

**TITLE 20****MISCELLANEOUS****CHAPTER**

1. FAIRVIEW CEMETERY.
2. CITY PARKS.
3. FIXED BASE OPERATORS AT AIRPORT.
4. AIRPORT RULES AND REGULATIONS.
5. AIR POLLUTION.
6. FAIR HOUSING REGULATIONS.
7. DEFECTIVE ALARM SYSTEMS AND INTENTIONAL FALSE ALARMS.

**CHAPTER 1****FAIRVIEW CEMETERY****SECTION**

- 20-101. Perpetual care fund.  
20-102. Revenue for perpetual care fund.  
20-103. Purchase price for lots.  
20-104. Speed limits.  
20-105. Supplementary rules and regulations.

**20-101. Perpetual care fund.** A perpetual care fund for Fairview Cemetery, to be administered by or under the supervision of the cemetery committee of the board of mayor and aldermen and their successors, is hereby established. (1978 Code, § 12-301)

**20-102. Revenue for perpetual care fund.** Fifty per cent (50%) of all receipts from the sale of lots and single grave spaces in Fairview Cemetery, received after the adoption of these provisions, shall be paid over to the perpetual care fund. The fund shall also receive one hundred per cent (100%) of the gross profits made by the city on any work performed in the cemetery, or fifty per cent (50%) of the gross charges for such work which are passed on to the customer, whichever is greater. (1978 Code, § 12-302)

**20-103. Purchase price for lots.** The purchase price for lots shall be in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen for the City of Dyersburg. For the current purchase price for lots, consult the schedule of fees on file with the city recorder (1978 Code, § 12-303, modified)

**20-104. Speed limits.** No person shall operate, or permit his or her minor child to operate, any type vehicle at a rate of speed in excess of fifteen (15) miles per hour in any cemetery located within the corporate limits of Dyersburg, Tennessee. (1978 Code, § 12-305)

**20-105. Supplementary rules and regulations.** Subject to the approval of the board of mayor and aldermen, the cemetery committee may make such additional rules and regulations as shall be deemed necessary for the administration and operation of city cemeteries. (1978 Code, § 12-306)

## CHAPTER 2

### CITY PARKS

#### SECTION

- 20-201. Definitions.
- 20-202. Persons invited to use city parks; park hours.
- 20-203. Unlawful activities generally.
- 20-204. Sanitation.
- 20-205. Traffic.
- 20-206. Recreational activities.
- 20-207. Certain behavior declared unlawful.
- 20-208. Merchandising, advertising and signs.
- 20-209. Park operating policy.
- 20-210. Enforcement.
- 20-211. Additional rules and regulations.

**20-201. Definitions.** For the purpose of this chapter 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 in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Dyersburg, Tennessee.
- (2) "Director" is the director of recreation and parks of the City of Dyersburg, the person immediately in charge of all park area and its activities, and to whom all park attendants in such area are responsible.
- (3) "Park" is all city owned parks.
- (4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (5) "Vehicle" is any wheeled conveyance, whether motor powered, animaldrawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city parks. (1978 Code, § 12-401)

**20-202. Persons invited to use city parks; park hours.** (1) All persons are invited to use city parks and their facilities who will comply with the terms of this chapter and such rules and regulations as may be promulgated hereunder governing the use of city parks.

- (2) City parks, known as Okeena Park, Kiwanas Park, Wheeler Park and Evansville Park and future parks, will be open to use by the public invited thereto between the hours of 7:00 A.M. and 11:00 P.M.

(3) All ball parks shall be closed one hour after sunset until 7:00 A.M. unless ball field lights are on and are authorized to be on by league officials and/or the city director of parks and recreation.

(4) Tennis courts shall have the open hours posted at the entrance of the courts.

(5) Each recreation center complex shall have posted the open hours for its indoor and outdoor recreational facilities. No person or persons and/or vehicles will be allowed to be in the recreation center complex after closed hours. Vehicles parked in the recreation complex after complex is closed shall be towed away at the owners expense.

(6) All unlighted ball parks shall be closed one hour after sunset until 7:00 A.M. (1978 Code, § 12-402)

**20-203. Unlawful activities generally.** It shall be unlawful for any person within the city parks to:

(1) Buildings and other property.

(a) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placecards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(b) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.

(c) Removal of natural resources. Dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(d) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(2) Trees, shrubbery, lawns. (a) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(b) Climbing trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences, or gun-carriages or upon any other property not designated or customarily used for such purposes.

(c) Hitching of animals. Tie or hitch a horse or other animal to any tree or plant.

(3) Wild animals, birds, etc. (a) Hunting, molesting, etc. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird; nor shall he collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, moccasins, coral snakes or other deadly reptile may be killed on sight.

(b) Feeding. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances. (1978 Code, § 12-403)

**20-204. Sanitation.** It shall be unlawful for any person within city parks to:

(1) Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid which will or may result in the pollution of said waters.

(2) Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuse or trash shall be placed in any waters or in contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided all such rubbish or waste shall be carried away from the park by the persons responsible for its presence, and properly disposed of elsewhere. (1978 Code, § 12-404)

**20-205. Traffic.** (1) State motor vehicle laws and city traffic ordinance apply. Fail to comply with all applicable provisions of the state motor vehicle traffic laws and the traffic ordinance of the City of Dyersburg in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.

(2) Obey personnel; enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director.

(3) Obey traffic signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.

(4) Speed of vehicles. Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles an hour, except upon such roads as the director may designate, by posted signs, for speedier travel.

(5) Operation confined to specific areas. Drive any vehicle on any area except the paved or graveled park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by a park attendant.

(6) Parking. (a) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there and with the instructions of any attendant who may be present.

(b) Full-parking. Full-park on the road or driveway at any time.

(c) Immovable vehicles. Leave any vehicle anywhere in the park with one or more wheels chained, or with motor set in gears and doors locked, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand.

(d) Night parking. Leave a vehicle standing or parked at night without lights clearly visible for at least one hundred (100) feet from both front and rear on any driveway or road area except legally established parking areas.

(e) Double parking. Double park any vehicle on any road or parkway unless directed by a park official.

(f) Muffler required. Fail to use muffler adequate to deaden the sound of the engine in a motor vehicle.

(g) Abandonment. Leave a vehicle within the boundaries of the park after park hours unless such vehicle be disabled and is reported by the driver to a park director or police department. Any vehicle remaining in said park after closing hours will be towed away and stored at the expense of the owner.

(7) Bicycles and motorcycles. (a) Confined to roads. Ride a bicycle or motorcycle on other than a paved vehicular road.

(b) Operation generally. Ride a bicycle or motorcycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles and motorcycles shall be kept in single file when two (2) or more are operating as a group. Bicyclists and motorcyclists shall, at all times, operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking and pass to the right of any vehicles they may be meeting. No motorcycles shall be operated in the park unless equipped with a properly functioning muffler adequate to suppress motor noise to a comfortable level of sound.

- (c) Rider prohibited. Ride any other person on a bicycle.
- (d) Designated racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.
- (e) Immobile. Leave a bicycle or motorcycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.
- (f) Night operation. Ride a bicycle or motorcycle on any road within the park between thirty (30) minutes after sunset or thirty (30) minutes before sunrise without an attached headlight plainly visible at least two hundred (200) feet in front of, and without red taillight or red reflector plainly visible from at least one hundred (100) feet from the rear of such bicycle or motorcycle. (1978 Code, § 12-405)

**20-206. Recreational activities.** It shall be unlawful for any person within a city park to:

- (1) Swimming, etc. Swim, bathe, or wade in any waters or waterways in or adjacent to such park, except at city swimming pool areas.
- (2) Boating. Bring into or operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters in such park.
- (3) Hunting and firearms. Hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description, or air-rifles, spring-guns, bow-and-arrows, slings or any other form of weapon potentially dangerous to wildlife and human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.
- (4) Picnic areas. (a) Generally. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
  - (b) Availability. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first-serve".
  - (c) Nonexclusive. Use of any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.
  - (d) Duty of picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(5) Camping. Except as specifically set out below, to set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp-trailer, camp-wagon or the like. Overnight "pup tent" camping by organized groups sponsored by recognized youth development agencies is permissible by special permit of the director obtained in accordance with § 20-209(3).

(6) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except on the fields and courts or areas provided therefor. (1978 Code, § 12-406)

**20-207. Certain behavior declared unlawful**. It shall be unlawful for any person within a city park to:

(1) Intoxicating beverages. (a) Prohibition. Bring controlled substances and/or alcoholic beverages into the park or to drink alcoholic beverages at any time in the park.

(b) Drunkeness. Have entered the park while under the influence of controlled substances and/or intoxicating beverages, or be under the influence of controlled substances and/or intoxicating liquor while within the park.

(c) Fireworks and explosives. Bring, or have in his possession, or set off or otherwise cause to explode or discharge or burn any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. An exception is made regarding regular activities on the 4th of July of each year.<sup>1</sup>

(2) Domestic animals. Have been responsible for the entry of a dog or other domestic animal into areas other than automobile marking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in This Area". Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than five (5) feet in length.

---

<sup>1</sup>Municipal code reference  
Fireworks: title 7, chapter 4.

(3) Reservation of facilities. Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated by the board for the use of the opposite sex. Exception is made for children under six (6) years of age.

(4) Dress. Appear at any place in other than proper clothing.

(5) Alms. Solicit alms or contributions for any purpose, whether public or private.

(6) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(7) Closed areas. Enter an area posted as "Closed to the Public", nor shall any person use or abet the use of any area in violation of posted notices.

(8) Games of chance. Gamble or participate in or abet in any game of chance.

(10) Going onto ice. Go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(11) Loitering and boisterousness. Sleep or protractedly lounge on the seats or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(12) Exhibit permits. Fail to produce and exhibit any permit from the director he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(13) Interference with permittees. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit. (1978 Code, § 12-407)

**20-208. Merchandising, advertising and signs.** No person in a city park shall:

(1) Vending and meddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the director, and those conducting activities under a permit where such permit permits the sale of articles or things. The exception under the permit shall only be granted to those activities which are charitable in purpose.

(2) Advertising. Announce, advertise or call the public attention in any way to any article or service for sale or hire.

(3) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be

erected any sign whatever on any public lands or highways or roads adjacent to a city park. (1978 Code, § 12-408)

**20-209. Park operating policy.** (1) Closed areas. Any section or part of a city park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary.

(2) Lost and found articles. The finding of lost articles by park attendants shall be reported to the director who shall make every reasonable effort to locate the owners. The director shall make every reasonable effort to find articles reported as lost.

(3) Permit. A permit shall be obtained from the director before participating in the following park activity: overnight "pup tent" type camping by organized groups under the sponsorship of recognized youth development agencies; sale of articles or things by a permittee for a charitable purpose.

(a) Application. A person seeking issuance of a permit hereunder shall file an application with the appropriate director. The application shall state:

- (i) The name and address of the applicant;
- (ii) The name and address of the person, persons, corporation or association sponsoring the activity, if any;
- (iii) The day and hours for which the permit is desired;
- (iv) The park or portion thereof for which such permit is desired;
- (v) An estimate of the anticipated attendance; and
- (vi) Any other information which the director shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(b) Standards for issuance. The director shall issue a permit hereunder when he finds:

- (i) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (ii) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (iii) That the proposed activity or use is not unreasonably anticipated to incite violence, crime or disorderly conduct;
- (iv) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the city; and
- (v) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(c) Appeal. Within twenty-four (24) hours after receipt of an application, the director shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within two (2) days to the mayor, which shall consider the application under the standards set forth in § 20-209(3)(b) hereof and sustain or overrule the director's decision within twenty-four (24) hours. The decision of the mayor shall be final.

(d) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(e) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(f) Revocation. The director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown. (1978 Code, § 12-409)

**20-210. Enforcement.** (1) Officials. The director, park attendants, police, constables and sheriff departments shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(2) Ejectment. The director, park attendants, police, constables and sheriff departments shall have the authority to eject from the parks any person action in violation of this chapter or rules and regulations promulgated hereunder. (1978 Code, § 12-410)

**20-211. Additional rules and regulations.** The director shall have the authority to promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter and to assure an impartial, fair and safe use and enjoyment of city parks by those persons lawfully using the parks. The director shall have the authority to schedule the use of tennis courts and ball fields under this section. Regulations pertaining to specific activities shall be displaced in a prominent and public location at the point of the activity controlled. Rules and regulations adopted in accordance with this section shall have the same force and effect as if copied herein verbatim. (1978 Code, § 12-411)

## CHAPTER 3

### FIXED BASE OPERATORS AT AIRPORT

#### SECTION

- 20-301. Regulated.
- 20-302. Standard requirements for all operators.
- 20-303. General fixed base operator.
- 20-304. Standards for specific aeronautical services.
- 20-305. Special fixed base operator.
- 20-306. Insurance.
- 20-307. Maintenance/management agreement.
- 20-308. Violations.

**20-301. Regulated.** All aeronautical services and activities at said airport shall hereafter be rendered by and engaged in by duly qualified fixed base operators as hereinafter described under written contract with the city in accordance with the following standards which are hereby adopted as ordained as the "Minimum Standards for Fixed Base Operators at Dyersburg Municipal Airport." (1978 Code, § 12-501, as replaced by Ord. #BB-501, Aug. 1999)

**20-302. Standard requirements for all operators.** Each individual or corporation making application with the city as a general or special fixed base operator (hereinafter collectively referred to as fixed base operators) to conduct aeronautical activities on the airport must unequivocally prove and establish:

(1) That the applicant has sufficient management experience and available personnel to conduct the proposed service or activity in an efficient and workmanlike manner.

(2) That the applicant is financially responsible and able to finance and provide the facilities and services to be furnished.

(3) That the applicant has or can reasonably secure necessary certificates from the FAA or other authority where the same are required for the activity proposed.

(4) That the applicant has or can furnish policies of insurance to protect and hold the city, its elected officials and employees harmless from any damage, cost or liability in connection with the conduct of the activity proposed.

(5) No fixed base operator shall be permitted to operate at the airport without a fully executed lease agreement with the city containing provisions for strict compliance with these minimum standards and regulations and containing such other special provisions as may be determined by the city to be necessary on account of any building or other construction which may be required under such lease or any other special circumstances which may be applicable to such particular operator.

(6) All fixed base operators shall abide by and comply with all state, county and city laws and ordinances, the rules and regulations of the city governing such airport, and the rules and regulations of the federal aviation administration.

(7) All contracts and leases between fixed base operators and the city shall be subordinate to the provisions of any existing or future agreement between the city and the United States, relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport properties.

(8) All construction required of fixed base operators shall be in accordance with design and construction standards and building codes promulgated by the city for the facility or activity involved in connection with construction. All fixed base operators shall be required to furnish the city payment and performance bonds commensurate with any construction required under any contract or lease by and between such operator and the city. (1978 Code, § 12-502, as replaced by Ord. #BB-501, Aug. 1999)

**20-303. General fixed base operator.** A general fixed base operator shall be only those individuals, corporations, or firms which are authorized to engage in and furnish a full range of aeronautical activities and services which shall include, as a minimum, the following:

- (1) Sale and dispensation of aviation gasoline fuels and oils.
- (2) Adequate and efficient ramp service.
- (3) Capability to perform FAA approved major aircraft, engine, and accessory maintenance and to furnish necessary tools and equipment. (1978 Code, § 12-503, as replaced by Ord. #BB-501, Aug. 1999)

**20-304. Standards for specific aeronautical services.** In addition to meeting the requirements set forth in § 2 above, fixed base operators conducting the following specific activities shall meet the requirements set forth below:

- (1) Fuel and oil sales. Fixed base operators conducting aviation fuel and oil sales on the airport shall be required to provide:
  - (a) Hard surface ramp space accessible by taxiway with electric pumps and tank storage having a capacity equal to the minimum tank truck load deliverable for both 100/130 grade aviation fuel and jet fuel.
  - (b) Properly trained line personnel on duty from 7:00 A.M. to 7:00 P.M., on week days from 8:00 A.M. to 5:00 P.M. on Saturdays, Sundays and holidays, and on call by readily accessible telephone at all other hours.
  - (c) Waiting rooms for passengers and airplane crews of itinerant aircraft together with sanitary rest rooms and public telephones.

(d) Towing equipment to safely and efficiently move aircraft to hangar and storage areas in all reasonably expected weather conditions.

(e) Full inventory of FAA approved and accepted grades of propeller and jet engine oil and lubricants.

In conducting refueling operations, each fixed base operator shall install and use adequate grounding facilities at fueling locations to eliminate the hazards of static electricity and shall provide approved types of fire extinguishers or other equipment commensurate with the hazard involved in refueling and servicing aircraft.

(2) Aircraft engine and accessory maintenance. All fixed base operators engaging in aircraft engine and accessory maintenance services shall provide:

(a) Sufficient hangar space to house any aircraft upon which such service is being performed.

(b) Suitable storage space for aircraft awaiting maintenance or delivery after repair and maintenance have been completed.

(c) Storage of aircraft undergoing repair. Aircraft shall not be stored for salvage operations. Any aircraft undergoing repair and to be in a non-airworthy condition in excess of thirty (30) days shall be screened from public view.

(d) Separately partitionable space with adequate exhaust fans and fire protection for spray painting if this type work is performed.

(3) Flight training. All fixed base operators conducting flight training activities shall provide:

(a) At least one dual equipped single engine land aircraft properly equipped and maintained for flight instruction and such additional types of aircraft as may be required to give flight instruction of the kind advertised.

(b) Adequate classroom space for at least two (2) students with proper rest room and seating facilities.

(c) Adequate mock-ups, pictures, slides, film strips or other visual aids necessary to provide proper ground school instruction.

(d) Properly certificated ground school instructor providing regularly scheduled ground school instructions sufficient to enable students to pass the FAA written examinations for private pilot and commercial ratings.

(e) Continuing ability to meet certification requirements of the FAA for the flight training proposed.

(f) Public liability, property damage and other policies of insurance required by these minimum standards as hereinafter provided.

(4) Aircraft charter and taxi service. Fixed base operators engaging in aircraft charter and taxi service shall provide:

(a) Passenger lounge, rest room and telephone facilities as required of an operator for fuel and oil sales.

(b) Adequate table, desk or counter for checking in passengers, handling ticketing or fare collection, handling of luggage.

(c) Certificated suitable aircraft with certificated and qualified operating crew, one of which shall be located at the airport and ready for departure during at least eight hours of daylight operation daily and at other times, stand-by units and crews available upon call within one hour's notice.

(d) In addition to the other insurance required by these minimum standards passenger liability insurance of at least seventy-five thousand dollars (\$75,000.00) per passenger seat and property damage liability of at least one hundred thousand dollars (\$100,000.00).

(5) Aircraft rental and sales. Fixed base operators engaging in aircraft rental and sales shall provide:

(a) Suitable office space for consummating sales and/or rentals and the keeping of the proper records in connection thereof.

(b) Hangar storage space for at least one aircraft to be used for sales or rental.

(c) For rental, at least two (2) airworthy aircraft suitably maintained and certified.

(d) Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators on the airport for such service and repair.

(e) During at least eight hours of the working day, a properly certificated pilot capable of demonstrating new aircraft for sale or for checking out rental aircraft.

(f) The minimum stock of readily expendable spare parts, or adequate arrangements for securing spare parts required for the type of aircraft and models sold.

(g) Current up-to-date specifications and price lists for types and models of new aircraft sold.

(h) Proper check lists and operating manuals on all aircraft rented and adequate parts catalogue and service manual on new aircraft sold.

(6) Crop dusting and spraying. Fixed base operators engaging in crop dusting or spraying of agricultural chemicals shall provide or obtain:

(a) EPA and airport manager approved facilities for the safe storage and containment of noxious chemical materials; no poisonous or inflammable materials shall be kept or stored within a minimum of one hundred feet from any other facility installations or paved area, including taxiways and runways, at the airport.

(b) Properly certificated aircraft suitably equipped for the agricultural operation undertaken.

(c) The written consent of the airport manager for the servicing of aircraft off paved runways and taxiways with adequate safeguards

against spillage on runways and taxiways or pollution or disbursement of chemicals by wind to other operational areas on the airport.

(7) Combination activities. A fixed base operator conducting a combination of the specific activities listed hereinabove shall not be required to duplicate the requirements of each individual activity but where the requirement of one activity is sufficient to meet the requirement of a separate activity, the one facility shall be sufficient to meet both requirements. (1978 Code, § 12-504, as replaced by Ord. #BB-501, Aug. 1999)

**20-305. Special fixed base operator.** A special fixed base operator shall be any individual, corporation, or firm which is authorized to engage in one or more of the services and activities listed above. Any special fixed base operator shall be strictly governed by the same minimum standards as to any activity engaged in or service performed as are applicable to a general fixed base operator at said airport. (1978 Code, § 12-505, as replaced by Ord. #BB-501, Aug. 1999)

**20-306. Insurance.** Prior to the commencement of any of the commercial operations referred to in these minimum standards at the airport and throughout the term of any lease or written agreement entered into between the city and the fixed base operator conducting such activities, all fixed base operators shall purchase and maintain such comprehensive general liability and other insurance as is appropriate for the activities conducted by fixed base operator and will provide protection from claims set forth below which may arise out of or result from the conducting of such activities by the fixed base operator under or pursuant to its contract with the city, and whether performed by the fixed base operator, by any subcontractor, by anyone directly or indirectly employed by either of them for the conducting of such activities, or by anyone for whose acts any of them may be liable:

(1) Claims under workers' or workmen's compensation, disability benefits and other similar employee benefit acts;

(2) Claims for damages because of bodily injury, occupational sickness or disease, or death of the fixed base operator's employees;

(3) Claims for damages because of bodily injury, sickness or disease, or death of any person other than the employees of the fixed base operator;

(4) Claims for damages insured by personal injury liability coverage which are sustained:

(a) By any person as a result of an offense directly or indirectly related to the employment of such person by the fixed base operator or

(b) By any other person for any other reason;

(5) Claims for damages because of injury to or destruction of tangible property wherever located, including loss of use resulting therefrom;

(6) Claims arising out of operation of laws or regulations for damages because of bodily injury or death of any person or for damage to property; and

(7) Claims for damages because of bodily injury or death of any person or property damage arising out of the ownership, maintenance or use of any motor vehicle.

Each fixed base operator's general liability insurance shall also include coverage for the indemnification obligation to the city assumed in the fixed base operator's lease agreement with the city.

The insurance required hereby shall include the specific coverages and be written for not less than the following stated limits of liability and coverages or limits of liability and coverages required by law, whichever is greater:

#### Comprehensive General Liability

(a) Bodily injury (including completed operations and products liability) and property damage.

Combined single limit of \$1,000,000.00 each occupance and \$1,000,000.00 aggregate.

(b) Property damage liability insurance will provide explosion, collapse and underground coverage where applicable.

(c) Personal injury, with employment exclusion deleted: combined single limit of \$1,000,000.00 each occurrence and aggregate.

#### Comprehensive Automobile Liability

Combined single limit of \$500,000.00 each occurrence.

#### Workers' Compensation and Employers Liability

Statutory limits.

All of the policies of insurance so required to be purchased and maintained (or the certificates or other evidence thereof) shall contain a provision or endorsement that the coverage afforded will not be cancelled, materially changed or renewal refused until at least thirty days prior written notice has been given to the city by certified mail. All such insurance shall remain in effect until the expiration of the fixed base operator's lease agreement. (1978 Code, § 12-506, as replaced by Ord. #BB-501, Aug. 1999)

**20-307. Maintenance/management agreement.** Nothing herein contained shall be construed to limit the right of the city to enter into a contract and/or agreement with a general fixed base operator which is separate and distinct from his lease agreement, for the maintenance and overall supervision of the Dyersburg Municipal Airport and to designate such operator as the Manager of the Dyersburg Municipal Airport.

These minimum standards may be supplemented and amended from time to time in such manner and to such extent as the city, by and through its board of mayor and aldermen, deem proper. (1978 Code, § 12-507, as replaced by Ord. #BB-501, Aug. 1999)

**20-308. Violations.** Any person engaged in any commercial or other activity at the Dyersburg Municipal Airport not complying fully with the foregoing minimum standards applicable to such activity shall be guilty of a misdemeanor and shall be subject to maximum fine and sanctions under the general penalty clause of the Dyersburg Municipal Code. (1978 Code, § 12-508, as replaced by Ord. #BB-501, Aug. 1999)

## CHAPTER 4

### AIRPORT RULES AND REGULATIONS

#### SECTION

- 20-401. Applicable to all operations and uses.
- 20-402. Definitions.
- 20-403. Manager's authority.
- 20-404. Conditions for use of airport.
- 20-405. Motor vehicle regulations.
- 20-406. Aircraft operations regulations.
- 20-407. Rules for aircraft fueling operations.
- 20-408. Fire regulations.
- 20-409. Special airport uses.
- 20-410. Violations.

**20-401. Applicable to all operations and uses.** All operations at and use of the airport shall hereafter be conducted in accordance with the following rules and regulations which are hereby adopted and ordained as the Rules and Regulations of the Dyersburg Municipal Airport. (1978 Code, § 12-601)

**20-402. Definitions.** Unless from the context a different meaning is apparent as used in these regulations, the terms hereinafter used shall be defined as follows:

- (1) "Airport" shall mean the Dyersburg Municipal Airport.
- (2) "Airport manager" shall mean the independent contractor of the city having immediate charge of the airport.
- (3) "FAA" shall mean the Federal Aviation Administration.
- (4) "Owner" shall mean the City of Dyersburg, Tennessee.
- (5) "Person" shall mean an individual, partnership, firm, association or corporation. (1978 Code, § 12-602)

**20-403. Manager's authority.** The airport manager shall, at all times, have authority to take such reasonable action as may be necessary to enforce these regulations and to efficiently manage the airport and its operations. In any contingencies not specifically covered by these rules and regulations, the airport manager shall be authorized to make such reasonable rules, orders, and decisions as may be necessary and proper for the efficient and proper management of the airport. (1978 Code, § 12-603)

**20-404. Conditions for use of airport.** (1) The owner has the right to and does hereby regulate all commercial enterprises using the airport as a basis of operation, whether such operation is aeronautical or nonaeronautical in nature. No commercial operation of any kind or type shall be conducted on the

airport unless specifically authorized by the owner by written agreement with such operator.

(2) A flying club is recognized as a plan for the joint ownership of aircraft and the fair distribution of the cost of maintaining and operating such aircraft. Such operation is not considered to be commercial in nature when so operated. Neither is flight instruction by club members for other club members considered to be commercial in nature so long as there is no profit or for-hire motive involved in the operation. In all cases, the owner will determine if the operation of a flying club or other such organization is commercial. If determined to be commercial, the club shall conform to the requirements set forth herein for commercial fixed base operators.

(3) The use of the airport or any of its facilities in any manner shall create an obligation on the part of the user thereof to obey all the regulations herein provided and adopted by the owner.

The privilege of using the airport and its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof, and he shall release, indemnify and hold harmless the owner, its elected officials and employees from any and all liability, loss and expense arising or resulting from such use, including the claims of third persons arising therefrom.

The privilege of using the airport for commercial purposes shall be upon the further condition that any person, persons, corporations, copartnership or others desiring to use the same, shall furnish a policy of indemnity against personal injury and property damage in a reasonable sum as the owner shall require.

(4) Any person violating any of these rules and regulations may be punished in accordance with these rules or at the discretion of the owner be deprived of the use of the airport facilities for such period as the owner and the airport manager deem appropriate.

(5) No person shall solicit funds for any purpose and no signs or advertisements may be posted at the airport without the written consent of the owner.

(6) Garbage, refuse and other waste material shall be placed in receptacles provided for such purpose and no person shall destroy, remove or disturb in any way buildings, signs, equipment, markers, or other property on the airport. (1978 Code, § 12-604)

**20-405. Motor vehicle regulations.** (1) Unless authorized by the airport manager, no highway or automotive vehicle shall be operated on the airport except on roadways, parking areas or other areas, specifically designated for such vehicles. Such vehicles shall be parked in the manner prescribed by the airport manager as indicated by posted signs.

(2) No surface vehicle shall be permitted on the runways, taxiways, aprons, or ramps without the express permission of the airport manager unless

the operation of such vehicle is in accordance with prior agreement to accomplish a necessary airport purpose, service, or inspection.

(3) No surface vehicle shall be driven between the loading gate or fence and an aircraft parked and in the process of loading or unloading.

(4) No person shall operate any vehicle in a careless or negligent manner or in disregard for the safety of others, or in excess of posted speed limits. All aircraft have right-of-way over all surface vehicles.

(5) All vehicles operating within the landing area shall be painted a bright yellow or international orange, or shall display an international orange and white checkered flag of not less than three feet square, with one-foot squares.

(6) Every accident involving injury or property damage shall be reported immediately to the airport manager. (1978 Code, § 12-605)

**20-406. Aircraft operations regulations.** (1) The FAA air traffic rules and regulations governing the operation of aircraft in effect as of this date, as well as all amendments thereto, are made a part of these airport rules and regulations as fully as if set forth herein.

(2) Aircraft shall not be parked or taxied between the gasoline pumps and the flight operations area.

(3) Aircraft engines shall be started and run up only in the places designated for such purposes. At no time shall engines be run up when hangars, shops, airplanes, or any buildings or persons are in the path of the propeller stream and/or jet exhaust.

(4) No aircraft shall be parked or stored at the airport except in the areas designated for such use.

(5) The performance of aircraft and engine repair and maintenance is considered to be an aeronautical service regulated by the owner except where such services or repairs are performed by the aircraft owner or his employees. The owner reserves the right to designate reasonable areas where such aircraft owners may perform services on their own aircraft. If such areas are designated, the owner may prohibit the performance of such services in the down areas and prescribe rules for the use of such owner type aircraft maintenance areas.

(6) At the direction of the airport manager, the operator, owner, or pilot of any illegally parked aircraft on the airport shall move the aircraft to a legally designated parking area on the airport. If the operator refuses to comply with the directions, the owner, through the airport manager, may tow the aircraft to such place, at the operator's expense and without liability for damage that may result from such moving.

(7) In the event of an accident, the owner, through the airport manager, may in compliance with FAA and other governmental move damaged aircraft from the landing areas, ramps, aprons, or other areas at the expense of the aircraft owner and without liability for damage resulting from such moving.

(8) The pilot of an aircraft involved in an accident on or near the airport causing personal injury or property damage, shall immediately report to the airport manager. In the event he is unable to do so, the aircraft owner or his agent shall such report.

(9) Airport property damaged or destroyed by an accident or otherwise shall be paid for by parties responsible.

(10) The airport manager shall have the authority to detain any aircraft for non-payment of any charges due.

(11) No person shall taxi an aircraft until he has ascertained by visual inspection of the area that there will be no danger of collision with any person or object in the immediate area.

(12) Aircraft shall be taxied at a safe and reasonable speed with due respect for other aircraft, persons, or property.

(13) All takeoffs and landings shall be confined to the runways and all movement of aircraft shall be confined to the hard surface areas.

(14) No person or persons, except airmen, duly authorized personnel, passengers going to or from aircraft, or persons being personally conducted by airport attendants shall be permitted to enter the landing area property, taxi space, or aprons. However, no person or persons so excepted so be entitled to the unrestricted use of the airport. Persons so excepted shall be entitled to the necessary use of these spaces in connection with their flights, inspections, and routine duties. (1978 Code, § 12-606)

**20-407. Rules for aircraft fueling operations.** (1) No aircraft shall be fueled or drained while the aircraft engine is running or while the aircraft is in a hangar or an enclosed area.

(2) During all fuel operations, the aircraft shall be grounded by the method approved by the airport manager.

(3) Smoking or lighting of an open flame shall be prohibited within fifty feet of any fueling operation.

(4) Fueling operations shall be conducted and fuel trucks shall be parked at least fifty feet from any hangar or building.

(5) No fuel storage and dispensing equipment shall be installed and used at the airport without the prior written approval of the owner. All such equipment shall be of a modern design and shall be kept in a safe and non-leaking condition. The use of skid tanks and other such devices is prohibited without the express written consent of the owner. (1978 Code, § 12-607)

**20-408. Fire regulations.** (1) Smoking or lighting of an open flame is prohibited at places with posted signs, within fifty feet of an aircraft and within fifty feet of hangars, fuel trucks, or fuel loading stations.

(2) No person shall start an open fire any place on the airport without the written consent of the airport manager.

(3) No person shall store material or equipment, use inflammable liquids or gases, or allow their premises to become in such condition so as to violate, in any manner, the fire or building code in force for the City of Dyersburg. The storage of paint thinners, fuels or other such volatile materials in hangars is prohibited.

(4) Tenants of all hangars and buildings shall provide suitable fire extinguishers and equipment, and they shall be kept in good condition as recommended by the fire chief and inspected at least every twelve months by trained personnel.

(5) Tenants and persons are required to keep their premises clean and clear of all rubbish, junk, debris, old aircraft and vehicles, and unsightly objects. If, after warning by the airport manager, the area is not cleaned, cleaning will be performed by the airport manager and billed to the tenant or person. (1978 Code, § 12-608)

**20-409. Special airport uses.** (1) The owner obligates itself to operate the airport for the use and benefit of the public and to keep the airport open to the various types, kinds, and classes of aeronautical use for which the airport facility is designed and intended to serve.

(2) The owner has established these rules to be met by all users so as to provide for the safe and efficient use of the airport and to otherwise protect the safety of persons and property both on the ground and in the air.

(3) It is understood that the landing area facilities constructed are primarily intended for the use of powered aircraft whose weights are not in excess of the published strengths of the paved surfaces concerned. Operations on these surfaces of aircraft slightly in excess of the published pavement strengths may be permitted on an infrequent basis with the written consent of the owner.

(4) No operations involving nonpowered aircraft, including gliders, balloons, parachuting and other unusual and special classes of aeronautical activities, will be permitted on the airport without the prior written consent of the airport manager.

(5) Considering the owner's obligation to keep the airport open to the public for aeronautical purposes, the airport facilities will not be used for nonaviation events which would conflict with its aeronautical use.

(6) All ordinances or parts of ordinances in conflict herewith are repealed. (1978 Code, § 12-609)

**20-410. Violations.** Any person engaged in any activity at or use of the Dyersburg Municipal Airport not in conformance or compliance with the foregoing rules and regulations applicable to such activity shall be guilty of a misdemeanor and shall be subject to maximum fine and sanctions under the general penalty clause of the municipal code. (1978 Code, § 12-610)

**CHAPTER 5****AIR POLLUTION****SECTION**

20-501. Purpose.

20-502. Definitions.

20-503. Emission of dense smoke prohibited.

20-504. Emission of noxious gases, dust, fly ash, etc.

20-505. Persons liable.

**20-501. Purpose.** This chapter and the regulations and provisions set forth herein, have been made for the purpose of promoting the health, safety, and general welfare of the community. The board of mayor and aldermen declare that the problem of smoke, dust and air pollution in the City of Dyersburg, existing at the time of, and prior to the passage of these provisions, indicate that the present conditions are detrimental to the health, safety, and general welfare of the community, and these provisions are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which is public health, safety, and general welfare through the control and regulation of the causes of air pollution in the City of Dyersburg. (1978 Code, § 8-701)

**20-502. Definitions.** The following definitions cover the intended use of these words in this chapter:

(1) "Dust." Gas and air-borne particles larger than 1 micron in mean diameter.

(2) "Fuel-burning equipment." Any furnace, incinerator, refuse-burning equipment, boiler, apparatus, device, mechanism, stack, or structure used in the process of burning fuel or combustible material.

(3) "Fumes." Gases or vapors that are of such character as to create an unclean, destructive, offensive or unhealthful condition.

(4) "Open fire." Any fire wherein the products of combustion are emitted into the open air and are not directed thereto through a stack or chimney.

(5) "Person." Any individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any other entity recognized by law as the subject of rights and duties.

(6) "Ringelmann smoke chart." The Ringelmann Chart with instructions for use as published by the U. S. Bureau of Mines, 1945.

(7) "Smoke." Small gas-borne particles consisting essentially of carbonaceous material.

(8) "Soot." Agglomerated particles consisting essentially of carbonaceous material.

(9) "Stack or chimney." Flue, conduit, or opening arranged for emitting gases into the open air.

(10) "Volatile." The gaseous constituents of solid fuels as determined by the standard A. S. T. M. procedure amended or revised to date.

(11) "City." The City of Dyersburg, Dyer County, Tennessee. (1978 Code, § 8-702)

**20-503. Emission of dense smoke prohibited.** The emission of dense smoke from places as herein provided within the City of Dyersburg from the smoke stack, chimney or other similar device of any commercial establishment, business, manufacturer, or business enterprise, except for a period of or periods aggregating nine (9) minutes of Density No. 2 smoke as defined by the Ringelmann Chart, or six (6) minutes or less of a density in excess of Density No. 2 as defined by the Ringelmann Chart, in any one hour at the time when the fire box is being cleaned out or a new fire is being built therein, is prohibited and is declared to be a nuisance. For the purpose of judging the density of smoke, the Ringelmann Chart now published and used by the U. S. Bureau of Mines, which is hereby made a part of this chapter by reference, shall be the standard. Smoke shall be considered dense when equal to or of greater density than No. 2 on said chart. (1978 Code, § 8-703)

**20-504. Emission of noxious gases, dust, fly ash, etc.** No person, firm, or corporation shall cause, permit, or allow to escape from any smoke stack, chimney, or similar device a quantity of soot, cinders, or noxious gases which is equal to or greater in density than as defined by No. 2 of the Ringelmann Chart, for a period or periods aggregating six (6) minutes or more in any period of one hour.

No person, firm, or corporation, shall cause, permit, or allow to escape from any window, chute, or opening in any building connected with any business, soot, cinders, dust, or gases from any equipment in such building; or soot, cinders, dust, or gases from equipment not enclosed by a building, in such quantities as to constitute a nuisance. The visibility of soot, cinders, dust, or gases thus arising from unenclosed machinery or escaping from any window, chute, or opening in any building shall constitute sufficient evidence to establish the existence of a nuisance. All persons, firms, or corporations operating any business equipment within the corporate limits of the City of Dyersburg from which there escapes any soot, cinders, dust or gases, in such quantities as to be visible shall be guilty of creating a nuisance. They shall be required to maintain and operate, in conjunction with such equipment, recommended and approved means, methods, devices, or contrivances to reduce such discharge to a minimum as dictated by the development of the art of such collection devices, contrivances, means or methods and so as to eliminate the nuisance otherwise arising therefrom. (1978 Code, § 8-704)

**20-505. Persons liable.** All persons owning, operating, or being in charge or control of any business equipment or who shall cause, permit, or participate in any violation of this chapter either as proprietors, owners, lessees, tenants, managers, superintendents, constructors, installers, mechanics, repairmen, captains, janitors, engineers, firemen or otherwise shall be individually and collectively liable for any violation of this chapter. (1978 Code, § 8-705)

**CHAPTER 6****FAIR HOUSING REGULATIONS****SECTION**

- 20-601. Title.
- 20-602. Definitions.
- 20-603. Purposes of law, construction; effect.
- 20-604. Unlawful housing practices.
- 20-605. Blockbusting.
- 20-606. Exemptions from housing provisions.
- 20-607. Provisions for enforcement.
- 20-608. Findings of hearing board; nature of affirmative action.
- 20-609. Investigations, powers, records.
- 20-610. Conspiracy to violate this chapter unlawful.

**20-601. Title.** This chapter shall be known as may be cited as the City of Dyersburg "Fair Housing Ordinance." (1978 Code, § 4-701)

**20-602. Definitions.** Except where the context clearly indicated otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "Hearing board" means that body of citizens duly appointed by the city board to hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

(2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

(3) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, sex, familial status or disability or the aiding, abetting, inciting, coercing or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship, committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trust, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or county or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of other, for a fee, commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these. (1978 Code, § 4-702, as amended by Ord. #514, Sept. 2000)

**20-603. Purposes of law, construction; effect.** (1) The general purposes of this chapter are:

(a) To provide for execution within the City of Dyersburg of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.

(b) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, sex, familial status or disability; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

(2) Nothing contained in the chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin or sex. (1978 Code, § 4-703, as amended by Ord. #514, Sept. 2000)

**20-604. Unlawful housing practices.** It is unlawful practice for a real estate owner or operator or for a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin, sex, familial status or disability;

(2) To discriminate against an individual because of his or her race, color, religion, national origin, sex, familial status or disability in the terms, conditions, or privileges of this sale, exchange, rental or lease of real property or in the furnishings of facilities or services in connection therewith;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his or her race, color, religion, national origin, sex, familial status or disability;

(4) To represent to an individual that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin, sex, familial status or disability;

(5) To print, circulate, post, or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental or lease of real property which indicated, directly or indirectly, a limitation, specifications, or discrimination as to race, color, religion, national origin, sex, familial status or disability or an intent to make such a limitation, specification or discrimination;

(6) To offer, solicit, accept, use or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin, sex, familial status or disability; or

(7) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin, sex, familial status or disability. (1978 Code, § 4-704, as amended by Ord. #514, Sept. 2000)

**20-605. Blockbusting.** It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in

the quality of schools in the block, neighborhood, or area in which the real property is located. (1978 Code, § 4-705)

**20-606. Exemptions from housing provisions.** Nothing in § 20-604 shall apply:

(1) To the rental of housing accommodations in a building which contains housing accommodations for not more than four families living independently of each other if the owner or a member of his family resides in one of the housing accommodations.

(2) To the rental of one room or one rooming unit in a housing accommodation by an individual if he or a member of his family resides therein.

(3) To a landlord who refuses to rent to an unmarried male-female couple.

(4) A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, national origin, familial status or disability.

(5) Single sex dormitory rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (1978 Code, § 4-706, as amended by Ord. #514, Sept. 2000)

**20-607. Provisions for enforcement.** The violation of any of the provisions of this chapter shall subject the violator to a civil penalty in the amount of \$200 to be recovered in a civil action, provided that in the case of a continuing violation, the total penalty shall not exceed \$1000.

The city may sue in a civil action through the general court of justice for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibitory injunctions.

In addition to appropriate civil and/or equitable remedies for enforcement of this chapter, conciliation efforts may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

The board of mayor and aldermen shall establish a hearing board which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the board shall commence whenever the agent(s) acting on behalf of the city decided a conciliation failure has occurred and the respondent agrees to participate in the hearing board proceedings. Hearings open to the public may be initiated by the responding party at any time during the conciliation process. (1978 Code, § 4-707)

**20-608. Findings of hearing board; nature of affirmative action.**

If the hearing board determines that the respondent has not engaged in an unlawful practice, the board shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officers and persons as the board deems proper.

If the hearing board determines that the respondent has engaged in an unlawful practice, it shall state its findings of act and conclusions of law and shall negotiate such affirmative action as in its judgment will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complainant, the city attorney and such other public officials, officers and persons as the board deems proper.

Affirmative action negotiated under this section may include, but not be limited to:

- (1) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and service of the respondent;
- (2) Reporting as to the manner of compliance;
- (3) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing board;
- (4) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual;
- (5) Payment to the complainant of damages for injury caused by an unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant in obtaining alternative accommodation and for other costs actually incurred by the complainant as a direct result of such unlawful practice.

The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (1978 Code, § 4-708)

**20-609. Investigations, powers, records.** In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records, and documents relevant to the complaint and may request the right to examine, photograph and copy evidence.

Every person subject to this chapter shall make, keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the hearing board for an exemption from the application of the regulational order. If the board finds that the application of the regulation or order to the person in

question would impose an undue hardship, it may grant appropriate relief. (1978 Code, § 4-709)

**20-610. Conspiracy to violate this chapter unlawful.** It shall be an unlawful practice for a person, or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this chapter; or

(2) To aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; or

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder;

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing board, or any of its members or representatives in the lawful performance of duty under this chapter. (1978 Code, § 4-710)

## CHAPTER 7

### DEFECTIVE ALARM SYSTEMS AND INTENTIONAL FALSE ALARMS

#### SECTION

- 20-701. Declaration of purpose.
- 20-702. Definitions.
- 20-703. Alarm business client information.
- 20-704. Prohibition of defective alarm systems.
- 20-705. Determination of a defective alarm system.
- 20-706. Penalty of further false alarm after a determination of a defective alarm system.
- 20-707. Liability of the city.
- 20-708. Intentional commission of a false alarm prohibited.
- 20-709. Penalty for intentional commission of a false alarm.

**20-701. Declaration of purpose.** Society in general and the City of Dyersburg in particular, benefit from useful, usable and reliable private security alarm systems which provide for quick and efficient responses by police and fire departments. Valuable City of Dyersburg resources are wasted when responding to multiple false alarms which are created each year in the City of Dyersburg. The express purpose of this chapter is to:

- (1) Improve the efficiency of the City of Dyersburg's Police and Fire Departments; and
- (2) Reduce the number of false alarms by raising the public awareness and punishing continuing offenders. (as added by Ord. #BB-537, Feb. 2003)

**20-702. Definitions.** (1) "Alarm business" means the business of any individual, corporation or other business entity engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring of any alarm system.

(2) "Alarm system" means any mechanical, electrical or other assembly which is designed to record, view, monitor, protect against, avoid or reduce the probability of personal property loss or injury resulting from fire, smoke, heat, burglary, theft, shoplifting, pilferage or other losses of that type; monitor, detect or prevent intrusions; or detect and summon aid for other emergencies.

(3) "User" means any person and/or business entity which owns, or is in control of, an alarm system within the City of Dyersburg.

(4) "Defective alarm system" means an alarm system which creates a false alarm three (3) or more times within a one (1) year time period.

(5) "False alarm" means the unwarranted activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner, lessee or his employees or agents or other

undetermined causes. Specifically excluded from this definition are false alarms caused by unusually violent conditions of nature (i.e., tornado, storm, lightning, etc.).

(6) "Fire chief" means the duly appointed Chief of the Dyersburg Fire Department or his designee.

(7) "Police chief" means the duly appointed Chief of the Dyersburg Police Department or his designee. (as added by Ord. #BB-537, Feb. 2003)

**20-703. Alarm business client information.** Upon a report of an activation of an alarm system (whether defective or otherwise), the alarm business, as agent for the user, upon making the report or upon a request (whether oral or written) from the fire chief or police chief (as defined above) shall provide the following information immediately:

- (1) Name of residence or business;
- (2) Address of residence or business (location of the alarm system);
- (3) Telephone number;
- (4) Name of responsible party (if different from subsection (1)).
- (5) Telephone number of responsible party (if different from subsection (3)). (as added by Ord. #BB-537, Feb. 2003)

**20-704. Prohibition of defective alarm systems.** The keeping or maintaining of a defective alarm system by any user in the City of Dyersburg shall be and is hereby prohibited and declared to be a violation of this chapter. (as added by Ord. #BB-537, Feb. 2003)

**20-705. Determination of a defective alarm system.** In the City of Dyersburg, Police Chief and Fire Chief, or either of them individually, or their designees, are authorized and empowered to determine whether a false alarm has occurred and whether a defective alarm system exists. Any alarm system which emits or causes a false alarm three (3) or more times during any one (1) year time period shall be considered a defective alarm system. Upon a determination that an alarm system is a defective alarm system, written notice of same shall be tendered by the city by first class United States mail, postage prepaid, to the user of the defective alarm system. Said notification shall inform the user of the city's determination and shall notify the user that further false alarms will result in the commencement of criminal charges. (as added by Ord. #BB-537, Feb. 2003)

**20-706. Penalty of further false alarms after a determination of a defective alarm system.** For each false alarm occurring while the alarm system is deemed a defective alarm system, the user shall be fined twenty-five dollars (\$25.00) failure to pay will result in the department's not answering the alarm. (as added by Ord. #BB-537, Feb. 2003)

**20-707. Liability of the city.** The City of Dyersburg will not be held liable for failure to respond to any alarm system, whether defective or otherwise. (as added by Ord. #BB-537, Feb. 2003)

**20-708. Intentional commission of a false alarm prohibited.** The intentional creation, causing or commission of a false alarm by any person on any alarm system in the City of Dyersburg with the intent of causing a response from the city's fire or police departments, under circumstances which do not reasonably warrant a response, shall be and is hereby prohibited and declared to be a violation of this chapter. (as added by Ord. #BB-537, Feb. 2003)

**20-709. Penalty for intentional commission of a false alarm.** Any person convicted of the intentional commission of a false alarm as prohibited in § 20-707 above, shall, upon conviction, be subject to the maximum fine provided for under the penalty clause of this code. (as added by Ord. #BB-537, Feb. 2003)