

TITLE 20

MISCELLANEOUS

CHAPTER

1. UTILITIES GENERALLY.
2. HOUSING CORPORATION.
3. CIVIL DEFENSE ORGANIZATION.
4. FIRE, BURGLARY AND ROBBERY ALARMS.
5. FAYETTEVILLE-LINCOLN COUNTY REGIONAL AIRPORT AUTHORITY.
6. FAIR HOUSING.

CHAPTER 1

UTILITIES GENERALLY¹

SECTION

- 20-101. Prerequisites for utility services.
- 20-102. Excavation near utilities.
- 20-103. Duties after striking utility line.

20-101. Prerequisites for utility services. No utility shall furnish water, sewer, electric, or gas service within the corporate limits of the city to any location, building, or structure until the proper building permits, certificates of occupancy, and permits required under the zoning ordinance have been secured and exhibited by the applicant for the service. (1979 Code, § 13-501)

20-102. Excavation near utilities. No excavating shall be done within ten feet of any public owned utility without the persons responsible for said excavation having notified the utility of said proposed excavation. (1979 Code, § 13-502)

20-103. Duties after striking utility line. Any person striking a utility line with any excavation equipment shall notify the owner of the utility line within one hour of striking same. (1979 Code, § 13-503)

¹Municipal code references

Electricity and gas service: title 19.

Excavations and cuts: title 16, chapter 2.

Water and sewer service: title 18.

CHAPTER 2

HOUSING CORPORATION

SECTION

- 20-201. Determined to be necessary and proper--purpose.
- 20-202. Charter and bylaws approved.
- 20-203. Incorporators and member-directors.
- 20-204. Authority and responsibility.
- 20-205. To cooperate with housing authority, etc.

20-201. Determined to be necessary and proper--purpose. It is hereby determined to be necessary and proper to authorize the creation of a non-stock, not-for-profit corporation as an instrumentality of the City of Fayetteville, Tennessee, to be known as the Fayetteville Housing Corporation of Fayetteville, Tennessee, for the purpose of constructing, financing low cost rent supplement facilities to be leased to the Fayetteville Housing Authority with the assistance of the federal government. (1979 Code, § 1-1201)

20-202. Charter and bylaws approved. The proposed charter of incorporation and bylaws of said Fayetteville Housing Corporation of Fayetteville, Tennessee, are hereby approved. (1979 Code, § 1-1202)

20-203. Incorporators and member-directors. Five freeholders of the City of Fayetteville shall be appointed by the board of mayor and aldermen to serve as incorporators and, original member-directors of the Fayetteville Housing Corporation of Fayetteville, Tennessee, and one individual shall be appointed statutory agent for said corporation. (1979 Code, § 1-1203)

20-204. Authority and responsibility. The member-directors of said Fayetteville Housing Corporation of Fayetteville, Tennessee, upon the granting of a certificate of incorporation, are authorized and directed to issue, sell, and deliver revenue bonds of said corporation pursuant to Tennessee Code Annotated, §§ 12-2-301 to 12-2-402, and the laws of Tennessee, and to enter into contracts for the sale of bonds and construction of housing facilities and to lease the same to the Fayetteville Housing Authority. (1979 Code, § 1-1204)

20-205. To cooperate with housing authority, etc.¹ The providing of low cost housing in and for the City of Fayetteville, Tennessee, is a proper

¹Municipal code reference

Compensation of members of Fayetteville Housing Authority: title 1, chapter 5.

public purpose and this city desires to cooperate with the Fayetteville Housing Authority and agencies of the federal government to fulfill such purpose. (1979 Code, § 1-1205)

CHAPTER 3

CIVIL DEFENSE ORGANIZATION

SECTION

- 20-301. Fayetteville-Lincoln County Civil Defense Organization created.
- 20-302. Authority and responsibility.
- 20-303. Office of director, his authority and responsibility.
- 20-304. Fayetteville-Lincoln County Civil Defense Corps created.
- 20-305. No municipal or private liability.
- 20-306. Expenses of civil defense.

20-301. Fayetteville-Lincoln County Civil Defense Organization created. There is hereby created the Fayetteville-Lincoln County Civil Defense Organization, which shall be a joint operation by the City of Fayetteville and the County of Lincoln for the purpose of organizing and directing civil defense for the citizens of the entire county. All other civil defense agencies within the corporate limits of Fayetteville-Lincoln County shall be considered as a total part of the county wide civil defense emergency resources and when such agencies operate out of its corporate limits it shall be at the direction of, subordinate to, and as part of the Fayetteville-Lincoln County Civil Defense. (1979 Code, § 1-1101)

20-302. Authority and responsibility. (1) In accordance with federal and state enactments of law, the Fayetteville-Lincoln County Civil Defense Organization is hereby authorized to assist the regular government of the county and governments of all political subdivisions therein, as may be necessary due to enemy caused emergency or natural disasters, including but not limited to storms, floods, fires, explosions, tornadoes, hurricanes, droughts, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare and property of the citizens of Fayetteville-Lincoln County. The Fayetteville-Lincoln County Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Fayetteville-Lincoln County Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

(2) The Fayetteville-Lincoln County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Fayetteville-Lincoln County, to establish and coordinate emergency plans, forces, means and resources, and is hereby designated the official agency to establish such emergency plans. (1979 Code, § 1-1102)

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

(1) The office of the director of civil defense is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayor and county judge or either or by higher authority as appropriate.

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

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

(2) The director shall be responsible to the chief executive officers of the city and county for the execution of the authorities, duties, and responsibilities of the Fayetteville-Lincoln County Civil Defense Organization, for the preparation of all plans and administrative regulations, and for recruitment and training of personnel. (1979 Code, § 1-1103)

20-304. Fayetteville-Lincoln County Civil Defense Corps created.

The Fayetteville-Lincoln County Civil Defense Corps is hereby created. The corps shall be under the direction of the director of civil defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan. (1979 Code, § 1-1104)

20-305. No municipal or private liability. The duties prescribed in this chapter are an exercise by the city and county of their governmental functions for the protection of the public peace, health, and safety and neither the City of Fayetteville nor Lincoln County, the agents and representatives of said city and county, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with, or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to person or property as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack, shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission or for loss of, or damage to, the property of such person. (1979 Code, § 1-1105)

20-306. Expenses of civil defense. No person shall have the right to expend any public funds of the city or county in carrying out any civil defense

activities authorized by this chapter without prior approval by the governing bodies of the city and/or county or both; nor shall any person have any right to bind the city or county by contract, agreement, or otherwise without prior and specific approval by the governing body of the city and/or county, or both. The civil defense director shall disburse such monies as may be provided annually by appropriation of the city and county for the operation of the civil defense organization. Control of disbursements will be as prescribed by agreement between the treasurers of the city and county. He shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the city and county. All funds shall be disbursed upon vouchers properly executed by the director of civil defense, subject to audit by either the City of Fayetteville or Lincoln County. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise, when available, or state contributions, and is further authorized to accept contributions to the civil defense organization from individuals and other organizations, such funds becoming liable for audit by the city and county. (1979 Code, § 1-1106)

CHAPTER 4

FIRE, BURGLARY AND ROBBERY ALARMS**SECTION**

- 20-401. Definitions.
- 20-402. Classification of alarm systems.
- 20-403. Alarm system requirements.
- 20-404. Permits required.
- 20-405. Issuance of permit and decal.
- 20-406. Permit fees.
- 20-407. Inspection of alarm system.
- 20-408. Current information required.
- 20-409. False alarm fees.

20-401. Definitions. (1) "Alarm system" means a device or system of interconnected devices, including hardware and related appurtenances, mechanical or electrical, designed to give warning of activities indicative of felony, fire or criminal conduct requiring urgent attention and to which the police and fire departments are expected to respond but does not include alarms installed in conveyances.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof, wherein any alarm system is maintained.

(3) "False alarm" means any activation of an alarm system upon or following which communication is made to the department that an alarm has been triggered, except alarms resulting from one of the following causes:

- (a) Criminal activity or unauthorized entry.
- (b) Earthquake causing structural damage to the protected premises.
- (c) Tornado winds causing structural damage to the protected premises.
- (d) Flooding of the protected premises due to the overflow of natural drainage.
- (e) A lightning bolt causing physical damage to the protected premises.
- (f) Fire causing structural damage to the protected premises verified by the fire department.
- (g) Telephone line malfunction verified in writing to the department by at least a first line telephone company supervisor within seven days of the occurrence.

If police or fire units, responding to an alarm and checking the protected premises according to standard department operating procedure, do not

discover any evidence of fire, unauthorized entry or criminal activity, there shall be a rebuttable presumption that the alarm is false. Entries in the police or fire departments daily officer's log shall be prima facie evidence of the facts stated therein with regard to alarms and responses.

(4) "Communication center" means the Police Department's Consolidated Communication Center that provides communication service to the Fayetteville Police and Fire Departments. (1979 Code, § 1-4A01)

20-402. Classification of alarm systems. Class I - An alarm system is one which incorporates a remote annunciator installed on the premises of the department or the communications center.

Class II - An alarm system incorporating an automatic dialer which directly or indirectly requires a response by Fayetteville Fire or Police Departments.

Class III - An alarm system in which the annunciator is an audible annunciator located at the protected premises, and which does not incorporate an automatic dialer. (1979 Code, § 1-4A02)

20-403. Alarm system requirements. (1) No alarm system shall be installed, used or maintained in violation of any of the requirements of this code.

(2) The alarm user shall be responsible for training and retraining all employees, family members and other persons who may make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger a sensor.

(3) The alarm user shall, at all times, be responsible for the proper maintenance and repair of the system.

(4) In the event of power failure or outage, only those systems with a power system back-up will be responded to. Others will be presumed to be set by loss of power. (1979 Code, § 1-4A03)

20-404. Permits required. (1) It shall be unlawful for any person to use or maintain any alarm system without a current valid permit.

(2) The police and fire departments may refuse to respond to an alarm from a system without a permit.

(3) In the event police or firemen investigate an alarm, the permit holder or an agent shall cooperate by promptly coming to the premises upon request. Refusal shall constitute grounds for suspension or revocation of a permit.

(4) If an alarm user has one or more alarm systems protecting two or more structures having different addresses, a separate permit will be required for each structure.

(5) Existing installed systems will be exempt from the payment of a permit fee provided application for a permit is made within thirty (30) days of the effective date of this chapter. (1979 Code, § 1-4A04)

20-405. Issuance of permit and decal. (1) Upon receipt by the city administrator of the permit application and fee, the chief of police or fire chief shall undertake whatever investigation or inspection they deem necessary.

(2) If the investigation is satisfactory, a decal with the alarm user's permit number will be issued with a permit. This decal must be permanently posted on or near the front entrance to the premises so that the information on the decal is visible from outside of the structure. (1979 Code, § 1-4A05)

20-406. Permit fees. (1) Class I - \$1.00--A one time fee to be paid when the initial application for a permit hereunder is filed with the city.

(2) Class II - \$1.00--A one time fee to be paid when the initial application for a permit hereunder is filed with the city. Senior citizens are exempt from permit fees. "Senior citizen" is defined as a person who has attained the age of sixty-five (65) years.

(3) Class III - This class alarms are exempt from permit fees. (1979 Code, § 1-4A06, as amended by Ord. #98-5, §§ 1 and 2, April 1998)

20-407. Inspection of alarm system. Prior to issuing an alarm system permit, and at any time thereafter, the city may inspect any alarm system for which a permit is required. Such inspection shall be for the purpose of ascertaining that information furnished by the applicant or permittee is correct, and that the system is maintained in conformation with the provisions of this chapter. (1979 Code, § 1-4A07)

20-408. Current information required. Within ten (10) days following any change of circumstances which renders obsolete any of the information previously submitted, the alarm user shall file an amendment to his application, setting forth the currently accurate information. No additional fee shall be required unless the change has terminated the permit. Failure to comply with the section shall constitute grounds for revocation of the permit. (1979 Code, § 1-4A08)

20-409. False alarm fees. (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by the police or fire departments, and the police or fire department does respond, a police officer or fireman on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response is in fact required as indicated by the alarm system or whether in some way the alarm system malfunctions and thereby activated a false alarm.

(2) It is hereby found and determined that all false alarms constitute a public nuisance. The permit holder will be billed a \$50.00 service charge per false alarm occurrence after the third such false alarm in any fiscal year and \$75.00 for the 11th false alarm and each thereafter. Each service charge incurred shall be billed and payment shall be made within thirty (30) days from the date of receipt thereof. Failure to make payments within thirty (30) days from date of receipt shall result in a discontinuance of police or fire response to the alarm. (1979 Code, § 1-4A09)

CHAPTER 5

**FAYETTEVILLE-LINCOLN COUNTY REGIONAL AIRPORT
AUTHORITY¹**

SECTION

20-501. Creation; commissioners; authority.

20-501. Creation; commissioners; authority. (1) There is hereby created with Lincoln County a public body, corporate and politic, to be known as the Fayetteville-Lincoln County Regional Airport Authority which authority shall be authorized to exercise its functions upon the issuance by the Tennessee Secretary of State of a certificate of incorporation.

(2) There are hereby appointed, as the city's commissioners of the authority Ron Mahal and Thomas E. Bailey for terms ending September 30, 2000.

(3) Said two commissioners along with the two commissioners appointed by Lincoln County shall appoint a fifth commissioner to serve for a term ending September 30, 2000.

(4) Thereafter all terms of the commissioners shall be for a term of five years.

Said Fayetteville-Lincoln County Regional Airport Authority shall have the authority set forth in chapter 3, title 42 of the Tennessee Code Annotated, (as added by Ord. #95-20, Aug. 1995)

¹Charter reference
Airport committee: § 32a

CHAPTER 6

FAIR HOUSING

SECTION

20-601. Policy.

20-602. Definitions.

20-603. Unlawful practices.

20-604. Discrimination in the sale or rental of housing.

20-605. Discrimination in the financing of housing.

20-606. Discrimination in the provision of brokerage services.

20-607. Exemptions.

20-601. Policy. It is the policy of the City of Fayetteville to provide, within constitutional limitations, for fair housing throughout the community. (as added by Ord. #97-7, § 1, June 1997)

20-602. Definitions. (1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and judiciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(5) "Discriminatory housing practice" means an act that is unlawful under Sections 20-604, 20-605, or 20-606. (as added by Ord. #97-7, § 2, June 1997)

20-603. Unlawful practices. Subject to the provisions of subsection (2) and section 20-607, the prohibitions against discrimination in the sale or rental of housing set forth in section 20-604 shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in this chapter shall apply to any single-family house sold or rented by an owner. (as added by Ord. #97-7, § 3, June 1997)

20-604. Discrimination in the sale or rental of housing. (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a

dwelling to any person because of race, color, religion, sex, national origin, familial status or disability.

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

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

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

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

(6) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by that person if such modifications are necessary to afford that person full enjoyment of the premises.

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (as added by Ord. #97-7, § 4, June 1997)

20-605. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance because of the race, color, religion, sex, national origin, familial status or disability of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 20-603(2). (as added by Ord. #97-7, § 5, June 1997)

20-606. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or disability. (as added by Ord. #97-7, § 6, June 1997)

20-607. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society or any non-profit institution of 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 religion is restricted on account of race, color, religion, sex, national origin, familial status or disability. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (as added by Ord. #97-7, § 7, June 1997)