

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

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CHAPTER 1**ALARM SYSTEMS****SECTION**

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20-101. Installations in police department communications center. No burglar or fire alarms will be installed in the police department communications center for monitoring purposes. Those alarms already installed shall be removed no later than December 1, 1992. (Ord. #1992-28, Sept. 1992)

20-102. Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(1) "Activate" means to "set off" an alarm system indicating in any manner an incidence of burglary, robbery, panic, fire, water pressure or any other similar type situation.

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

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

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

(5) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or his employees, servants or agents; or any other activation of the alarm system not caused by a fire or a forced entry or robbery or attempted robbery or the emergency situation the system is designated to detect; such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other alarms caused by utility company personnel. A maximum of three (3) false burglar alarms; two (2) false robber/panic alarms; and three (3) false fire alarms, will be granted per alarm device within a fiscal permit year. All false subsequent activation will be considered chargeable violations.

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

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

(8) "Panic alarm" means the activation of an alarm system by a device manually operated by the user to summon help.

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

(10) "Residential premises" means structure or combination of structures which serve as dwelling units including single family as well as multi-family units. (Ord. #1992-28, Sept. 1992)

20-103. Notification and permits required. Every person who shall own, operate or lease any alarm system as defined within the City of Hendersonville, whether existing or to be installed in the future, shall, prior to use of the alarm system, give notice to the Hendersonville police department, on forms provided, and obtain a permit. The information submitted on the forms shall include:

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

(2) Whether installed in residential or commercial premises.

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

(4) The names, addresses and telephone numbers of at least two (2) persons to be notified in the event of an alarm activation, including the name, address, telephone number and at least one local person to be responsible for the alarm system, who shall respond within 30 minutes.

(5) All newly constructed buildings provided with an alarm system shall have a key box meeting the key requirements of the fire department, with the exception of one and two family dwellings and locations approved by the fire official. The key box shall contain all the keys necessary to gain entry to property. If access to a property is controlled by gates or other restrictive devices, access locks or override devices shall be provided meeting the key requirements of the fire department. The key box shall be installed in a location approved by the fire official. (Ord. #1992-28, Sept. 1992, Ord. # 2003-43, October, 2003)

20-104. Duties of permit holders. (1) Each owner, operator or lessee shall be responsible for training employees, servants or agents in the proper operation of an alarm system.

(2) Each owner, operator or lessee of an alarm system shall insure that the correct address identification and emergency contact number are on file with the City of Hendersonville.

(3) The current alarm registration sticker provided each permittee shall be displayed so as to be easily visible from outside the building.

(4) Any audible alarm shall be equipped with an automatic shut off to function within twenty (20) minutes of the alarm sounding, excluding fire alarms. (Ord. #1992-28, Sept. 1992)

20-105. Violations. (1) It shall be a violation of this chapter to have a functional alarm system without having obtained a permit as required by § 20-103. First offenders of this subsection shall be given a written warning with no fine.

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

(3) It shall be a violation of this chapter when any Hendersonville Police Department or Fire Department officer responds to a false alarm after the allowable false alarms set out in § 20-102(5) have been exhausted.

(4) Any person who owns, operates or leases an alarm system, or his designated representative, who shall knowingly and purposefully fail to respond to his premises within 30 minutes after notification by fire or police personnel of alarm activation, whether false or not, shall be deemed to have violated this chapter.

(5) It shall be a violation of this chapter for an alarm company to make functional a newly installed alarm system if the owner, operator or lessee of the alarm system does not have a currently valid alarm permit.

(6) It shall be a violation of this chapter for an alarm company to set off a false alarm while installing, repairing or doing maintenance work on an alarm system, without prior notification to the Hendersonville Police Department. If the fire or police department is notified to cancel the call within three (3) minutes of the original call, it will not be considered a false alarm, unless the responding Hendersonville officer arrives on the scene before the original call is cancelled. Three cancellations will be granted within a fiscal permit year.

(7) Any non-compliance with the requirements of this chapter shall constitute a violation and each incidence of non-compliance shall constitute a separate violation, punishable as provided in §§ 20-107 and 20-110. (Ord. #1992-28, Sept. 1992, as amended by Ord. #1995-26, June 1995)

20-106. Automatic dialing devices. It shall be a violation of this chapter for any automatic dialing device to call into the police or fire department directly, either on regular business lines or on 911 emergency lines. (Ord. #1992-28, Sept. 1992)

20-107. Request for alarm permit; revocation/appeals. (1) After a third (3rd) false burglary alarm, a second (2nd) false robber/panic alarm or a third (3rd) false fire alarm, or other third (3rd) emergency situation not covered above, or upon failure of the permit holder to make a reasonable effort to comply with the requirements of this chapter, or show corrective action, the chief of police or fire chief or their representatives may file a request for revocation of the permit with the board of adjustment and appeals, where revocation shall occur unless the permit holder files an appeal in writing to the board of adjustment and appeals within fifteen (15) calendar days from the date the request for revocation is filed with the board. The law enforcement officer or fire officer shall notify the permit holder that a request for revocation has been filed with the board of adjustment and appeals and the date on which it is filed. An appeal by the permit holder shall be accompanied by an appeals fee of fifty dollars (\$50). Appeals upheld by the board will result in a refund of the appeals fee.

(2) The chief of police or his designated representative is hereby designated as custodian of board of adjustment and appeals records on alarm revocation hearings. (Ord. #1992-28, Sept. 1992)

20-108. Response to false alarm -- required reports of corrective action and disconnection. (1) The only alarms the Hendersonville police and fire departments will respond to are:

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

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

(3) A response to an alarm shall result when any fire or police department officer is dispatched to or otherwise learns of the activation of any alarm system. If the user calls or the authorized agent calls the dispatcher back within three minutes of the original call, it will not be considered a false alarm, unless the responding Hendersonville officer has already arrived before the call to cancel has been made.

(4) After the allowable false alarms set out in § 20-102(5), each person who owns, operates, leases or controls any premise, commercial or residential, having an alarm system, shall be cited to Hendersonville City Court for any response to a false alarm. Within ten (10) calendar days of the date of citation, the person shall show proof to the police or fire department of the corrective action taken to remedy the situation. Failure to show corrective action will be grounds for revocation of the permit, however, no disconnection shall be ordered on any premises required by law to have an alarm system in operation. (Ord. #1992-28, Sept. 1992)

20-109. Enforcement. Hendersonville police and fire department officers are specifically authorized to enforce this chapter. Any Hendersonville police or fire officer may lawfully issue a citation to an owner, lessee, operator or user of a functional alarm system who has not obtained the permit required by § 20-103, or whose alarm system has given a false alarm in excess of the number allowed under § 20-102(5). (Ord. #1992-28, Sept. 1992)

20-110. Fines. Violation of this chapter shall result in fines no less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) per offense. (Ord. #1992-28, Sept. 1992, modified)

CHAPTER 2

RECYCLING CENTERS

SECTION

20-201. Types of centers.

20-202. Regulations for centers.

20-203. Maintenance of centers.

20-204. Violations.

20-201. Types of centers. A "Recycling Drop-off Center" as herein regulated includes any location having one (1) or more portable units used for the temporary or permanent storage of materials to be recycled, and either buys or accepts materials from the general public to be sent or sold to a recycling facility and is located within the corporate limits of the City of Hendersonville.

Recycling Drop-Off Centers are divided into three (3) categories:

(1) TYPE I: Permanent Recycling Drop-Off Center: a center that has two (2) or more portable units and that remains in the same location more than twelve (12) hours per week.

(2) TYPE II: Temporary Recycling Drop-Off Center: a center that is in the same location less than twelve (12) hours per week and all of those hours being on the same day.

(3) TYPE III: Small Recycling Drop-off Center: a center with no more than one (1) portable unit for the storage of recyclable materials, whether the center is temporary or permanent. (Ord. #1991-66, Nov. 1991)

20-202. Regulations for centers. (1) TYPE I: (a) Must be entirely enclosed by either a fence or housed within a structure, or other means in such a manner that the portable units cannot be used by the public except during the hours of operation; and

(b) Must be manned by at least one person during all hours of operation.

(2) TYPE II: (a) Does not need to be enclosed by a fence or housed within a structure; and

(b) Must be manned from the time of the portable unit or units' arrival until departure.

(3) TYPE III: (a) Does not need to be enclosed by a fence or housed within a structure; and

(b) Does not need to be manned. (Ord. #1991-66, Nov. 1991)

20-203. Maintenance of centers. (1) TYPE I: (a) Must maintain their areas and remove all unrecyclables that are left by the public at the end of the hours of operation; and

(b) All overflow recyclable materials of any units must be removed from visibility of the public at the end of the hours of operation.

(2) **TYPE II:** (a) Must maintain their areas and remove all unrecyclables that are left by the public at the departure of the bins; and

(b) All overflow recyclable materials of any units must be removed at the departure of the bins.

(3) **TYPE III:** (a) Must maintain their areas and remove all unrecyclables that are left by the public on a daily basis; and

(b) All overflow recyclable materials of any units must be removed on a daily basis. (Ord. #1991-66, Nov. 1991)

20-204. Violations. Repeated violations of these operating standards will be grounds for the closure of the Recycling Drop-Off Center. "Repeated violation" as used herein means two (2) or more violations within any thirty (30) days. A violation is established by a citation into city court, and a finding that this chapter has been violated. (Ord. #1991-66, Nov. 1991)

CHAPTER 3

HANDICAPPED DISCRIMINATION PROCEDURES

SECTION

20-301. Procedures for complaint of discrimination.

20-301. Procedures for complaint of discrimination. In order to maintain a grievance procedure for those individuals wishing to voice a concern regarding handicap discrimination in any of the city's programs, the following procedures shall be used:

(1) Any individual(s) wishing to file a complaint shall do so in writing to the mayor and the board secretary.

(2) If the mayor is unable to resolve the complaint satisfactorily, he shall then notify the chairman of the general committee.

(3) The chairman of the general committee shall place the complaint on the agenda at the next regular scheduled general committee meeting and shall report its finding to the board of mayor and aldermen at their next regularly scheduled meeting.

The decision of the board of mayor and aldermen shall be final and binding on all parties. (Ord. #1989-45, Sept. 1989)

CHAPTER 4

**MAYORAL ASSISTANT FOR EMERGENCY MANAGEMENT AND
RISK MANAGEMENT, SAFETY AND ADA COORDINATOR****SECTION****20-401. Created.****20-402. Director appointed; compensation.**

20-401. Created. As provided in Tennessee Code Annotated, title 6, chapter 22 there is hereby created a mayoral assistant for Emergency Management and Risk Management, Safety and ADA Coordinator. (Ord. #1970-44, Jan. 1971, modified)

20-402. Director appointed; compensation. The mayoral assistant for Emergency Management and Risk Management, Safety and ADA Coordinator shall be headed by a director who shall be appointed by the mayor. Salary for the Emergency Management Officer shall be fixed by the board of mayor and aldermen. (Ord. #1970-44, Jan. 1971, modified)

CHAPTER 5

PARK AND RECREATION REGULATIONS

SECTION

20-501. Definitions.

20-502. Construction and scope.

20-503. Prohibited uses.

20-501. Definitions. Unless otherwise expressly stated, whenever used in this chapter the following terms shall respectively mean and include each of the meanings set forth:

- (1) "The board": The Hendersonville Board of Parks and Recreation.
- (2) "Park": The term park or parks unless specifically limited, will be deemed to include all parks, parkways, playgrounds, athletic fields, tennis courts, golf courses, swimming pools, beaches, and other recreation areas and amenities serving thereto, under the control of the board and/or within the City of Hendersonville.
- (3) "Permit": Any written authorization issued by or under the authority of the board for a specified park privilege permitting the performance of a specified act or acts in the park.
- (4) "Owner": Any person owning, operating or having the use or control of a vehicle, animal or other property under a lease or otherwise.
- (5) "Police officer": Any member of the Police Department of Hendersonville and Sumner County, Tennessee, and any other Hendersonville employee who is designated special police and appointed and sworn by the mayor and any law enforcement officer employed by the United States Government, the State of Tennessee or a sub-division thereof.
- (6) "Bridle path": Any path or road maintained for persons riding on horseback.
- (7) "Foot path": Any path, road, or trail maintained for pedestrians.
- (8) "Bicycle path": Any path, road, or trail maintained for persons riding on bicycles, but not motorized motorcycles.
- (9) "Bathing areas": Any area maintained for the use of bathers including the water area and lands under water adjacent thereto under the jurisdiction board.
- (10) "Playground area": Any area maintained or designated as a playground, and including all territory under the supervision and control of the board adjacent to and within twelve (12) feet thereof.
- (11) "Safety zone": Any space within any park so designated by appropriate signs.
- (12) "Omnibus": Shall include any vehicle held and used for transportation of passengers for hire.
- (13) "Unnecessary stopping": Bringing a vehicle to a complete stop on a parkway, or a road in a park other than a parking space, or other than in conformity

with traffic regulations or other than because of any emergency. (Ord. #1978-38, Sept. 1978, modified)

20-502. Construction and scope. (1) **Construction.** In the interpretation of this chapter affecting parks, its provisions shall be construed as follows:

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

(d) No provisions hereof shall make unlawful any act necessarily performed by any officer or employee of the Department of Parks and Recreation in line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the board;

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

(f) This chapter is in addition to and supplements all municipal, state and federal laws and ordinances.

(2) **Territorial scope.** This chapter effecting parks shall be effective throughout, within and upon all areas under the supervision and control of the board, and/or other publicly owned recreation areas in the City of Hendersonville, and shall regulate the use thereof by all persons. (Ord. #1978-38, Sept. 1978)

20-503. Prohibited uses. (1) **Property, drives, bridges and equipment.** No person shall injure, deface, displace, remove, fill in, raise, destroy, or tamper with any property, facility, or equipment, real or personal owned or leased by the Hendersonville Government or under the supervision or control of the board.

(2) **Trees, shrubs, flowers and grass.** No person shall in any park destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any growing thing. No person shall attach any posters, or directional signs to trees.

(3) **Littering, rubbish, refuse and pollution.** (a) **Littering, rubbish, refuse.**

No person shall take into, carry through, leave in, or throw, cast, lay, drop or discharge into or on any park any rubbish of any sort in any recreation area.

No person shall place household refuse and garbage in receptacles which are provided solely for litter resulting from normal park use.

(b) **Pollution of waters.** No person shall throw, or discharge into the waters in any park, any substance, which may result in the pollution of the waters.

(4) **Advertising.** No person shall distribute, display, transport, carry or construct any flag, banner, sign, emblem, model, device, pictorial representation, or other matter, within any park for advertising or political purposes, or cause noise to be made in any park for the purpose of advertising, unless such activity is expressly approved by the board of parks and recreation, subject to such conditions and restrictions as said board deems proper.

(5) **Disorderly conduct.** No person shall, in any park:

(a) Disobey the lawful and reasonable order of a police officer or park employee in the discharge of their duties or disobey or disregard the notices, prohibitions, instructions or directions on any park sign, including rules and regulations posted on the grounds or buildings.

(b) Use threatening, abusive or insulting language.

(c) Do any obscene or indecent act.

(d) Throw, cast or propel stones or other missiles.

(e) Solicit alms, subscriptions or contributions for any purpose.

(f) Interfere with, encumber, obstruct or render dangerous any part of a park.

(g) Climb or lie upon any wall, fence, shelter, seat, statue, monument or other structure.

(h) Do any act tending to or amounting to a breach of peace.

(i) Enter or leave any park facility except at established entrance ways or exits, or at established times; or use or gain admittance to the facilities in any park for the use of which a charge is made without paying the charge or price fixed by the board.

(j) Engage in, instigate, or encourage a dispute or fight.

(k) Jump off of any bridge structure into water.

(l) Plan any games of chance, sell futures, or participate in the conduct of a lottery.

(6) **Explosives, firearms, and weapons.** No person shall bring into or have in his possession in any park any firearms slingshots, firecrackers, torpedoes, fireworks or other missile-propelling instruments or explosives, except city employees in the performance of their duties, or other individuals duly authorized by the city fire marshal.

(7) **Aviation.** No person shall voluntarily bring, land or cause to descend or alight within or upon any park, any airplane, flying machine, balloon, parachute or other apparatus for aviation, unless such activity is expressly approved by the board of parks and recreation, subject to such conditions and restrictions as said board deems proper.

(8) **Camping.** No person shall tent or camp or erect or maintain a tent, shelter or camp in any park, unless in a designated area.

(9) **Permits.** A permit to do any act shall authorize the act only insofar as it may be performed in strict accordance with the written terms and conditions thereof. Any violations of any law, ordinance, provisions of this code, or rule or regulation of the board or of any other Hendersonville Department by the holder or the agents or

employees of the holder of any permit of any term or condition thereof, shall constitute grounds for revocation of the board or by its authorized representative, whose action therein shall be final. In case of revocation of any permit, all monies paid for or on account thereof shall, at the opinion of the board, be forfeited to and be retained by the government; and the holder of such permit, together with his agents and employees who violated such permit, shall be jointly and severally liable to the Government of Hendersonville for all damages and loss suffered by it in excess of money so forfeited.

(10) **Exhibitions, parade, racing, etc.** No person shall erect any structure, stand or platform, exhibit dramatic performance or show of any kind or nature; or parade, or hold any athletic contest; in any park except in accordance with the rules and regulations of the board.

(11) **Rules and regulations.** The board shall adopt, promulgate and enforce such rules and regulations consistent with the proper use and protection of the park property under its supervision and control, and consistent with this chapter.

(12) **Meetings, etc.** No person shall erect any structure, hold any meeting, perform any ceremony, make a speech, address or oration in any park except by permit issued by the board or its authorized representative. The board shall establish criteria for approval and denial of permits.

(13) **Picnics and outings.** The board is authorized to adopt, promulgate and enforce rules and regulations governing picnics or outings consistent with the proper use and protection of park property.

(14) **Peddling, sales, photographs, etc.** No person shall, in any park or to any person in any park, exhibit, sell or offer for sale, hire, lease or let out any object or merchandise, or service of commercial nature, except under a permit issued by the board.

(15) **Protection of animals.** No person shall within any park, attempt to chase, molest, kill, wound, or trap, any feral animal, reptile, bird, bird's nest or squirrel's nest or remove the young of any such animal or the eggs or young of any such reptile or bird.

(16) **Fires, lighted cigars, etc.** No person shall kindle, build, maintain, or use a fire except in fireplaces provided or in self-supporting barbecue grills or stoves in designated picnic areas or under special permit. Any fire shall be continuously under the care and direction of a competent person over eighteen years of age from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar or cigarette in any park or park-street.

(17) **Boating.** No boat or vessel shall be laid up, stored, repaired or placed, except at boat launchings, for any other purpose on park land except by permits.

(18) **Games.** No person shall in any park engage in any sport, game or competition in places specifically prohibited.

(19) **Animals at large.** No person owning or being custodian or having control of any animal shall cause or permit such animal to go at large in the park.

(20) **Horses or beasts of burden.** No person shall use, lead, ride, or drive a horse or other beast of burden in any park, except on designated bridle paths, or along

routes customarily used for access to and from bridle paths, unless otherwise authorized by the board.

(21) **Hours.** No person shall remain in any park between the hours of 11:00 o'clock P.M. and one-half hour before sunrise without permission from the board or its authorized representative. The board may in its discretion, alter park closing times. The board may establish different closing times for different parks.

(22) **Alcoholic beverages.** It shall be unlawful for any person to possess or have under his control beer, ale, or other alcoholic beverages in any public park or recreation area, except as allowed by city ordinances regulating the sale of beer or ale.

(23) **Traffic control.** All persons shall at all times comply with direction of the police officers and park employees indicated by gesture or otherwise in using parks and shall further comply with directions on traffic signs along the routes in the parks.

(24) **Speed limits.** No person shall drive a vehicle within any park at a speed greater than is reasonable and prudent under the conditions then existing. Where no special hazard exists, the maximum speed limit in all parks shall be twenty miles per hour unless otherwise posted.

(25) **Restrictions on vehicles.** Vehicles including trailers, carrying merchandise, or samples of merchandise, or other commercial vehicles are prohibited from entering any park except to make deliveries to the park.

(26) **Soliciting passengers.** No person shall solicit passengers for any automobile, coach, taxi, omnibus or other vehicle in any park except in such areas as may be designated.

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

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

(29) **Restricted areas.** No person shall in any park, drive or operate a vehicle off of paved roadways or in restricted areas.

(30) **Driving instructions.** Instructions in operating automobiles or motorcycles is prohibited in parks at all times.

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

(32) **Towing and projecting articles.** No person shall cause or permit a vehicle to be towed by another vehicle in any park, except that in case of a breakdown, a disabled vehicle may be towed to the nearest exit. Licensed towing operators may enter such park in response to a call from an owner or operator of a disabled vehicle, or by the park's employees or a police officer.

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

emergency. (Ord. #1978-38, Sept. 1978, as amended by Ord. #1988-89, Aug. 1988, Ord. #1989-59, Jan. 1990, and Ord. #1993-27, June 1993)

CHAPTER 6

MUNICIPAL AIRPORT AUTHORITY

SECTION

20-601. Created.

20-602. Airport authority designated.

20-603. Airport commissioners; term of office.

20-604. Qualifications.

20-601. Created. It is hereby determined and declared that the public convenience and necessity require the creation of an airport authority for the City of Hendersonville, Tennessee, and such an authority is hereby created. (Ord. #1973-3, March 1973)

20-602. Airport authority designated. Such airport authority shall be designated "The Hendersonville Municipal Airport Authority" and shall have its principal office address Executive Building - 131-A Saunders Ferry Road, P.O. Box 326, Hendersonville, Sumner County, Tennessee 37075. (Ord. #1973-3, March 1973)

20-603. Airport commissioners; term of office. (1) The first five (5) commissioners of the said Hendersonville Municipal Airport Authority shall be appointed by resolution, and their terms of office shall be for one (1), two (2), three (3), four (4), and five (5) years respectively.

(2) However, one of the said five (5) commissioners to be appointed to serve on the said Hendersonville Municipal Airport Authority, shall be one of the members of the Board of Mayor and Aldermen for the City of Hendersonville or its successor. At all times thereafter, there shall be one (1) member of the Board of Mayor and Aldermen for the City of Hendersonville, or its successor, serving as one of the five (5) commissioners of the said Hendersonville Municipal Airport Authority, except as hereinafter provided in § 20-603(3).

However, should the commissioner or succeeding official who is serving on both of the commissions, resign, retire, or his term of office as aldermen of the Board of Mayor and Aldermen of the City of Hendersonville or succeeding body, expire or otherwise for any reason, his term of office, or seat on the said Board of Mayor and Aldermen of the City of Hendersonville, becomes vacant, then his term as a commissioner of the Hendersonville Municipal Airport Authority, shall expire and terminate of the date of termination as an aldermen of the Board of Mayor and Aldermen of the City of Hendersonville or its successor. The Board of Mayor and Aldermen of the City of Hendersonville or its successor shall appoint one of its aldermen or succeeding official to serve on the Hendersonville Municipal Airport Authority to fill the unexpired term of the commissioners of the Hendersonville Municipal Airport Authority. Thereafter, to assure representation by one of its members, its commissioners, the Board of Mayor and Aldermen of the City of

Hendersonville shall make appointments to the Hendersonville Municipal Airport Authority, by appointing one of its aldermen to serve on the Hendersonville Municipal Airport Authority. And if it shall be necessary to terminate the term of one of the commissioners of the Hendersonville Municipal Airport Authority, to assure such representation, then the commissioner of the Hendersonville Municipal Airport Authority, whose term is next or the first of the five, to expire, shall be terminated and vacated in order that the Board of Mayor and Aldermen of the City of Hendersonville can be represented by one of its commissioners of the said board of the said Hendersonville Municipal Airport Authority. However, such commissioner of the said Hendersonville Municipal Airport Authority, shall serve until his or her successor is appointed. The provisions hereinabove are subject to the exception in § 20-603(3) hereinafter.

(3) Exception - Irrespective of the above provisions, the first Board of Commissioners of the Hendersonville Municipal Airport Authority appointed, shall serve for the full term for which they were appointed, if they so desire, including the commissioner who is serving on both of the said commissions and the Board of Mayor and Aldermen of the City of Hendersonville, shall not appoint a member of the said Board of Mayor and Aldermen of the City of Hendersonville, until a vacancy occurs by reason of the expiration of the original term for which such commissioner, was appointed or until he should resign, retire or in the event of his demise. In the event by reason thereof, there should be no representation of the Board of Mayor and Aldermen of the City of Hendersonville on the said Hendersonville Municipal Airport Authority, in such an event, and during such period of time, the Board of Mayor and Aldermen of the City of Hendersonville, may appoint one of its members to serve as an ex officio member on the Board of Commissioners of the said Hendersonville Municipal Airport Authority, however, such member shall serve without compensation and shall not be entitled to a vote. However, so long as there is an aldermen of the City of Hendersonville on the Board of Mayor and Aldermen, appointed and serving on the Hendersonville Municipal Airport Authority Board of Commissioners, then in that event, there shall not be such an ex officio member appointed and any ex officio member appointed pursuant to the provisions hereinabove, his term shall immediately expire and vacate immediately, upon such an appointment being made, whereby thereafter there is representation by a member of the Board of Mayor and Aldermen of the City of Hendersonville, on the said Board of Commissioners of the Hendersonville Municipal Airport Authority.

(4) The alderman who is serving both as aldermen of the Board of Mayor and Aldermen of the City of Hendersonville and as a Commissioner of the Hendersonville Municipal Airport Authority, shall serve without compensation for his time, in the event he is receiving compensation as aldermen of the Board of Mayor and Aldermen of the City of Hendersonville.

(5) Upon the adoption and filing of this chapter with the city recorder, the appointment of the first five (5) commissioners, the filing with the Secretary of State by the authority of the application set out in Tennessee Code Annotated, § 42-3-103 and the issuance of a certificate of incorporation by the Secretary of State, the

Hendersonville Municipal Airport Authority shall constitute a public body politic and corporate and shall immediately assume the powers and responsibilities set out in Tennessee Code Annotated, § 42-3-101, et seq., as presently adopted or subsequently amended. (Ord. #1973-3, March 1973)

20-604. Qualifications. After the first Board of Commissioners of the Hendersonville Municipal Airport Authority are appointed, thereafter and at any time, the Board of Mayor and Aldermen of the City of Hendersonville is authorized to make appointments to fill vacancies to the said Hendersonville Municipal Airport Authority, pursuant to the provisions herein, such person or persons appointed by the said Board of Mayor and Aldermen of the City of Hendersonville, shall be appointed with due regard to his or her fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics for the efficient dispatch of the powers and duties duly vested in and imposed upon him or her.

The Board of Mayor and Aldermen of the City of Hendersonville, may, submit to the Hendersonville Municipal Airport Authority, its commissioners, the name or names of prospective appointees, for their recommendation as to whether or not such person or persons, prospective appointee of appointees, meets the above qualifications, and the Board of Commissioners of Hendersonville Municipal Airport Authority, shall certify to the Board of Mayor and Aldermen of the City of Hendersonville, their recommendations regarding whether or not such person or persons are qualified to serve on said Board of Commissioners of Hendersonville Municipal Airport Authority. (Ord. #1973-3, March 1973)

CHAPTER 7

ARTS COUNCIL

SECTION

- 20-701. Arts council created - appointment of members.
- 20-702. Members - terms of office - vacancies, expenses and compensation.
- 20-703. Duties and objectives of the council.
- 20-704. Powers of the council.
- 20-705. State and federal funds.
- 20-706. Other duties - budget, program, plans.

20-701. Arts council created - appointment of members. There is hereby created and established an Arts Council to be known as "HENDERSONVILLE ARTS COUNCIL" to consist of thirteen (13) members broadly representative of all fields of the performing, visual, and literary arts, to be appointed by the mayor, with said appointment to be ratified and approved by the Board of Mayor and Aldermen of the City of Hendersonville. (Ord. #1975-6, April 1975, as amended by Ord. #1992-43, Jan. 1993, modified)

20-702. Members - terms of office - vacancies, expenses and compensation. Of the members to be initially appointed to the council, three (3) shall be appointed for the terms of one (1) year, and four (4) for the terms of two (2) years, and four (4) for the terms of three (3) years. Thereafter, on expiration of any term, new members or members appointed for additional terms, shall be appointed for three (3) year terms and the "Arts Council" may make recommendations to the mayor for appointments to be considered in filling any vacancies that may occur for any reason. Any and all vacancies, for whatever cause shall be filled for the balance of any unexpired term in the same manner as original appointments. The members or any officers of the council shall not receive any compensation for their services, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties as members of the council, provided, that monies for that purpose have been appropriated by the board of mayor and aldermen of the city and have provided further, the mayor shall approve any expenses incurred that may be reimbursable hereunder and in any event, no reimbursement of any expenses shall be made except for actual and necessary expenses incurred in the performance of the duties as members of the council, and authorized and approved by the Arts Council, and subject to the provisions hereinabove. The council will annually elect its chairman and its vice-chairman, secretary and treasurer and such other officers as the said council may deem appropriate and necessary. Members appointed hereunder shall serve until a successor has been appointed in the manner as herein provided.

Notwithstanding the provisions of Ord. #1987-20 or any other ordinance of the city, the membership of the Hendersonville Arts Council may include as many as two members who are not residents of the City of Hendersonville, but who reside in the City's Planning Region as it existed in October, 1986. (Ord. #1975-6, April 1975, as amended by Ord. #1992-43, Jan. 1993)

20-703. Duties and objectives of the council. The duties and objectives of the council shall be:

(1) To stimulate and encourage throughout this city the study and presentation of the performing, visual, and literary arts and public interest and participation therein. In fulfilling these objectives, this council must strive for excellence in all areas in the Arts and shall endeavor to:

(a) To encourage participation in, appreciation of, and education in the arts to meet the legitimate needs and aspirations of persons in all parts of the city;

(b) To take such steps as may be necessary and appropriate, to encourage public interest in the cultural heritage of our city, to expand the city's cultural resources, and to promote the use of art in the city government's activities and facilities; and,

(c) To encourage excellence and assist freedom of artistic expression essential for the well-being of the arts. (Ord. #1975-6, April 1975)

20-704. Powers of the council. The council is authorized and empowered to hold public hearings, to enter into contracts, within the limit of funds available therefore, with individuals, organizations and institutions for services furthering the objectives of the council's programs; to enter into contracts, within the limit of funds available therefore, with local and regional associations for cooperative endeavors furthering the objectives of the council's programs; to accept gifts, contributions and bequests of unrestricted funds from individuals; foundations, corporations, and other organizations or institutions for the purpose of furthering the objectives of the council's programs; to make and sign any agreements and to do and perform any acts that may be necessary to carry out the purpose of this chapter. However, no person shall be gainfully employed by the said council without the approval of the mayor. The council may request and may receive from any department, division, board, bureau, commission or other agencies of this city or from the state or from any agency thereof, such assistance and data as will enable it properly to carry out its powers and duties hereunder. (Ord. #1975-6, April 1975, modified)

20-705. State and federal funds. This Arts Council is the official agency of this city to receive and disburse appropriate funds made available by the federal and state government for programs related to the performing, visual, and literary arts, and the preservations of architecture, art and artifacts, however, such funds received and disbursed shall first be subject to the approval of the Board of Mayor and Aldermen of the City of

Hendersonville, which approval, may be granted by motion in any regular meeting or special meeting call for such purpose. (Ord. #1975-6, April 1975)

20-706. Other duties - budget, program, plans. The said Hendersonville Arts Council shall on or before the 1st day of June, 1975, and each year thereafter, prepare and approve a plan or program to be substantially followed, by the said Arts Council, for the ensuing fiscal year and further, the said Arts Council shall develop a budget for the maintenance and operation of the council and to facilitate and implement its program and plans.

The Arts Council's plan program and budget shall first be submitted to the mayor for the mayor's review and thereafter the mayor shall make a recommendation to the board of mayor and aldermen of this city and thereafter the board of mayor and aldermen, shall approve or disapprove, modify or change or suggest modification or changes in such program, plans and budgets as the said board of mayor and aldermen may determine to be reasonable, appropriate and proper. (Ord. #1975-6, April 1975, modified)

CHAPTER 8

DISPOSAL OF SURPLUS PROPERTY

SECTION

- 20-801. Disposal of real property.
- 20-802. Declaration of personal property as "surplus."
- 20-803. Inter-departmental transfer of surplus property.
- 20-804. Methods of disposal of surplus property.
- 20-805. Advertisement and notice.
- 20-806. Records.

20-801. Disposal of real property. Real property shall be declared surplus and disposed of by ordinance of the Board of Mayor and Aldermen of the City of Hendersonville. Such ordinance shall designate the manner in which the property is to be disposed. (Ord. #1984-27, Oct. 1984)

20-802. Declaration of personal property as "surplus." (1) On a periodic basis, as directed by the mayor, each department of the city shall conduct a review of its equipment and inventories and determine those items considered surplus.

(2) In classifying surplus property for disposal, the following criteria shall be considered:

(a) The character, utility and functionality of the property.

(b) The economies of disposal in light of all relevant circumstances attendant the proposed disposal, including the condition and climate of the potential market and present estimated market value of the property, transportation costs, and other cost factors associated with disposal; and,

(c) Sound fiscal and budgetary policy and practices.

(3) Upon completion of such review, each department head shall then submit to the mayor a list of surplus items. (Ord. #1984-27, Oct. 1984, modified)

20-803. Inter-departmental transfer of surplus property. (1) The mayor shall make all surplus personal property available to all departments and agencies of the city. Departmental requests for any surplus property shall be approved by the mayor.

(2) Any transfer of surplus property between departments shall be affected with the following stipulations:

(a) Accounting and inventory records shall reflect the transfer of the asset at the time of transfer.

(b) Insurance, maintenance and/or repairs of the property shall continue to be paid out of the budget appropriation of the transferring department until the end of the year. (Ord. #1984-27, Oct. 1984, modified)

20-804. Methods of disposal of surplus property. (1) The mayor is herein authorized to dispose in accordance with the provisions of § 20-804(2) of any surplus personal properties not requested and approved for use by any department or agency of the city.

(2) All surplus personal property shall be disposed of according to one of the following methods:

(a) At a public auction, publicly advertised and held.

(b) Sale under sealed bids, publicly advertised, opened and recorded.

(c) Negotiated contract for sale, at arms length, but only in those instances in which the availability of property is recurring or repetitive in character, such as marketable waste products, for disposal of the property as it is generated in the most (economically) feasible, fiscally sound and administratively practicable method.

(d) Trade-in where such is permitted due to the nature of the property.

(e) Sale by internet auction shall be posed on the internet. Such notice shall specify and reasonably describe the property to be disposed of, the date, time, manner and conditions of disposal, all as previously approved by the committee that governs the department submitting the surplus property.

(3) The mayor may set a minimum price accepted for any item sold at auction or by sealed bid. (Ord. #1984-27, Oct. 1984, modified, Ord. 2001-28, Sept. 2001)

20-805. Advertisement and notice. (1) Public auctions and sales under sealed bid, shall be publicly advertised and publicly held. Notice of intended disposal by public auction or sale under sealed bid shall be entered in at least one (1) newspaper of general circulation in the city. Such notice shall specify and reasonably describe the property to be disposed of, the date, time, place, manners, and conditions of disposal. The publication of notice shall precede the date of the sale by at least four (4) days. (Ord. #1984-27, Oct. 1984)

20-806. Records. (1) All disposals of surplus property shall be adequately documented.

(2) Such records shall be maintained permanently by the finance director. (Ord. #1984-27, Oct. 1984, Ord. 2002-26, July, 2002)

CHAPTER 9

PLAN REVIEW AND BUILDING PERMIT FEES

SECTION

20-901. Public buildings.

20-902. Buildings constructed by not-for-profit entities.

20-901. Public buildings. Public utility buildings and governmental buildings (whether city, county, state or federal) are hereby exempted from plan review and building permit fees imposed by the City of Hendersonville, Tennessee.

20-902. Buildings constructed by not-for-profit entities. Buildings of not-for-profit entities not included herein, including private or parochial elementary or secondary schools may be exempted from such fees by resolution passed by the governing body of the City of Hendersonville, Tennessee, subject to such conditions as may be imposed by the governing body. (Ord. 2001-12, March 2001)

20-903. Churches exempt from payment of fees for building permits. (1) All churches situated within the corporate boundaries of the City of Hendersonville and within the Hendersonville Regional Planning Commission's jurisdiction, are hereby exempted from the payment of any fees for the obtaining of building permits for the construction, remodeling, alterations, additions to any church, buildings, including the parsonages. However, property held for investment purposes, are not so exempt, however, any building structures, additions, remodeling, and the like, that are to be used directly with church approved functions and activities, shall in any event, be exempt from the payment of such building permits fees.

(2) The appropriate officers, agents and principals of the City of Hendersonville are hereby authorized to issue building permits subject to the provisions of this chapter, however, in the event there is any question concerning the qualifications of any applicant obtaining the exemption as provided herein, in that event, that question should be submitted to the board of mayor and aldermen of the City of Hendersonville, for their review and approval, which approval or disapproval, can be given by the board of mayor and aldermen of the City of Hendersonville by resolution or motion.

(3) Anyone applying for this exemption, shall make application in writing, by the officers of such churches or organizations, authorized to make same, stating and setting forth the following information:

(a) The nature, expense, the purpose of the building project to be undertaken, the estimated cost of same.

(b) Whether or not their building plans have been approved by the Hendersonville Regional Planning Commission.

(c) The period of time the said building, structure or appurtenances, additions is contemplated to be used for the purposes stated.

(d) The full legal name of the church or the organization, the date of its organization, the names and addresses of its trustees, and/or board of directors and chief executive officer, including the name and address of their Pastor, Minister, Priest, etc. (Ord. #1973-14, May 1973, Ord. 2002-38, October, 2002)

CHAPTER 10**PERMIT BOND****SECTION**

20-1001. Registration and bond required when.

20-1002. Bond amount.

20-1003. Bond details.

20-1004. Obtain business license.

20-1005. Multiple trades.

20-1006. Bond form.

20-1001. Registration and bond required when. It shall be the duty of every person who shall make contracts for the construction, erection, alteration, repair, removal or demolition of any building or structure or part thereof; or repair or replacement of any damage to a building or structure caused by insects or natural disasters; or to erect or construct any sign, billboard or similar structure, or to construct any public or private swimming pool; or to do or perform any work for which a permit is required (and every such person, making such contracts or subletting the same or any part thereof) to register with the department of codes administration or other appropriate departments and to post a permit bond in the amount set forth herein.

20-1002. Bond Amount. (1) 1002.1. For building permits under twenty-five thousand dollars, the bond amount shall be ten thousand (\$10,000.00) dollars.

(2) 1002.2. For all building permits of twenty-five thousand dollars and larger the bond amount shall be fifty thousand (\$50,000.00) dollars.

(3) 1002.3 For all gas/mechanical, plumbing and excavation permits the bond amount shall be forty-thousand (\$40,000.00) dollars.

20-1003. Bond details. The bond required by this section shall be a permit bond conditioned to conform to the requirements of this chapter and all applicable laws, ordinances, rules, and regulations of the City of Hendersonville relating to work which is performed by the principal pursuant to a permit issued under this bond, or for work performed by the principal for which a permit should have been obtained prior to commencement of such activity; and to indemnify the City of Hendersonville and property owners against any and all loss suffered by them by reason of the failure of such contractor to comply with such laws, ordinances, rules and regulations. Such bond shall be continuous and may not be canceled without at least ten days' prior notice in writing, to the director of codes administration. The liability of the surety shall continue to attach to work performed pursuant to any permit issued prior to the termination date of the bond

even if the non-complying act should occur after the termination date of the bond. The liability of the surety for any and all claims, suits or action under this bond shall not exceed the bond penalty. Regardless of the number of years this bond may remain in force, the liability of the surety shall not be cumulative and the aggregate liability of the surety for any and all claims, suits or actions under this bond shall not exceed the face amount. The bond shall be issued by a U.S. Treasury-listed corporate surety or a Tennessee domestic insurance company on forms provided by the department of codes administration.

20-1003. Obtain business license. It shall be the duty of every person, firm or corporation desiring to register with the department of codes administration under this section to secure the required contractor's business license from the City of Hendersonville.

20-1004. Multiple trades. Contractors with multiple trades may provide one fifty thousand (\$50,000.00) dollar bond to meet the requirements of the above.

20-1005. Bond form. The bond shall be referenced by a standard form legal agreement, approved by the City Attorney. (Ord. # 2004-20, June, 2004)

CHAPTER 11

CLARIFYING DESIGN STANDARD REQUIREMENTS

SECTION

20-1101. Conflicts.

20-1101. Conflicts. Whenever there is a conflict between engineering/construction design standards of the zoning ordinance and other regulations, the higher standard shall be used for construction design. If an engineering/construction issue is not addressed in the City's regulations, then the issue shall be referred to the Public Works Director for a determination and any design conflicts will be handled administratively. (Ord. # 2006-28, June 2006)

CHAPTER 12

BUILDING PLAN REVIEW FEES FOR FIRE PREVENTION AND SUPPRESSION**SECTION**

20-1101. Approval required.

20-1102. Plan review fees established.

20-1103. Fire prevention and suppression building plan review fee.

20-1104. Exemptions.

20-1101. Approval required. Fire Department approval is required to build any building in the City that is more than three (3) stories in height.

20-1102. Plan review fees established. Plan review fees for services provided by the Fire Department to be collected shall be as follows:

(1) For one-story buildings, the fee shall be \$0.10 per square foot of area, with the square footage to be based on the building's exterior dimensions.

(2) For two-story buildings, the fee shall be \$0.10 per square foot of area for the first floor of the building, and \$0.20 per square foot of area for the second story of the building, with the square footage to be used on the building's exterior dimensions on each floor.

(3) For three-story buildings, the fee shall be \$0.10 per square foot of area for the first floor of the building, \$0.20 per square foot of area for the second story of the building, and \$0.30 per square foot of area for the third story of the building, with the square footage to be based on the building's exterior dimensions on each floor.

(4) For buildings taller than three (3) stories, the fee shall be \$0.10 per square foot of area for the first floor of the building, \$0.20 per square foot of area for the second story of the building, \$0.30 per square foot of area for the third story of the building, and \$0.40 per square foot of area per floor for all other floors of the building, with the square footage to be based on the building's exterior dimensions on each floor.

20-1103. Fire prevention and suppression building plan review fee. Notwithstanding the other provisions of this ordinance, the square footage of each building subject to the provisions of this ordinance up to five thousand (5,000) square feet shall be assessed a fire prevention and suppression building plan review fee of exactly two hundred fifty dollars (\$250.00). For all square footage in excess of five thousand (5,000) square feet, the provisions of this ordinance shall apply.

20-1104. Exemption. This ordinance shall not apply to one-family or two-family

residential buildings. (Ordinance 2008-29, July 2009)