

## TITLE 20

### MISCELLANEOUS

#### CHAPTER

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#### CHAPTER 1

### ANTI-LITTER ORDINANCE

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**20-101. Title.** This chapter shall be known and may be cited as the "City of Columbia Anti-Litter Ordinance." (1968 Code, § 8-501)

**20-102. Definitions.** For the purposes of this chapter each of the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Aircraft." Any contrivance now known or hereafter invented used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

(2) "Authorized private receptacle." A litter storage and collection receptacle as required and authorized in the city.

(3) "City." The City of Columbia, Tennessee.

(4) "Commercial handbill." Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

(a) Which advertises for sale any merchandise, product, commodity, or thing; or

(b) Which directs attention to any business, mercantile, or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given, or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety, and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving, or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license where such license is or may be required by any law of this state or under this code or any other ordinance of this city; or

(d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

(5) "Garbage." Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

(6) "Litter." "Garbage," "refuse," and "rubbish," as defined in this section, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

(7) "Newspaper." Any newspaper of general circulation, as defined by general law, any newspaper duly entered with the post office department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer, as provided by general law; and, in addition thereto, such term shall mean and include any periodical or current magazine regularly published with not less than four issues each year and sold to the public.

(8) "Noncommercial handbill." Any printed or written matter, any sample or device, dodger, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printer or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(9) "Park." A park, reservation, playground, beach, recreation center, or any other public area in the city owned or used by the city and devoted to active or passive recreation.

(10) "Private premises." Any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

(11) "Public place." Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(12) "Refuse." All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, used non-serviceable appliances, washing machines, dryers, refrigerators, domestic and commercial equipment, and solid market and industrial wastes.

(13) "Rubbish." Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

(14) "Vehicle." Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (1968 Code, § 8-502)

**20-103. Litter in public places.** No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city, except in public receptacles, in authorized private receptacles for collection, or in official city dumps. (1968 Code, § 8-503)

**20-104. Placement of litter in receptacles so as to prevent scattering.** Persons placing litter in public receptacles or in authorized private

receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. (1968 Code, § 8-504)

**20-105. Sweeping litter into gutters prohibited.** No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (1968 Code, § 8-505)

**20-106. Merchants' duty to keep sidewalks free of litter.** No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter. (1968 Code, § 8-506)

**20-107. Litter thrown by persons in vehicles.** No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property. (1968 Code, § 8-507)

**20-108. Truck loads causing litter.** No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter, or foreign matter of any kind. (1968 Code, § 8-508)

**20-109. Litter in parks.** No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (1968 Code, § 8-509)

**20-110. Litter in lakes and fountains.** No person shall throw or deposit litter in any fountain, pond, lake, stream, bay, or any other body of water in a park or elsewhere within the city. (1968 Code, § 8-510)

**20-111. Throwing or distributing commercial handbills in public places.** No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street, or other public place, within the city.

Nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it. (1968 Code, § 8-511)

**20-112. Placing commercial and noncommercial handbills on vehicles.** No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it. (1968 Code, § 8-512)

**20-113. Depositing commercial and noncommercial handbills on uninhabited or vacant premises.** No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (1968 Code, § 8-513)

**20-114. Distribution of handbills prohibited where property posted.** No persons shall throw, deposit, or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "NO TRESPASSING," "NO PEDDLERS OR AGENTS," "NO ADVERTISEMENT" or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or to have their right of privacy disturbed or to have any such handbills left upon such premises. (1968 Code, § 8-514)

**20-115. Distributing commercial or noncommercial handbills at inhabited private premises.** No person shall throw, deposit, or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined in this chapter) except that newspapers shall be placed on private property in such a manner as to prevent

their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. (1968 Code, § 8-515)

**20-116. Dropping litter from aircraft.** No person in an aircraft shall throw out, drop, or deposit within the city any litter, handbill, or any other object. (1968 Code, § 8-516)

**20-117. Posting notices prohibited.** No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole, or shade tree or upon any public structure or building, except as may be authorized or required by law. (1968 Code, § 8-517)

**20-118. Litter on occupied private property.** No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property. (1968 Code, § 8-518)

**20-119. Owner to maintain premises free of litter.** The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (1968 Code, § 8-519)

**20-120. Litter on vacant lots.** No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not. (1968 Code, § 8-520)

**20-121. Placement of inoperable/abandoned vehicles on property located within the city.** (1) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

(a) "Property" shall mean any real property within the city which is not a street, highway or public right-of-way.

(b) "Vehicle" shall mean a machine propelled by power other than human power designed to travel along the road or ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, but not be limited to, automobiles, trucks, trailers, motorcycles, and tractors.

(c) "Inoperable/abandoned vehicle" shall mean any vehicle or part thereof which:

- (i) Is inoperative or which is wrecked, dismantled, partially dismantled or discarded; or
- (ii) Which is left unattended on public or private property for more than ten (10) days; or
- (iii) Has remained illegally on public property for a period of more than forty-eight (48) hours; or
- (iv) Has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

(2) Commercial lots and business. All vehicles which are being repaired during the course and scope of the operation of commercial business on commercially zoned lots for more than ten (10) working days shall be considered to be inoperable/abandoned and shall be moved to a location which is not visible from adjacent properties or from any city street. This shall require the business owner or commercial operation to erect a visual screen by fence or other appropriate means as approved by the city engineer.

(3) Abandoning prohibited. No person shall abandon any vehicle within the city, and no person shall leave any vehicle at any place within the city for any period of time as to cause such vehicle to appear to have been abandoned.

(4) Location or presence of any inoperable or abandoned vehicles within city deemed public nuisance; exceptions. The location or presence of any inoperable or abandoned vehicle or vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause or maintain such public nuisance by rendering inoperable, dismantling, abandoning or discarding such vehicle or vehicles on the property of another or to permit or allow the same to be placed, located, maintained or to exist upon his or their own real property; provided that this section shall not apply to:

- (a) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;
- (b) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer operated in a lawful manner when necessary to the operation of such business;
- (c) A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or other governmental authority; or
- (d) Inoperable vehicles stored on private property provided, the vehicles are maintained in such a manner that they do not constitute a health hazard and are screened from public view by a fence or other

appropriate means. Car covers are not an authorized and sufficient screen from public view.

(5) Abatement or removal order; contents; service. (a) Whenever such public nuisance exists on private property in the city in violation hereof, the city manager, or his/her designee who shall administer this section, shall give not less than ten (10) days, written notice to the owner and/or occupant of the real property where such public nuisance exists to abate or remove the same. Said notice shall state the nature of the public nuisance and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made before the expiration of said ten (10) days period by the owner and/or occupant of such property. Such notice shall be mailed by certified or registered mail to the owner and/or the occupant of the private premises whereupon such public nuisance exists. If the notice is returned as undeliverable by the United States Post Office, official action to abate said nuisance shall be set on a date not less than ten (10) days from the date of such return.

(b) If the owner and/or occupant of the real property in question requests a hearing the city manager or his/her designee shall select a committee of three (3) persons from the staff of the city with no more than two (2) members being from any one department. The committee will hear the appeal as soon as practicable but not later than thirty (30) days after the request for a hearing. During such hearing, evidence will be considered to determine whether a public nuisance exists in violation of this section. Following such hearing an order will be issued if a nuisance is found to exist providing for the abatement of such nuisance by the city or the owner or occupant of the premises. Any order requiring the removal of a vehicle or part thereof shall include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site. The decision of the committee shall be final except for whatever rights the owner and/or occupant may have for judicial review.

(6) Removal with permission of owner or occupant. At any time ten (10) days after receipt of notice from the city manager, or his/her designee to abate the nuisance as herein provided, the owner or occupant of the premises may give his/her written permission to the City of Columbia to remove an inoperable or abandoned vehicle from the premises at the expense of the owner and/or occupant. The giving of such permission shall be considered compliance with the provisions of this section.

(7) Removal without permission of owner or occupant. (a) If such public nuisance is not abated by any person owning or occupying the real property where such vehicle is located, whether as owner, tenant, occupant, lessee or otherwise, and an inoperable or abandoned vehicle remains on said property following the ten (10) days' notice period specified in subsection (5)(a), with no hearing requested by the owner or

occupant of said property where the vehicle is located, official action shall be taken by the city to abate such nuisance at the expense of the person owning or occupying the property.

(b) Prior to entry upon private property for the purposes specified in this section, the city manager or his/her designee shall apply to the City of Columbia Municipal Court, or any court of competent jurisdiction, for any warrant or order necessary for the entry onto private property to examine vehicles or parts thereof, obtain information as to the identity of the owners of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this section. The City of Columbia Municipal Court shall have the authority to issue all orders and warrants necessary to enforce this section.

(c) The city manager or his/her designee, may enter upon private property for the purposes specified in this section to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this section. Any such inoperable or abandoned vehicle shall be impounded at the cost of the owner of the vehicle or the person owning or occupying the real property for which the vehicle was removed until lawfully claimed or disposed of in accordance with this section.

(8) Immediate removal authorized. Nothing in this section shall affect the power of the city to permit immediate removal of a vehicle left on public property, which constitutes an obstruction to traffic.

(9) Collection of abatement expense; lien. When any nuisance has been abated by the city as provided in this section, all expenses, including administrative fees, incurred in abating same shall be billed to the owner of the vehicle or the person owning or occupying the real property from which such vehicle was removed and shall become a lien against said real property. If the owner of the vehicle or the person owning or occupying the property from which such vehicle was removed, fails to pay the costs and administrative fees, such costs and fees shall be collected at the same time and in the same manner as delinquent real property taxes. In the alternative, the city may collect the costs and administrative fees assessed through an action for debt filed in any court of competent jurisdiction.

(10) Violations, penalty. Any person violating any of the provisions of this section shall be punished by a fine of not more than fifty dollars (\$50.00) for each offense and each day of continuing violation shall constitute a separate offense. (Ord. #3472, Sept. 2002)

**20-122. Penalties.** (1) Upon a finding of the city court that the person so cited is guilty of violating any of §§ 20-101 through 20-120 of this code, on the first offense said person shall be fined fifty dollars (\$50.00) and be required to remove litter from the city streets, city playgrounds, city parks or any other

appropriate city locations for not less than fourteen (14) hours nor more than six (6) months. For conviction of a second or subsequent offense, a person violating any of §§ 20-101 through 20-120 of this code, shall be fined an additional fifty dollars (\$50.00) and be required to remove litter from the city streets, city playgrounds, city parks or any other appropriate city locations for not less than forty (40) hours nor more than six (6) months.

(2) In addition to the mandatory minimum penalties established in subsection (1) the court may in its discretion require a person convicted under this part to:

(a) Remove any substance which was dropped, placed or discharged by the person and restore the property or waters damaged by the littering to its former condition at the person's expense; and/or

(b) Work in a recycling center or other appropriate location for any stated period not to exceed six (6) months.

(3) Any person who reports information to a law enforcement officer that leads to the apprehension and conviction of a person for violation of any section of this chapter except § 20-121, shall receive a reward of one hundred dollars (\$100.00). The city shall provide the reward money from the proceeds of the mandatory fines collected under this section.

(4) The proceeds from the mandatory fines for littering shall be collected by the city court clerk and deposited in the general fund. Such fines shall be identified as a line item revenue.

(5) The city shall expend the funds generated by the mandatory fines provided in this section by appropriation for litter enforcement rewards. Excess funds, if any, may be expended for other litter control programs on adoption of an appropriate ordinance by the city council. (Ord. #3247, Aug. 1998, as amended by Ord. #3265, Dec. 1998, modified)

## CHAPTER 2

### ALARM SYSTEMS

#### SECTION

- 20-201. Title.
- 20-202. Definitions.
- 20-203. Notification and permits required.
- 20-204. Duties of permit holders.
- 20-205. Violations.
- 20-206. Automatic dialing devices.
- 20-207. Appeals procedure and rights to a hearing.
- 20-208. Response to false alarm--required reports of corrective action and disconnection.
- 20-209. Enforcement.
- 20-210. Disposition of fees.

**20-201. Title.** This chapter shall be known as the "Alarm Ordinance." (1968 Code, § 13-401)

**20-202. Definitions.** For the purpose of this chapter, the following terms shall have the following meanings:

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

(2) "Alarm systems" 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 for alerting others of fire or of the commission of an 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 which are designed or used to register alarms that are audible or visible and emanate from any motor vehicle; auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service; and self-contained smoke detectors; and medic-alert alarms.

(3) "Automatic dialing device" means an alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a pre-recorded 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 Columbia Police Department.

(4) "Commercial premises" means any structure or area which is not defined herein as residential premises.

(5) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or 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 hurricanes, tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other conditions which are clearly beyond the control of the alarm user. A maximum of five (5) false burglar alarms; three (3) false robbery/panic alarms; and three (3) false fire alarms, will be granted per alarm device within a fiscal permit year. All false subsequent activation will be considered chargeable violations.

(6) "Fire officer" means the fire chief of the Columbia Fire Department or his designated representatives.

(7) "Law enforcement officer" means the chief of police of the Columbia 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" means any structure or combination of structures which serve as dwelling units including single family as well as multi-family units. (1968 Code, § 13-402)

**20-203. Notification and permits required.** Every person who shall own, operate or lease any alarm system as defined herein within the corporate limits of the City of Columbia, Tennessee, whether existing or to be installed in the future, shall, within one hundred and twenty (120) days of the effective date of this chapter for existing alarm systems, or prior to the use of new alarm systems, notify the Columbia 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) Whether installed in a residential or commercial premises.

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

(4) The names, addresses, and telephone numbers of at least two (2) persons to be notified in the event of an 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 Columbia Recorder's Office for obtaining a permit for each alarm device in said system, if the system is maintained on residential premises, and thirty dollars (\$30.00) for each alarm device, if the system is maintained on commercial premises. All permit fees are due January 1 annually and will be

prorated during the year applied for. Annual renewal fees of fifteen dollars (\$15.00) for residential users and thirty dollars (\$30.00) for commercial users will apply. (1968 Code, § 13-403, amended by Ord. #3269, Dec. 1998)

**20-204. 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 shut off to function within twenty (20) minutes of the alarm sounding, excluding fire alarms.

(4) The current alarm registration sticker provided each permittee shall be displayed near the primary entrance so as to be easily visible from outside the building. (1968 Code, § 13-404)

**20-205. Violations.** (1) It shall be a violation of this chapter to have a functional alarm system without having obtained a permit required by § 20-303.

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

(3) It shall be a violation of this chapter when any Columbia Police Department or Fire Department officer responds to a false alarm after the allowable false alarms set out in § 20-302(5) have been exhausted.

(4) Any person who owns, operates, or leases an alarm system and who shall knowingly and purposefully fail to respond to his premises within one (1) hour after notification by police or fire personnel of 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 Communications Center is notified to cancel the call within five (5) 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 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 non-compliance with the requirements of this chapter shall constitute a violation and each incidence of non-compliance shall constitute a

separate violation, punishable by a fine of fifty dollars (\$50.00) plus (+) court costs. (1968 Code, § 13-405)

**20-206. Automatic dialing devices.** (1) Within one hundred and twenty (120) days of the effective date of this 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 dialing device shall:

(a) Have a clearly understandable recording.

(b) Be capable of repeating itself a minimum of two times.

(c) 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:

(a) The owner's/resident's name and the exact street number and name.

(b) A statement that it is burglar or robber/panic "ALARM ONLY." It shall not say burglary or robbery "in progress."

(c) A statement of the hours the business is open, if the device is used for both burglar and robber/panic alarms.

(d) 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. (1968 Code, § 13-406)

**20-207. Appeals procedure and rights to a hearing.** (1) After a sixth (6<sup>th</sup>) false burglary alarm, a fourth (4<sup>th</sup>) false robbery/panic alarm, or a fourth (4<sup>th</sup>) 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 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 is filed. An appeal by the permit holder shall be accompanied by an appeals fee of fifty dollars (\$50.00). Appeals upheld by the board will result in a refund of the appeals fee.

(2) Pursuant to the administration of this chapter, a board of appeals shall be created for the purpose of hearing any complaints relating to the enforcement provisions of this chapter. Said board shall be appointed by the mayor and approved by the council, and consist of the following:

(a) One (1) member of the police department.

(b) One (1) member of the fire department.

(c) Three (3) private citizens, one (1) member being a representative of the local alarm industry, one (1) a residential alarm user, and one (1) a commercial alarm user.

(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. (1968 Code, § 13-407)

**20-208. Response to false alarm--required reports of corrective action and disconnection.** (1) The only alarms the Columbia police department, fire department or Emergency Medical Service will respond to are:

- (a) Burglary (residential and business).
- (b) Robbery/Hold-up (business only).
- (c) Fire (residential or business).
- (d) Medical (residential and business).
- (e) Panic (residential only).

(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 any alarm system. If the user calls or the authorized agent calls the police communications center back within five 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 Columbia police officer or fire officer has already arrived before the second call has been made to the signal 9; to disregard; to cancel. If a member of the Columbia Police Department or Columbia Fire Department has not arrived on the scene within 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 § 20-302(5), each person who owns, operates, leases or controls any premise, commercial or residential, having an alarm system, shall be cited to Columbia Municipal Court for any response to a false alarm. Within fifteen (15) days of the date of a 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. (1968 Code, § 13-408)

**20-209. Enforcement.** Columbia police and fire department officers are specifically authorized to enforce this chapter. Any Columbia police or fire 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 § 20-303, or whose

alarm system has given a false alarm in excess of the number of false alarms allowed under § 20-302(2). (1968 Code, § 13-409)

**20-210. Disposition of fees.** All fees collected pursuant to this chapter shall be paid to the City of Columbia general fund.

The provisions of this chapter shall not be applicable to residential or commercial premises which are located outside the municipal limits of the City of Columbia. (1968 Code, § 13-410)

## CHAPTER 3

### CIVIL EMERGENCIES

#### SECTION

- 20-301. Definitions.
- 20-302. Proclamation of civil emergency.
- 20-303. Curfew authorized.
- 20-304. Powers of manager during civil emergency.
- 20-305. Violations.
- 20-306. No intent to limit peaceful demonstrations, etc.
- 20-307. Exceptions to curfew.

**20-301. Definitions.** (1) A "civil emergency" is hereby defined to be:

(a) 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 or more persons acting together without authority by law.

(b) Any natural disaster or man-made calamity including but not limited to flood, conflagration, cyclone, tornado, earthquake, or explosion within the geographic limits of Columbia, 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.

(c) The destruction of property, or the death or injury of persons brought about by the deliberate acts of one 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) A "curfew" is hereby defined as 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 Columbia, Tennessee except persons officially designated to duty with reference to said civil emergency or those lawfully on the streets as defined hereinafter. (1968 Code, § 1-801)

**20-302. Proclamation of civil emergency.** When in the judgment of the city manager (or in his absence, the mayor), a civil emergency as defined herein is deemed to exist, he shall forthwith proclaim in writing the existence of same, a copy of which proclamation will be filed with the recorder. (1968 Code, § 1-802)

**20-303. Curfew authorized.** After proclamation of a civil emergency by the city manager, 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 city manager, but not to exceed fifteen (15) days. (1968 Code, § 1-803)

**20-304. Powers of manager during civil emergency.** After proclamation of a civil emergency, the City Manager of Columbia, Tennessee, 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, distribution, 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. (1968 Code, § 1-804)

**20-305. Violations.** Any person violating the provisions of this chapter or any executive order issued pursuant hereto shall be guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1968 Code, § 1-805)

**20-306. No intent to limit peaceful demonstrations, etc.** It is the intent of the city council not 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. (1968 Code, § 1-806)

**20-307. Exceptions to curfew.** Any curfew as defined herein 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. (1968 Code, § 1-807)

## CHAPTER 4

### IMPROVEMENT ASSESSMENTS

#### SECTION

- 20-401. Title.
- 20-402. Definitions.
- 20-403. Improvements and issuance of bonds authorized.
- 20-404. Improvement procedure.
- 20-405. Public hearing, final action of city, and petition for certiorari.
- 20-406. Construction bids, performance bond and construction by city's own forces.
- 20-407. Assessments.
- 20-408. Assessment resolution and hearing.
- 20-409. Municipal, state and federal property subject to assessments.

**20-401. Title.** Be it hereby ordained an ordinance to be known as the Property Assessment Ordinance of the City of Columbia. (1968 Code, § 6-701)

**20-402. Definitions.** For the purpose of this chapter, unless a different meaning clearly appears in the context, the following definitions of terms shall be used in its interpretation:

(1) "Benefitted property; property to be benefitted and frontage." The city council may assess the expense of improvements on the property benefitted by the improvements, or upon the property adjoining and contiguous or abutting upon such improvements, in proportion to the frontage, or according to benefits, as determined by the council.

(2) "Costs." Cost of labor, materials, equipment necessary to complete an improvement, land, easements, and other necessary expenses connected with an improvement including preliminary and other surveys, inspections of the work, engineers' fees and costs, attorney fees, fiscal agent fees, preparation of plans and specifications, publication expenses, interest which may become due on bonds before collection of the improvement assessments, a reasonable allowance for unforeseen contingencies, and other costs of financing.

(3) "Improvement." Construction, installation or substantial reconstruction of sanitary sewers; construction, substantial reconstruction, or widening of streets, sidewalks and other public ways, including necessary storm drainage facilities, curb and gutter, or any combination of the foregoing.

(4) "Sanitary sewer." An underground conduit for the passage of sewerage, and pumping stations, pressure lines, and outlets where deemed necessary. (1968 Code, § 6-702)

**20-403. Improvements and issuance of bonds authorized.** The City of Columbia is hereby authorized to provide for, construct, and issue bonds, if

necessary, to finance the improvements heretofore defined as provided in Tennessee Code Annotated, §§ 7-33-101 to 7-33-318. (1968 Code, § 6-703)

**20-404. Improvement procedure.** When the City Council of the City of Columbia shall determine to consider construction of an improvement heretofore defined; or, when the City Council of the City of Columbia is petitioned by a group of interested owners of property and the said city council decides to study the project feasibility, the city council shall adopt a resolution providing for preliminary plans and estimates of the costs to be prepared by the wastewater department for all sanitary sewers and by the city engineering department for all other improvements and to render a report to the city council. Following receipt of the above described report and upon determination by the city council that the project should be constructed, a subsequent resolution shall be adopted describing the project and geographical limits of same and making a declaration that the improvement will be designed and constructed and will be supervised by the city. A statement shall also be made as to the proportion of total costs to be assessed against benefitted properties, which shall not exceed two thirds (2/3) of the total costs of the improvement; provided, however, that the total costs may be assessed against benefitted properties if the property owners who own seventy five percent (75%) of the front footage to be benefitted petition the city council for an improvement and state in their petition that they agree to pay the total cost of said project. In all succeeding proceedings, the city shall be bound and limited by the resolution as it may be amended, except that the total costs assessed against benefitted properties may exceed the preliminary estimate of costs by not more than ten percent (10%). The resolution shall provide for a public hearing before the city council at a time and a place specified therein. The city shall publish a notice of the hearing at least seven (7) days in advance of the hearing in a newspaper of general circulation in the municipality and by posting same at the city hall. Said notice shall state that any owner of property to be benefitted may appear to be heard as to:

- (1) Whether the proposed improvement should be undertaken as planned, or abandoned, and
- (2) Whether the design, costs, cost allocation, or scope of the improvement should be altered.

Said notice shall be sent by first class mail to the owners of properties to be benefitted or their agents of record at the time of adoption of the resolution at the address currently entered on the property assessment records. (1968 Code, § 6-704)

**20-405. Public hearing, final action of city, and petition for certiorari.** At the public hearing required herein, or at the time and place to which same may be adjourned from time to time, all persons whose property may be affected by such improvement may appear in person, by attorney, or by petition. After said public hearing and after considering any objections, the city

council shall confirm, amend or rescind the resolution authorizing the project as its final action. Such final action shall be the final determination of the issues presented unless the owner of property to be benefitted files, within ten (10) days thereafter, a petition for certiorari in the circuit court having jurisdiction to review the action of the governing body. Failure to take such steps within said ten (10) days shall constitute a waiver of all objections. (1968 Code, § 6-705)

**20-406. Construction bids, performance bond and construction by city's own forces.** If the project is to be constructed by contract, the city council may authorize receipt of proposals for the construction of an improvement which shall be solicited by sealed competitive bids after public advertisement at least once in a newspaper having general circulation in the municipality not less than ten (10) days prior to the date set for receipt of bids. The governing body may accept a bid, or combination of bids, or, without bids, it may direct that the improvement be accomplished by the municipality's own forces. The city council may also authorize the inclusion of the project to another contract for which bids have been or may be received. The city council may authorize the work to be completed by a combination of contract, contracts, and city forces. (1968 Code, § 6-706)

**20-407. Assessments.** After the completion of the work, it shall be the duty of the city council in conformity with the requirements of the design and construction resolution to apportion the applicable cost and expense of such improvement or improvements upon the land abutting on or adjacent to said street, highway, avenue, alley, or other public place improved, which apportionment shall be made against said land, and the several lots or parcels on said street, highway, avenue, alley or other public place, provided, however, that the aggregate or total amount of the levy or assessment made upon or against any lot or parcel of land shall not exceed one-half (½) of the cash value of said lot and improvements thereon. Cash value shall be identified in Tennessee Code Annotated, § 7-32-116.

Where intersections of any street, avenue, highway, or other public place are improved, the City of Columbia shall pay one-third of the cost thereof, and the balance shall be assessed against the property of the streets improved. The cost of any improvement contemplated shall be established by the city council and may include the expense of the preliminary and other surveys, and the inspection and superintendence of such work, the preparation of plans and specifications, the printing and publishing of notices, resolutions, and ordinances required, including notice of assessment, preparing bonds, interest on bonds, and other expense necessary for the completion of such improvement or improvements; provided, however, that the cost of any guaranty or maintenance of any work constructed under these provisions shall not be

assessed against the property abutting on or adjacent to any street, avenue, highways or other public place improved. (1968 Code, § 6-707)

**20-408. Assessment resolution and hearing.** When the costs have been compiled for the improvements, the city recorder, or such person as may be designated by the city council shall thereupon publish a notice of a public hearing before the city council to consider the assessment resolution and said notice shall contain a time and date for the public hearing and a statement to the effect that an assessment list has been completed and that, on the day named, which shall be not less than ten (10) days after the date of publication of said notice, the city council will consider any and all objections to said costs or assessments that have been filed in the office of said recorder or such person designated.

Said notice shall further recite that said lists are in the office of said recorder or person designated, and may be inspected within business hours of the City of Columbia and during the ten (10) day period by anyone interested. Said notice shall describe the general character and location of the improvement. All persons whose property it is proposed to assess for the costs of said improvement, or improvements, may at any time, on or before the date named in such notice, and before said meeting of the city council, file in writing with the recorder, or person designated, any objection or defenses to the proposed assessment or to the amount thereof. On the date named in said notice or to any day to which said meeting may be adjourned, or to which the consideration of said assessment and the objections thereto may be postponed, said city council shall hear and consider said assessment and objections thereto, and after so doing, shall confirm, modify or set aside said assessment as shall be deemed right and proper. If no objection to the pro rata or the amount thereof is filed, or if the property owners fail to appear in person, or by attorney, and insist upon the same, the assessment shall be confirmed and made final; and the property owners who do not file objections in writing or protest against said assessment shall be held to have consented to the same and forever barred to attack the regularity, validity, or legality of said assessment. Such confirmation and final action by said city council shall be done by resolution at a single meeting of said body.

All such assessments shall be and constitute a lien on the respective lots or parcels of land upon which they are levied, superior to all other liens except those of the state and county and city, for taxes. The enforcement of the state, county and city of its liens for taxes on any lot or parcel of land upon which has been levied an assessment for any improvement authorized herein shall not operate to discharge, or in any manner affect the City of Columbia's lien for such assessment; but a purchaser at a tax sale by the state, county or city of any lot or parcel of land upon which said assessment had been levied shall take the same subject to the lien of such assessment, and if bought by the state, any conveyance of the title thus acquired or any redemption shall be subject to the

lien of such assessment; provided, however, that any error, mistake of name, number of lot, amount, or other irregularity may at any time be corrected; and no such levy or assessment shall ever be declared void or invalid by reason thereof, but the person aggrieved may have the same corrected by application to the city council of said City of Columbia. If in any court of competent jurisdiction any final assessment is set aside for irregularity, omissions or defects in the proceedings, then the city council, may, after notice as required in the making of the assessment resolution, make a new assessment in accordance with the provisions herein.

All assessments levied by virtue of this chapter shall be due and payable within thirty (30) days after the assessment has been made final as aforesaid; however a property owner may notify the city in writing that he elects to pay said assessment in five (5) annual installments as herein provided and said assessment amount shall bear interest at the rate of six percent (6%) per annum on the unpaid balance. A property owner desiring to exercise the privilege of payment by installment shall, before the expiration of the thirty days, enter into an agreement in writing with said city. Providing that in consideration of such privilege he will make no objection to any illegality or irregularity with regard to the assessment against his property, and will pay the same as agreed with the specified interest and all costs of collection, including a reasonable attorney fee, upon default as hereinafter provided. Said agreement shall be filed in the office of the city recorder, or person designated, and in all cases where such agreement has not been signed and filed within the time limited, the entire assessment shall be payable in full without interest before the expiration of said thirty days; provided, that any property owner who shall have elected in writing to pay his assessment in five annual installments shall have the right and privilege of paying the assessment in full at any installment period by paying the full amount of the installments, together with all accrued interest. If any property owner shall default in the payment of any installment and interest thereon, all of said installments, with interest, shall become immediately due and payable.

The City of Columbia may permit owners of benefitted property to pay improvement assessments, plus interest at the rate of six percent (6%) per annum on the unpaid balance and reasonable collection costs, in consecutive equal monthly installments not to exceed a term of five (5) years. The first installment shall be due and payable when the improvement assessment is due. A monthly payment shall be delinquent thirty (30) days after it is due and payable, and the unpaid balance of the improvement assessment, plus all accrued interest and all costs of collection, including a reasonable attorney fee, shall be due and payable immediately.

After the city council shall have levied said assessments against the property abutting on or adjacent to such street, highway, avenue, alley, or other public improvement, the said recorder or person designated, shall enter same upon the accounts of the City of Columbia to conveniently show:

- (1) Name of owner of such property.
- (2) The number of lot or part of lot and the plat thereof, if there be a plat.
- (3) The frontage of said lot and the depth thereof.
- (4) The amount that has been assessed against such lot.
- (5) Method of payment.

Said accounts shall be indexed according to the name of the owners of the property and according to the location of the improvements.

Whenever any installment of any assessments shall become past due for a period of sixty days, it shall be the duty of the recorder to certify said delinquent installments, and all other installments of the same assessment to the city attorney, whose duty it shall be to immediately enforce the collection of said assessment, plus accrued interest and costs of collection herein above set forth.

In case of any such default the lien hereunder shall be enforced in the Chancery Court of Maury County, Tennessee.

Any land attached may be sold in an attachment proceeding in bar of the equity of redemption, and all other rights legal or equitable, belonging to the owners of said land. (1968 Code, § 6-708)

**20-409. Municipal, state and federal property subject to assessments.** Benefitted property owned by the municipality, county, the State of Tennessee, the United States Government, or their agencies (if federal law makes such property subject to assessment) shall be subject to improvement assessments, the same as private properties, and the amount of each annual improvement assessment shall be paid by the municipality, county, State of Tennessee, United States Government, or their agencies, as the case may be. In the case of the State of Tennessee, the amount of the improvement assessment shall be certified by the municipality to the commissioner of finance and administration, who shall direct the state treasurer to pay the same to the municipality out of an appropriate appropriation or from any money in the state treasury not otherwise appropriated. No benefitted property shall be exempt from improvement assessments. Improvement assessments against such public property shall be enforceable by writ of mandamus or other appropriate remedy. (1968 Code, § 6-709)

## CHAPTER 5

### PARK RULES AND REGULATIONS

#### SECTION

- 20-501. Definitions.
- 20-502. Director to operate parks.
- 20-503. Commission--powers and duties.
- 20-504. Rules, regulations, and fees.
- 20-505. Park enforcement.
- 20-506. Preservation of park features; public health and safety.
- 20-507. Prohibited acts.
- 20-508. Events and permits.

**20-501. Definitions.** For the purposes of this chapter the following definitions shall apply:

- (1) "Animal," means any wild or domesticated animal.
- (2) "City park," means any park, community center, lands, or recreation facility, owned by, leased by, or under the control of the city.
- (3) "Commission," means the City of Columbia Parks and Recreation Commission.
- (4) "Director," means the director of parks and recreation or a representative designated by him/her.
- (5) "Officer," means any person employed or appointed by the city as a City of Columbia Police Officer.
- (6) "Pet," means any dog, cat, horse, mule, donkey, llama, goat, sheep, chicken, or other domesticated animal. (Ord. #3341, Feb. 2000)

**20-502. Director to operate parks.** The operation and maintenance of all city parks shall be under the control of the director subject to the supervision of the city manager. (Ord. #3341, Feb. 2000)

**20-503. Commission--powers and duties.** The Columbia Parks and Recreation Commission shall serve as an advisory board to the director of parks and recreation, the city manager and the city council in any matters relating to the parks and recreation department. (Ord. #3341, Feb. 2000)

**20-504. Rules, regulations, and fees.**<sup>1</sup> The director shall promulgate rules and regulations for the operation of city parks and fees and charges for the use of city parks, which shall be effective from the time they are reviewed by the

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<sup>1</sup>Fees and charges for city parks are provided by resolution, of record in the office of the city recorder.

commission and approved by the city manager and city council. Such rules and regulations, or excerpts thereof, shall be posted in city parks if such posting is feasible in the opinion of the director; irrespective of posting, copies of such rules and regulations shall be available to persons desiring copies thereof at the office of the director during business hours. No person shall violate and no person shall fail to comply with said rules and regulations. (Ord. #3341, Feb. 2000)

**20-505. Park enforcement.** The City of Columbia Police Department is responsible for enforcing the provisions of this chapter and the rules and regulations of the director, and shall take appropriate action in the case of any violations thereof. By reference, the police department shall be responsible for park enforcement in accordance to Ordinance #1518, including any and all amendments, thereto. The director may bar individuals or groups from specific park areas, specific parks, or the entire park system, for a reasonable period of time, for violations of the park rules and regulations. (Ord. #3341, Feb. 2000, modified)

**20-506. Preservation of park features; public health and safety.**

(1) Penalty. Any person who violates any provision of this code and is guilty of a misdemeanor as provided in the sections of this code, is punishable by a fine up to fifty dollars (\$50.00) as imposed by the City of Columbia Court.

(2) Plants. No person shall pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, burn or carry away any plant or vegetation, or portion thereof, including aquatic plants.

(3) Animals. No person shall trap, kill, wound or maltreat any wild or domesticated animal, and no person shall permit any pet to pursue, trap, kill, or wound any wild or domesticated animal.

(4) Geological features. No person shall destroy, disturb, deface, or remove earth, sand, gravel, oil, minerals, rocks or fossils, features of caves, or any parts thereof.

(5) Archeological/historical features. No person shall search for or collect any archeological feature using a metal detector or any other method, or destroy, deface, or remove any archeological or historical features or any parts thereof.

(6) Special permits. The director may grant a permit to remove, destroy or otherwise disturb plants or animals or geological, archaeological or historical materials upon finding that such permit will be in the best interests of the city and does not violate any local, state, or federal regulations.

(7) Littering. No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. By

reference, this rule shall be enforced in accordance to Ordinance #825, including any and all amendments thereto.

(8) Fire hazards. No person shall ignite or permit to be ignited a fire in any location in a city park except in a cooking area provided by the city. No person shall throw away any lighted tobacco product, or any burning or combustible material or other matter that could set fire to grass, shrubs, buildings or any other combustible substance.

(9) Stoves. No person using a park stove shall permit such stove to remain in any untidy or unsanitary condition, nor shall any such person fail to clear away therefrom all cooking and eating utensils and waste matter after use thereof. Any person who uses a park stove shall, when such use is completed, extinguish the fire therein.

(10) Water pollution. No person shall place any garbage or other waste, or any soiled eating or cooking utensils or anything similar, in any stream, lake, pond, pool or at any hydrant for the purpose of cleaning the same, nor shall any person use any stream, lake, pond, pool or hydrant for washing or bathing, or for disposal of refuse, or for any activity which would tend to cause the pollution thereof. No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the city. By reference, this rule shall be enforced in accordance to Ordinance #825, including any and all amendments thereto.

(11) Children. No person shall permit any child under the age of seven years to play in any playground area, or fish, swim or play in or near any lake, pool or drainage ditch unless such child is attended by an adult. It shall be unlawful for any person under the age of eighteen (18) years to loiter, idle, wander, or play in and upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, place of amusement and entertainment, vacant lots or any unsupervised place within the corporate limits of the City of Columbia, Tennessee, between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday and 12:00 midnight and 5:00 A.M. on Friday and Saturday. By reference, this rule shall be enforced in accordance with Ordinance #1935, including any and all amendments thereto.

(12) Toilet facilities. No person shall loiter about any toilet facilities.

(13) Glass beverage containers in city parks. Glass beverage containers are strictly prohibited from all playground areas within city parks. The director may further exclude glass beverage containers from city parks or adjacent parking and sidewalk areas where the director finds that the use of glass beverage containers substantially conflicts with the general use, enjoyment, and safety of such parks. All persons shall comply with any such order of the director.

(14) Golf in city parks. The playing of golf or golf practice is strictly prohibited from all athletic fields within city parks. The director may further prohibit the playing of golf or golf practice from within city parks, or may limit

the playing of golf or golf practice to designated areas within city parks, where the director finds that golf substantially conflicts with the general use, enjoyment, and safety of such parks. All persons shall comply with any such order of the director. (Ord. #3341, Feb. 2000, modified)

**20-507. Prohibited acts.** (1) Closing hours. No person shall remain upon the grounds of a city park or occupy the grounds of a city park or occupy the grounds of such parks, or any part thereof, or use any of the facilities or equipment therein, or permit any vehicle to remain therein, except between the posted hours of any day, unless authorized by the director. The director may at his/her discretion designate and enforce opening and closing times, which shall be posted, for such grounds or facilities and for the use of such equipment.

(2) Disobeying orders and tampering with signs. No person shall refuse or fail to comply with any lawful order, signal or other direction of a parks and recreation department employee or an officer. No person shall deface, damage, or remove any warning sign, equipment, or other material placed on or near a park pursuant to the provisions of this chapter.

(3) Defacement prohibited. No person shall in any way deface or mutilate any tree, fence, wall, building, railing, playground equipment, or picnic structure, monument or any other object or structure within a city park.

(4) Weapons and fireworks. Weapons and fireworks are strictly prohibited from all city parks. No person shall possess, use, transport, carry, fire, or discharge any fireworks, firearm, weapon, air gun, archery device, slingshot, or explosive of any kind across, in or into a city park. By reference, this rule and exceptions to this rule shall be enforced in accordance to municipal code § 11-603, including any and all amendments thereto.

(5) Alcoholic beverages and controlled substances. Alcoholic beverages and controlled substances are strictly prohibited from all city parks. No person shall transport into a city park, possess or consume upon the premises of a city park, any intoxicating liquors or any other controlled substances.

(6) Vehicles. All vehicles entering a city park shall be operated in a lawful manner at all times. A valid driver's license and current vehicle registration are required by Tennessee Vehicle Codes. Proof of such documents shall be furnished to an officer on request. No person shall drive a vehicle within a city park other than in a reasonable and prudent manner and with due regard for traffic and road conditions. In no event shall a vehicle be driven at a speed which endangers the safety of persons, property or wildlife. No vehicle shall be driven in a city park at a speed greater than the posted speed limits.

(7) Parking. No person shall park any vehicle within a park except for the duration of his visit to such park. No person shall leave or park any motor vehicle on any driveway, turf area, or at any other place or places that are not designated as places for vehicle parking. By reference, this rule shall be enforced in accordance to Ordinance #1606, including any and all amendments thereto.

(8) Walkways/roadways. No person shall ride or drive a moped, motorcycle, automobile or any other motorized vehicle other than on an automobile roadway unless authorized to do so by the director. The primary purpose of walkways shall be for pedestrian uses and for non-motorized modes of travel, for example roller-skates and bicycles. No person shall obstruct the free travel of pedestrians on any walkway, roadway or avenue or of vehicles on automobile roadways unless authorized to do so by the director.

(9) Washing or repairing cars. No person shall engage in the washing, cleaning, polishing, repairing, renovating or painting of any vehicle within a city park, except that emergency repairs immediately necessary to render such vehicle safe may be authorized by an officer.

(10) Commercial vehicles. No commercial vehicle shall enter any part of a city park to engage in commercial activities, without first obtaining permission to do so from the director. A commercial vehicle is a vehicle of a type maintained for the transportation of persons for hire, compensation, or profit or designed, used or maintained primarily for the transportation of property.

(11) Advertising, soliciting, selling, and conducting business. No person shall vend, offer for sale or dispose of any goods, wares, or merchandise, or conduct any business within a city park unless authorized to do so by the director. No person shall distribute, circulate, give away, or throw or deposit any hand bills, circulars, pamphlets, tracts, dodgers or advertisements, or post, or affix to any tree, fence or structure situated within the city park any such hand bill, circular, pamphlet, tract, dodger or advertisement, unless authorized to do so by the director. By reference, this rule shall be enforced in accordance with Ordinance #825, including any and all amendments thereto.

(12) Gambling and fortune telling. No person shall play any game of chance for money or tokens of value. No person shall maintain, carry on or expose any gaming or gambling table, contrivance, instrument, equipment or device. No person shall engage in fortune telling, palm reading, character analysis, phrenological exhibitions or demonstrations, or any other like display, demonstration or exhibit in a city park for a charge, fee or donation of money, or any other valuable consideration.

(13) Games. No person shall play or engage in organized league games or sports except at such places as shall be specifically designated for that purpose by the director or by an officer.

(14) Climbing. No person shall climb upon any tree, rock, or other natural feature, or upon any portion of any structure of any kind that has been created for public use other than public playground equipment specifically designed for such purposes.

(15) Swimming. No person shall swim in any lake, stream or pond in any city park unless authorized by the director.

(16) Aircraft. No person shall transport, assemble or use any aircraft including hot air balloons, hang glider, or motorized craft designed to export a

person or persons in air flight or fly, launch or land over or upon any city park without written authorization from the director.

(17) Remote controlled models. No person shall use any model airplane, model car, or model boat, either tethered or remote controlled in a city park except in areas designated by the director.

(18) Animals. No horse, mule, donkey, llama, or other domesticated pack animal shall be hitched to any tree or shrub or structure in a manner that may cause damage to park property. No person shall ride, drive, lead or keep a saddle horse or other domesticated pack animal in any city park, except on such roads, trails, or areas as the director may designate and subject to such regulations as the director may promulgate.

(19) Pets. (a) Except as prohibited by this section and subject to the conditions set out herein, pets are permitted in city parks during the hours that such parks are open to the public. By reference, this section shall be applied to dogs in accordance to Ordinance #1043, including any and all amendments thereto.

(b) Notwithstanding the provisions of subsection (a) hereof, no person shall bring a pet into, permit a pet to enter into or remain in, or possess a pet in any city park without first having obtained any required inoculation or valid license for such pet. Evidence of such inoculation or valid license shall be presented by the person responsible for such pet when required by an officer.

(c) All pets in city parks shall be closely attended at all times. No person shall permit a pet to run loose or turn a pet loose in any portion of the city park system, unless such action is of benefit to the city, or upon written authorization by the director.

(d) No person shall within a city park permit a pet to be or remain unattended outside or inside an enclosed vehicle.

(e) No person shall keep or permit to remain within a city park, a noisy, vicious or dangerous pet, or a pet which disturbs other persons within the boundaries of a city park.

(f) Any person bringing a pet into a city park is solely responsible for the actions of such pet. Such person shall immediately identify himself to an officer and report any injury inflicted by such pet upon any person or any damage caused by such pet to any real or personal property.

(g) The director may further regulate pets in, or may exclude pets from any city park or section of a city park where the director finds that the presence of pets substantially conflicts with the general use and enjoyment of such parks, excepting a dog accompanying an unsighted or deaf person.

(20) Peace and quiet. No person shall disturb the peace and quiet of a city park by any loud or unusual noise, or by the sounding of automobile horns or noisemaking devices, or by using a loud automobile radio or portable radio.

By reference, this rule shall be enforced in accordance to municipal code § 11-402 including any and all amendments thereto.

(21) Profane, obscene, or abusive language or gestures. The use of profane, obscene, or abusive language or gestures is strictly prohibited from all city parks.

(22) Fighting. Fighting is strictly prohibited from all city parks. (Ord. #3341, Feb. 2000, modified)

**20-508. Events and permits.** The use of city parks and park facilities for private uses, special events, and recreational programs by individuals, groups, clubs, and organizations shall be regulated by parade permits, facility reservation contracts, special use permits, and non-exclusive and occupancy permits.

(1) Events opened to the public. No person shall setup or maintain any exhibition, show, performance, concert, place of amusement, lecture, oration, or benefit to be opened to the public without first acquiring a parade permit. By reference, this rule shall be enforced in accordance to Ordinance #1923, including any and all amendments thereto. This section does not apply to special events as planned and hosted by the city.

(2) Events opened by invitation, registration, or membership. The advance reservation of park facilities for private uses (e.g., meetings, birthday parties, family reunions, wedding receptions, etc.) to be held during normal hours of park operations shall be regulated by facility reservation contracts. The reservation of park facilities that are not normally reserved or reservations that extend beyond the normal hours of park operations for private uses, special events, or recreational programs shall be regulated by special use permits. Special use permits shall be used for events that are scheduled on a sporadic basis (e.g., youth sports tournaments, etc.). Non-exclusive use and occupancy permits shall be used to regulate private uses, special events, and recreational programs that are scheduled on a regular and recurring basis (e.g., youth sports season, etc.). Facility reservation contracts, special use permits, and non-exclusive use and occupancy permits shall be standardized agreements. These agreements shall be reviewed by the commission and approved by the city manager and city council. The director shall execute each standardized agreement on an as-needed basis. (Ord. #3341, Feb. 2000, modified)