorship packages for baseball/softball leagues:

(i) Grand slam package: Five thousand dollars (\$5,000.00).

(ii) Home run package: Two thousand five hundred dollars (\$2,500.00).

(iii) Triple package: One thousand dollars (\$1,000.00).

(iv) Double package: Five hundred dollars (\$500.00).

(v) Single package: Two hundred fifty dollars (\$250.00).

(2) Tournaments. There is a tournament fee of one thousand five hundred dollars (\$1,500.00) per complex per weekend. A weekend is considered no longer than Friday, Saturday and Sunday. If a tournament is rained out completely, a refund will be issued. If a tournament completes a full day, no refund will be given. In order to reserve a complex for a tournament, the fees must be paid no later than two (2) weeks prior to the tournament. There will be a three hundred dollar (\$300.00) cleaning charge for excessive litter left by tournament participants. Vendors must pay a one hundred dollar (\$100.00) fee and must have prior approval from the parks and recreation director, or his designee. The city will retain all concession fees. The city will retain all gate fees with the exception of an organization that books two (2) or more tournaments per calendar year, in which case, the booking organization will retain their gate fees.

(3) Field rental. (a) Baseball/softball fields: One hundred fifty dollars (\$150.00) per field, per day.

(b) Football fields: Three hundred dollars (\$300.00) per field, per day. (as added by Ord. #2013-06, July 2013, and amended by Ord. #2014-24, Dec. 2014, and Ord. #2015-01, Feb. 2015)



**CHAPTER 3****LOCAL GOVERNMENT STANDARDS****SECTION**

20-301. Adopted by reference.

20-302. Public works inspector and assistants.

20-303. Powers and duties of the inspector.

**20-301. Adopted by reference.** The Local Government Public Works standards and specifications dated 1994, and all subsequent amendments thereto, promulgated, approved, and adopted by the University of Tennessee Municipal Technical Advisory Service are hereby adopted. (1994 Code, § 20-401)

**20-302. Public works inspector and assistants.** To provide for the administration and enforcement of this section, the office of Public Works Inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office shall be appointed or designated by the board of mayor and aldermen. (1994 Code, § 20-402)

**20-303. Powers and duties of the inspector.** (1) The inspector is authorized and directed to enforce all the provisions of this section and require work to be performed in accordance with plans approved by the planning commission.

(2) The inspector is authorized to issue an order to stop work for any work that is non-compliant, found defective or in such condition as to endanger life or property. In all cases where such action is taken, a notice shall be attached to the work and delivered to the contractor or developer performing the work. The notice shall state that the same is not acceptable, together with the reasons for the action, and it shall be unlawful for any person to remove said notice or proceed with the non-compliant work without authorization by the inspector. (1994 Code, § 20-403)

## CHAPTER 4

### RELEASE OF PUBLIC INFORMATION

#### SECTION

- 20-401. Procedures regarding access and inspection of public records.
- 20-402. Fees for copying public records.
- 20-403. Municipal computer systems.
- 20-404. Availability of information.
- 20-405. Application from planimetric mapping system.
- 20-406. Disposition of records.

**20-401. Procedures regarding access and inspection of public records.** (1) Consistent with the Public Records Act of the State of Tennessee, personnel of the City of La Vergne shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

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

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

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

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

or,

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

(5) There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance with the Office of Open Records Counsel (OORC) schedule of reasonable charges, shall be adopted by a resolution of the board of mayor and aldermen.

(6) Requests requiring less than one (1) hour of municipal employee labor for research, retrieval and duplication are free to the requester. Labor in excess of one (1) hour may be charged by the city, in addition to the cost per copy as adopted by a resolution of the board of mayor and aldermen. The city may require payment in advance of producing voluminous records. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour. For a request requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula: In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

(7) The police chief shall maintain, in his or her office, records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in the human resources department. Requests for police department personnel records, other than for undercover investigators, shall be made to the human resources department, who shall promptly notify the police chief of such request. The police chief shall make the final determination as to the release of the information requested. In the event that the police chief refuses to release the information, he shall provide a written explanation of the reasons for not releasing the information.

(8) If the public records requested are frail due to age or other conditions and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection.

(9) With the exception of the removal of records by employees and officials who may, from time to time, remove documents in performance of their duties, removal of records from any city building shall not be permitted. (Ord. #2009-05, May 2009)

**20-402. Fees for copying public records.** (1) The city shall establish reasonable fees to cover the cost of the reproduction of public records. Such fees

shall be established by an ordinance approved by the board of mayor and aldermen.

(2) All fees for copying public records shall be due at the time such costs are incurred.

(3) No fees shall be assessed against officials, employees or board/committee members of the City of La Vergne who make requests which are reasonably necessary to the performance of their official duties.

(4) No reproduction fee shall be assessed when an employee of the City of La Vergne determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge.<sup>1</sup> (Ord. #2009-05, May 2009, as amended by Ord. #2013-17, Oct. 2013)

**20-403. Municipal computer systems.** Only city employees will operate municipal computer systems. (Ord. #2009-05, May 2009)

**20-404. Availability of information.** Information contained in municipal computer systems may be printed in a paper form and provided to a requesting party. Digital computer files are available only from the planimetric mapping system and may be released in accordance with the schedule of fees established by a resolution of the board of mayor and aldermen. (Ord. #2009-05, May 2009)

**20-405. Application from planimetric mapping system.** Any information received from the Planimetric Mapping System, may only be released after the requesting person completes an application which includes a notice of limitation of liability and accuracy statement for planimetric and topographic mapping. (Ord. #2009-05, May 2009)

**20-406. Disposition of records.** (1) The following positions are charged with authorizing and approving the disposition and destruction of records that no longer have administrative, fiscal, legal, or historical value for their respective departments: city administrator, city engineer, city recorder, codes director, finance director, human resources director, information technology director, library director, parks and recreation director, police chief, public works director, and tax collector.

(2) The positions described above are charged with maintaining the records in their respective departments.

(3) The positions described above are authorized to dispose of any permanent paper record in their department when the record has been photocopied, photostated, filmed, microfilmed, preserved by microphotographic process, or reproduced onto computer or removable computer media, including

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<sup>1</sup>The schedule of fees is of record in the recorder's office.

CD-ROM or DVD-ROM disks, in accordance with Tennessee Code Annotated, § 10-7-121.

(4) The disposition of records shall be in accordance with the record retention schedule recommended by the University of Tennessee's Municipal Technical Advisory Service, pursuant to the authority granted in Tennessee Code Annotated, § 10-7-702. However, records may be retained for longer periods when it would be advisable or otherwise helpful to do so. (Ord. #2009-05, May 2009)

## CHAPTER 5

### DENIAL AND REVOCATION OF CITY ISSUED PERMITS FOR NON-PAYMENT OF CITY FEES AND TAXES

#### SECTION

20-501. Purpose and intent.

20-502. Definitions.

20-503. Non-payment by permit applicants.

20-504. Activity covered by the denied or revoked permit.

20-505. Miscellaneous.

**20-501. Purpose and intent.** The ordinance codified in this chapter is adopted for the purpose of regulating the issuance, denial and revocation of city issued permits for the non-payment of city fees and taxes. (as added by Ord. #2011-01, Feb. 2011)

**20-502. Definitions.** (1) "City" means the City of La Vergne, a Tennessee Municipal Corporation, and all of its departments and subdivisions.

(2) "City fees" means any and all charges for service and/or products provided by, privileges granted by, or fines levied or imposed by, the city.

(3) "City taxes" means any and all taxes imposed by the city pursuant to its authority to tax.

(4) "Non-payment" means the failure to pay or otherwise satisfy, in full city fees, taxes or a monetary debt or obligation owed to the city.

(5) "Notice" means written notice.

(6) "Permit" means any and all permits, licenses or grants of permission issued by or on behalf of the city to perform any act regulated by the city.

(7) "Permittee" means any individual, business entity and corporate entity, for profit and otherwise, presently holding a city issued permit. (as added by Ord. #2011-01, Feb. 2011)

**20-503. Non-payment by permit applicants.** (1) In the event of non-payment by a permittee, no permit for the same property shall be issued by or on behalf of the city to any person owning the property or agents or lessees of the person owning the property or any person occupying the property until the city is paid in full for the fee, tax or monetary debt or obligation owed to the city by the permittee.

(2) The permittee shall be sent notice of non-payment to the address identified on the permit in question, and will be provided a hearing date before the city administrator at which time the permittee and/or the permittee's representative may be heard as to the revocation of the permit. If, at the conclusion of the hearing, the city administrator determines that the permittee

has failed to pay or otherwise satisfy, in full, a monetary debt or obligation owed to the city, the city administrator shall revoke the permit.

(3) Any permittee whose permit was revoked and who, after satisfying the non-payment in full, desires to obtain a new permit for the same or similar use and or activity, must apply for a new permit and comply with all applicable rules, regulations, ordinances and laws regarding the same. (as added by Ord. #2011-01, Feb. 2011)

**20-504. Activity covered by the denied or revoked permit.** No other permits will be granted to any permit applicant in the event of non-payment by the permit applicant. (as added by Ord. #2011-01, Feb. 2011)

**20-505. Miscellaneous.** Other than set forth above, this chapter does not modify or otherwise alter the requirements of, and process for, obtaining permits. (as added by Ord. #2011-01, Feb. 2011)