

TITLE 2

BOARDS AND COMMISSIONS, ETC.¹

CHAPTER

1. RECREATION ADVISORY BOARD.
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CHAPTER 1

RECREATION ADVISORY BOARD

SECTION

- 2-101. Recreation advisory board created.
 2-102. Membership.
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2-101. Recreation advisory board created. In order to best promote public health, safety, morals, order, convenience, and the general welfare of the inhabitants of Lebanon, Tennessee, and to provide for a general supervised recreational program, a recreational advisory board for Lebanon, Tennessee, is hereby created and established. (Ord. 81-475, § 1)

2-102. Membership. The recreation advisory board shall consist of five (5) members who shall be appointed by the mayor to serve for a term of two (2) years. Any vacancy in an appointive membership shall be filled for the unexpired term in the same manner. The mayor shall have the authority to remove any appointed member at his pleasure. All members shall serve without compensation. (Ord. 81-475, § 2)

¹Ord. no. 89-707 authorized the mayor and finance commissioner to enter into an interlocal agreement with Wilson County to form the Joint Economic Community Development Corporation of Wilson County. City members of the board are the mayor and two aldermen selected by the Lebanon City Council.

Municipal code references

Cross connections control board: title 18, ch. 1, § 18-106.

Industrial development board: this title, ch. 2.

2-103. Purpose. It shall be the purpose and duty of the advisory board to study the recreation program for the City of Lebanon and make recommendations to the mayor, commissioner of finance and revenue, and the city council for further development and upgrading of the recreational program. The advisory board shall have no budget and will not be authorized to make any expenditures obligating the City of Lebanon. (Ord. 81-475, § 3)

CHAPTER 2

INDUSTRIAL BOARD¹

SECTION

- 2-201. Industrial board created.
- 2-202. Membership.
- 2-203. Powers and authority.
- 2-204. Expenditures.

2-201. Industrial board created. In order to best promote, guide, and accomplish the coordinated industrial development of Lebanon, Tennessee, in accordance with existing and future needs for industrial growth, and to best promote public health, morals, safety, order, convenience, prosperity, and the general welfare, an industrial board for Lebanon, Tennessee, is hereby created and established, and said board shall be organized and empowered as hereinafter set forth. (1968 code, § 1-1101)

2-202. Membership. The industrial board of Lebanon, Tennessee, shall consist of ten (10) members who shall be appointed by the mayor of Lebanon, Tennessee, to serve for a term of two (2) years. Any vacancy in an appointed membership shall be filled for the unexpired term by the mayor, who shall have the authority to remove any appointed member at his pleasure. In addition to the ten (10) appointive members the incumbents in the following offices shall be ex officio members: mayor, commissioner of finance and revenue, commissioner of public works, and the secretary of the Lebanon and Wilson County Chamber of Commerce. All members shall serve without compensation. (1968 code, § 1-1102)

2-203. Powers and authority. The industrial board of Lebanon, Tennessee, shall have the power and authority, by all ethical and lawful methods, to seek to interest new industry to locate in Lebanon, Tennessee, and to that end the industrial board is hereby authorized to advertise in any manner or form. Said board shall further have the power and authority to take corrective action toward relieving, abolishing, or removing any and all industrial disadvantages that now exist and are practical of correction, same to include but

¹See footnote on page 2-1 relating to Joint Economic Community Development Corporation of Wilson County. Also see ord. no. 88-675 which establishes the Lebanon-Wilson County Industrial Park and the Lebanon-Wilson County Industrial Park Operating Board, and ord. nos. 86-552 and 87-586 establishing a Joint City-County Industrial Park and acquiring property for same.

not to be limited to, excessive smoke, noise, and floods, and to recommend to the city council such corrective steps toward improving the industrial advantages of Lebanon, Tennessee, as from time to time come to the attention of the industrial board. (1968 code, § 1-1103)

2-204. Expenditures. The industrial board of Lebanon, Tennessee, is authorized to expend such funds of Lebanon, Tennessee, as may from time to time be appropriated to the board by the city council and that are necessary in promoting the industrial advantages of Lebanon, Tennessee. (1968 code, § 1-1101)

CHAPTER 3

AIRPORT COMMISSION

Section

2-301. Airport Commission Created.

2-302. Membership.

2-303. Meetings.

2-304. Duties.

2-305. Expenditures.

2-301. Airport Commission Created. There is hereby created a commission for the City of Lebanon, Tennessee, to be designated as the “Lebanon Airport Commission.” (1968 Code, §1-1201)

2-302. Membership. The airport commission shall consist of at least seven (7) members who shall be appointed by the mayor for a period of two years. The terms of the first members shall expire on the first regular meeting night of the city council in January of 1958 and then each two years thereafter. Two such members shall be a duly elected city council member and the Commissioner of Public Services or a representative submitted by the Commissioner of Public Services.

Note: Pursuant to an interlocal agreement between the county and city (Ord. No. 17-5432), the County Mayor shall submit to the City Mayor, prior to July 1st of every even numbered year, the name of a County representative that shall be appointed by the City Mayor to the Commission. Annual contribution for a period of twenty years.
(1968 code, §1-1201; Ord. 24-7039 August 2024)

2-303. Meetings. Public notice shall be given for meetings of the Airport commission and all such meetings shall be open to the public. The Airport Commission shall have at least one regular monthly meeting, which date and time the Airport Commission shall set, and shall have the authority to call and hold special-called meetings. A quorum shall be constituted when a majority of the Airport Commissioners appointed to the Commission are present. The airport commission chair shall be elected annually at the regular January meeting. (1968 code §1-1202; Ord. 24-7039 August 2024).

2-304. Duties. (1) The duties of the airport commission are to plan and recommend to the city council such action and steps as from time to time become proper and necessary for the expansion and improvement of Lebanon’s municipal airport and to that end to apply for and secure from any agency of the State of Tennessee or of the United States Government on behalf of Lebanon, Tennessee, such funds as may now or hereafter become available for municipal airport expansion, extension, or improvement.

(2) In addition and complimentary to the duties addressed in Section 2-304(1), the Airport Commission shall have the following duties:

- (a) To promote the orderly growth, development, and use of the airport;
- (b) To promote public safety at and around the airport;
- (c) To oversee and enforce the policy of the airport, established by the City of Lebanon Municipal Airport Minimum Standards and Rules and Regulations,¹ and to assure service to the citizens who use the airport, owners of aircraft located at the airport, and the traveling public who utilize the airport;
- (d) To promote harmony between citizens who reside near the airport and the people who use the airport;
- (e) To review and recommend lease forms, contracts, and other agreements to the Lebanon City Council;
- (f) To recommend an airport budget to the Lebanon City Council and to oversee compliance with the budget;
- (g) To cooperate with the Tennessee Department of Transportation – Aeronautics Division and the FAA in the development and use of the airport and to facilitate on behalf of the City and the receipt of FAA grants for the Airport; and
- (h) Any other duties as assigned by the Mayor or Commissioner of Public Services.

(3) The authority of the Lebanon Airport Commission to undertake the duties stated herein exist only when acting in session as a commission and not as individual persons. The airport commission shall annually, and as needed or required by these Minimum Standards,¹ report to the Lebanon City Council. The Airport Commission may not enter into, breach, or terminate contracts on behalf of the City, but shall recommend contracts and lease agreements to the city for either approval or disapproval. The commissioner of public services or the commissioner's designated representative shall be empowered on a daily basis to act on behalf of the Lebanon Airport Commission and/or the City of Lebanon to enforce airport minimum standards and to oversee the real property known as the Lebanon Airport. The commissioner of public services may appoint up to three (3) Airport Commission members to assist during inspections of leased property for the purposes of verifying compliance with a lease agreement.

¹Minimum Standards adopted by Ord. Nos. 06-2855 and 15-4855. These Minimum Standards are adopted as the official standards for the Lebanon Municipal Airport, and are of record in the office of the city recorder.

(1968 code, §1-1203; Ord. 06-2856 Feb. 2006; Ord. 24-7039 August 2024; Ord. 24-7063 September 3, 2024)

2-305. Expenditures. The airport commission shall have the power and authority to expend such funds as may from time to time hereafter be made available to it either by grant, gift, or otherwise from any state, federal, or private source or by appropriation by the city council for Lebanon, Tennessee. Such expenditures shall be administered by the Commissioner of Public Services and/or the commissioner's authorized agent. (1968 code, §1-1204; Ord. 24-7039 August 2024)

CHAPTER 4

BEAUTIFICATION COMMISSION

SECTION

2-401. City beautification commission created; membership; organization; expenditures; reports.

2-402. Duties and powers.

2-401. City beautification commission created; membership; organization; expenditures; reports. There is hereby created and established a city beautification commission which shall be composed of not more than twenty (20) members, excluding as ex officio members the mayor, the commissioner of public works, the city commissioner of finance and revenue and the secretary of the Lebanon and Wilson County Chamber of Commerce. The appointive members shall be appointed by the mayor to serve at his pleasure, and shall serve without compensation. To aid the city beautification commission in carrying out its duties and powers, which are set forth hereinafter, it shall have such organization and officers as the membership shall from time to time decide upon. One of the members shall serve as treasurer of the commission and shall execute a surety bond of not less than \$1,000.00 to the City of Lebanon, the premium to be paid from the funds of the commission. All funds of the city beautification commission shall be disbursed by the treasurer of the commission on checks countersigned by the chairman of the commission. It shall be the duty of the city beautification commission, at the first regular meeting of the city council in January of each year, to file with the mayor and commissioner of finance and revenue a written financial report, certified by the treasurer and approved by the committee as signified by the approving signature of the chairman, the report to cover all funds, from whatever source, coming into its hands. At the first regular meeting of the city council in January and July of each year, the commission shall file a written report of the work performed and results accomplished by the commission. The city beautification commission is hereby authorized and empowered, in the name of the City of Lebanon, Tennessee, to accept gifts and contributions from individuals, firms, and/or corporations, or other sources, for the use and benefit of the City of Lebanon, Tennessee, to be expended by the city beautification commission as other funds are to be expended as hereinbefore provided, in carrying out the powers and duties of the beautification commission. (1968 code, § 1-1301)

2-402. Duties and powers. The duties and powers of the commission shall be to study, investigate, develop, and carry out plans for improving the health, sanitation, safety, cleanliness, and aesthetic influences and values of the city by beautifying the streets, highways, alleys, lots, yards, and other similar places in the city; to aid in the prevention of fires, diseases, and other casualties

by the removal and elimination of trash and other debris from the streets, highways, alleys, lots, yards, plots, and other similar places; to encourage the placing, planting, and preservation of trees, flowers, plants, shrubbery, and other objects of beauty and ornamentation in the city; to protect song birds and other wild fowl; to advise with and recommend plans to other agencies of the city for beautification of the city, and otherwise to promote public interest in the general improvement of the appearance and aesthetics of the city. Nothing herein shall be construed to abridge or change the powers and duties of the other commissions, departments, boards, and like agencies of the city. (1968 code, § 1-1302)

CHAPTER 5

CIVIL DEFENSE ORGANIZATION¹

SECTION

- 2-501. Lebanon-Wilson County Civil Defense Organization created.
- 2-502. Authority and responsibility.
- 2-503. Office of director; authority and responsibility.
- 2-504. Lebanon-Wilson County Civil Defense Corps created.
- 2-505. No municipal or private liability.
- 2-506. Expenses of civil defense.
- 2-507. Date of effect.
- 2-508. Organization for emergency conservation, use, and distribution of secondary resources.

2-501. Lebanon-Wilson County Civil Defense Organization created. There is hereby created the Lebanon-Wilson County Civil Defense Organization, which shall be a joint operation by the City of Lebanon and the County of Wilson 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 Wilson County shall be considered as a total part of the county-wide civil defense emergency resources and when such agencies operate out of their corporate limits it shall be at the direction of, subordinate to, and as a part of the Lebanon-Wilson County Civil Defense Organization. (1968 code, § 1-1401)

2-502. Authority and responsibility. (1) **Authority.** In accordance with federal and state enactments of law, the Lebanon-Wilson 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 emergencies or natural disasters, including but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, drought, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare, and property of the citizens of Wilson County. The Lebanon-Wilson County Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of these disasters. The Lebanon-Wilson County Civil Defense Organization is hereby designated the official agency to assist regular forces in time of these emergencies.

¹Municipal code reference
Civil emergencies: title 1, chapter 4.

(2) **Responsibilities.** The Lebanon-Wilson County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Wilson County, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1968 code, § 1-1402)

2-503. Office of director; authority and responsibility.

(1) **Primary authority.** (a) 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 executive or either by higher authority as appropriate.

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

(c) 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) **Responsibility of the director.** 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 Lebanon-Wilson County Civil Defense Organization, for the preparation of all plans and administrative regulations and for recruitment and training of personnel. (1968 code, § 1-1403)

2-504. Lebanon-Wilson County Civil Defense Corps created. The Lebanon-Wilson 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. (1968 code, § 1-1404)

2-505. 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 Lebanon nor Wilson County, the agents and representatives of the 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, except as provided by law. 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. (1968 code, § 1-1405, modified)

2-506. 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 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 bodies of the city 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 Lebanon or Wilson 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. (1968 code, § 1-1406)

2-507. Date of effect. The foregoing provisions in this chapter shall be effective from and after the time Wilson County adopts a resolution containing similar provisions. (1968 code, § 1-1407)

2-508. Organization for emergency conservation, use, and distribution of secondary resources. Whereas, it is evident that potential enemies of the United States have the capability to deliver a devastating nuclear attack upon the United States; and whereas, the federal government would act as soon as possible in the event of such an attack, to manage the country's resources and to stabilize the economy; and whereas, the federal government has requested the states and local governments to develop plans to manage their resources and stabilize their economies for a temporary period in the event of a national emergency when the federal government would be unable to administer such programs on a national level; and whereas, the State of Tennessee has developed management capabilities to:

(1) Administer for a temporary period immediately following any such attack, measures to control prices and rents, and to support federal

administration of wage and salary stabilization and financial agencies when required on monetary, credit, and tax measures;

(2) Impose consumer rationing;

(3) Conserve, control, and utilize all essential resources within the state;

Whereas, policies, plans, and operational procedures for emergency conservation, use, and distribution of secondary resources and economic stabilization must be developed and coordinated within the City of Lebanon, Tennessee, and firm assignments made to discharge these responsibilities. All local plans should be in consonance with state plans and shall be approved by the state office of emergency planning; now, therefore, be it ordained by the City of Lebanon, Tennessee, that pursuant to the powers granted by sections 58-2-117 through 58-2-119, Tennessee Code Annotated, and all other authority conferred upon the city council by law, hereby authorize, empower, and direct the mayor of Lebanon, Tennessee, on behalf of the City of Lebanon, Tennessee, to appoint an organization to develop adequate plans to conserve, make maximum use of, and insure equitable distribution of secondary resources and stabilize the economy in the City of Lebanon, Tennessee, and to appoint an organization of city employees and persons from the private sector to implement the plans under the aforementioned conditions. (1968 code, § 1-1408)

CHAPTER 6

LEBANON CITIZENS REVIEW AND ADVISORY BOARD

SECTION

- 2-601. Creation of board.
- 2-602. Purpose and intent.
- 2-603. Definitions.
- 2-604. Composition of board.
- 2-605. Responsibilities of board.
- 2-606. Scope of review, powers, and duties of authority.
- 2-607. Meetings.
- 2-608. Members; removal.
- 2-609. Intake of complaints.
- 2-610. Period of limitation.
- 2-611. Preliminary review.
- 2-612. Investigations.
- 2-613. Evidentiary fact finding meetings, informal resolution discussions, dismissals.
- 2-614. Notice to parties.
- 2-615. Police cooperation.
- 2-616. Confidentiality.
- 2-617. Rulemaking authority.
- 2-618. Facilitator's administrative duties.

2-601. Creation of board. There is hereby created a Lebanon Citizens Review and Advisory Board, hereinafter the "board," whose members shall be appointed by the mayor and approved by the Lebanon City Council. The mayor shall appoint the public safety coordinator as a facilitator for the board for the purpose of intaking complaints and providing other administrative services to the board, but said public safety coordinator shall have no voting rights on the board. No sworn police officer shall serve as a voting member of the board. (as added by Ord. #00-2160, Nov. 2000)

2-602. Purpose and intent. The purpose and intent of this chapter is to create a citizens review and advisory board to provide for a fair and just investigation of complaints brought by individuals against city police officers; to make thorough investigations of the same; to review police department policies, practices and procedures; to make recommendations regarding the same to the appropriate city officials; and to provide an independent intake point for such complaints. (as added by Ord. #00-2160, Nov. 2000)

2-603. Definitions. As used in this chapter the following words shall have the following means:

- (1) "City." The City of Lebanon, Tennessee.
- (2) "Board." The Lebanon Citizens Review and Advisory Board.
- (3) "Police department." The Police Department of the City of Lebanon, Tennessee.
- (4) "Police chief." The Chief of the Lebanon Police Department.
- (5) "Facilitator." The Lebanon Public Safety Coordinator, i.e., PSC.
- (6) "Personnel director." The Personnel Director of the City of Lebanon.
- (7) "Civilian." A person who is a resident of the City of Lebanon, Tennessee who is not now, nor has ever been a sworn officer of the Lebanon City Police Department.
- (8) "Review authority." The Lebanon Citizens Review and Advisory Board, hereinafter the "board," acting in compliance with the authority set forth in this part.
- (9) "Legal process." For the purposes of this part, the term legal process shall be used to distinguish it from the investigative process pursued under the authority of the board; legal process shall commence at the point any party before the board retains legal counsel to advise or represent him, or proceeds to institute a legal action to bring the matters, which are before the board, into court for determination. (as added by Ord. #00-2160, Nov. 2000)

2-604. Composition of board. The Lebanon Citizens Review and Advisory Board shall be comprised of nine (9) citizens of the City of Lebanon. The board members shall be appointed by the mayor to reflect the diversity of the city and shall be approved by the city council. The initial board's term of service will be as follows: three members will be appointed for one year, three members will be appointed for two years and three members will be appointed for three years. Thereafter, the members shall serve three-year terms, with no more than four members changing in any calendar year. The public safety coordinator shall serve as facilitator to provide administrative services to the board as set forth herein, but he shall have no voting rights. The board shall elect a chairperson, vice chairperson, and a secretary from among its members at its first meeting of each calendar year. (as added by Ord. #00-2160, Nov. 2000, and amended by Ord. #02-2313, Jan. 2002)

2-605. Responsibilities of board. The following shall be the duties and responsibilities of the Lebanon Citizens Review and Advisory Board:

- (1) To review complaints regarding the Lebanon Police Department and/or individual police officers, and make an initial determination of the validity of the same.
- (2) To conduct investigations and hold informal resolution discussions regarding valid complaints, and thereafter make written findings of fact and

recommendations to the mayor, chief of police, and personnel director for appropriate city action to resolve the same.

(3) To review police department policy, procedures and training, and recommend changes thereto where or when necessary.

(4) To provide public disclosure of hearing outcomes, analysis and recommendations.

(5) To conduct regular meetings with the chief of police to ensure effective dialogue between the board and the police department. The time and frequency of such meetings shall be determined jointly by agreement of the chairperson of the board and the Lebanon Chief of Police.

(6) To oversee the hiring and actions of independent, licensed private investigators as necessary. The board may not hire investigators hired by or associated with any organized police, racial, or ethnic organization or group. Investigators hired by the board shall be citizens who have prior experience or training as private or police investigators.

(7) To oversee the intake and processing of complaints and compliments regarding the Lebanon Police Department and/or individual police officers.

(8) To recommend awards and commendations of police officers, as well as disciplinary or other appropriate action.

(9) To issue subpoenas to persons to appear before the board to give testimony and/or bring with them necessary relevant documentary evidence. (as added by Ord. #00-2160, Nov. 2000)

2-606. Scope of review, powers, and duties of authority. The review authority shall receive complaints that allege misconduct by an individual police officer or officers and investigate the same. The board shall have subpoena authority to compel witnesses to appear and testify before it, and/or to present documentary evidence to facilitate investigations. The police department shall provide complete and full cooperation with the board and its investigators, but at no time shall the actions of the board interfere with or hinder criminal or civil investigations which are in progress by the police department nor shall they interfere with or hinder any relevant court procedure. The records of the board shall be public records at the conclusion of the investigation and upon the written finding of fact and recommendation of the board. After a preliminary investigation as to the truth of the allegations, the board may dismiss the complaint by a vote of the simple majority of the entire board; conduct its own further investigation; or it may hire trained, licensed, private investigators to conduct an independent investigation. The review board may hire its own administrative and investigative staff, or, when appropriate, request the independent state investigative services of the Tennessee Bureau of Investigation. The board may not hire investigators of any organized police, racial, or ethnic group. Investigators hired by the advisory board shall be citizens who have prior experience or training as private investigators. Upon

completion of such investigation, the board shall make a written findings of fact and conclusion based upon those findings; and, it shall make written recommendations to the chief of police, the mayor, and the personnel director for such disciplinary actions as are appropriate based upon the findings. The board shall provide public disclosure of informal resolution discussion outcomes, analysis and recommendations; it shall review police policy and procedures and recommend changes thereto when appropriate to address complaints; it may provide for an informal resolution of complaints as appropriate; and it shall conduct regular meetings with the chief of police to ensure effective dialogue regarding citizens' concerns. The time and frequency of such meetings shall be determined jointly by the chairperson of the board and the Lebanon Police Chief. The board shall oversee the intake of both complaints and compliments regarding the Lebanon Police Department and its officers, and shall recommend awards and commendations to police personnel as well as disciplinary action when appropriate. (as added by Ord. #00-2160, Nov. 2000)

2-607. Meetings. The board shall meet on a regular basis, the time and frequency of which shall be determined by the board, but in no event shall be less than once a month and/or more often as necessary. The chairperson shall conduct such meetings and in his absence, they shall be conducted by the vice chairperson. The secretary shall keep accurate minutes which shall be approved by the board at its next scheduled meeting, and reflected in a minute book kept by the secretary. Such minutes shall be a public record, except to the extent they reflect facts regarding an on-going complaint investigation. (as added by Ord. #00-2160, Nov. 2000)

2-608. Members; removal. Any member of the Lebanon Citizens Review and Advisory Board may be removed for incompetence, neglect of duty, misconduct or malfeasance by vote of a simple majority of the city council and approval of the mayor. Any vacancy occasioned by resignation, death or removal of a member shall be filled for the balance of the unexpired term by appointment of the mayor, subject to approval of a simple majority of the city council. (as added by Ord. #00-2160, Nov. 2000)

2-609. Intake of complaints. The intake of complaints shall be made through the office of the public safety coordinator. The complaint shall be in writing on a form provided by said coordinator, and shall contain the following information:

1. A signed detailed statement indicating who, what, when, where, how, and why as known to the best of the complainant's knowledge. All complaints shall receive a written response within four (4) months after the complaint is received by the board. Said response shall detail the investigative results and action taken by the board, except in special circumstances where more time is needed to complete an investigation, make a finding of fact, and

recommendation; or, where intervening legal action shall prevent release of such response. (as added by Ord. #00-2160, Nov. 2000)

2-610. Period of limitation. After the effective date of this chapter, no complaint shall be received, filed, and processed more than thirty days after occurrence of any incident, and the board shall make no investigation or render any written findings or recommendations on any event which occurred prior to the establishment of this board. This limitation period is meant to ensure that witnesses' memory and testimony are fresh and other evidence is still preserved. (as added by Ord. #00-2160, Nov. 2000)

2-611. Preliminary review. Upon receipt of any complaint, the board shall meet to make a preliminary review of the same and determine if the complaint is valid and further investigation should occur. If in the opinion of the board it is necessary, for further investigative purposes, or to establish the validity of the complaint, for the complainant to make available any relevant medical or criminal records which he/she may have accrued, the board shall require the complainant to sign the appropriate record release forms provided by the board. Failure to sign said record release form(s), upon written request by the chairperson of the board, may constitute grounds for dismissal of the complaint. (as added by Ord. #00-2160, Nov. 2000)

2-612. Investigations. If, after the initial review, the board determines that further investigation is warranted, it shall have the power and authority to hire independent, trained, experienced licensed investigators to make a thorough investigation of the incident complained of. Such investigation shall be completed within 120 days of the date that the complaint was filed. The board may once extend this deadline by an additional sixty (60) days, with a written explanation for the reasons for the extension. The application of this deadline may be held in abeyance during such times as the board determines that an investigation might impede or harm a criminal investigation. The request and any extension granted by the board shall become a part of the record. To ensure objectivity and fair play, the board shall not employ any investigator who is a member of, or is hired by, any police, racial, or ethnic group or organization. So long as a complaint is under investigation by the board, its investigative files shall be confidential and not open to public review. Upon conclusion of the investigation by the board and the rendering of a written finding of fact, conclusion and recommendation to the proper city authorities, said records shall become public records. (as added by Ord. #00-2160, Nov. 2000)

2-613. Evidentiary fact-finding meetings, informal resolution discussions, dismissals. Upon completion of the initial or preliminary review of the complaint, the board may take one of the following actions:

(1) **Conduct a fact-finding meeting.** If, after the initial review, the board determines the complaint is valid, it may initiate further investigation of the charges contained therein, pursuant to the provisions set forth in LMC 2-612. Upon conclusion of such investigation, or in lieu thereof, the board shall call a fact-finding meeting to further explore and consider the evidence in support of the allegations contained in the complaint. The city council shall delegate to the board its power and authority to issue subpoenas for witnesses and documentary evidence to be brought before it. At the conclusion of such meeting, the board shall make a written finding of fact and a recommendation of appropriate action. A copy of the same shall be sent to the mayor, the chief of police, and the personnel director who shall consult together and approve the recommendation, or, initiate other appropriate action. The board's records shall become public records upon communication of the written finding of facts and recommendation to the city authorities.

(2) **Refer the matter to an informal resolution discussion.** If, after the initial review, the board finds that the complaint is valid, but involves only an alleged minor infraction leading to the incident complained of, the board may request the parties to mediate their dispute in an informal resolution discussion. The agreement reached by the parties at such resolution discussion shall be binding upon them, and no further action shall be taken by the parties relative to the incident complained of. The board shall reduce to writing the resolution so reached, and communicate the same to the mayor, the chief of police, and the personnel director who shall close the city's file on the incident. The board's record shall become a public record when the resolution solution is communicated in writing to the appropriate city authorities.

(3) **Dismiss the complaint.** If, after the initial review of the complaint, the board finds that such complaint is not valid because it lacks veracity, it may dismiss the complaint in writing, stating its reasons therefor, and send a copy of the same to the mayor, the chief of police, and the personnel director who shall confer together and either affirm the dismissal, or initiate further investigation of the matter, or take other appropriate action. The boards' records shall become a public record upon communication of the dismissal, in writing, to the city authorities. (as added by Ord. #00-2160, Nov. 2000)

2-614. Notice to parties. The board shall notify the complainant and police officer in a timely fashion of the status or disposition of the complaint in conformance with state law, to wit: **Tennessee Code Annotated**, Title 4, Chapter 5, §§ 4-5-307, 4-5-314. (as added by Ord. #00-2160, Nov. 2000)

2-615. Police cooperation. The police department and all other city employees and officials shall, except as expressly prohibited by law, respond promptly to any and all reasonable requests for information, for participation in evidentiary meetings, and for access to data and records for the purpose of enabling the board to carry out its responsibilities under this part. The failure

by any official or employee of the police department or by any other city employee or official to comply with such requests for information, participation, or access shall be deemed an act of misconduct. (as added by Ord. #00-2160, Nov. 2000)

2-616. Confidentiality. So long as a complaint is under investigation, or a legal action is pending involving the circumstances surrounding the complaint filed with the board, the board's investigative files and records shall be confidential and not open to public review. The board members, staff, investigators, and other contractors of the board shall sign a contract agreeing to comply with all of the provisions of the applicable state and federal law and of the provisions of this part relating to public records, medical records, and personnel records. In return, the city will afford to such member, staff, or contractor the same legal protection that any other agent or employee of the city receives who performs duties within the scope of employment. (as added by Ord. #00-2160, Nov. 2000)

2-617. Rulemaking authority. The Lebanon Citizens Review and Advisory Board shall adopt rules governing its internal operation which are not in conflict with this part, are in furtherance of the provisions contained herein, and are approved by the city council. It shall review such rules from time to time and make changes as necessary and as approved by the council. (as added by Ord. #00-2160, Nov. 2000)

2-618. Facilitator's administrative duties. The facilitator (PSC) shall provide necessary administrative assistance for the proper operation of the board. Such assistance shall include the following services:

- (1) Setup and scheduling of meeting rooms.
- (2) Maintain files compiled by board.
- (3) Issuance of all notices, including meetings and hearings.
- (4) Provide reasonable access to secretarial personnel.
- (5) Provide timely notification to board members of complaints filed.

The facilitator shall present evidence to the board at evidentiary fact finding hearings, but shall not act as a prosecutor or defender. The facilitator shall routinely provide the conference room located at the City of Lebanon Building located at 1017 Sparta Pike, Lebanon, for such hearings. The chairperson of the board may, with appropriate public notice, move any meeting to a location that is more conducive or appropriate to the matters at hand. (as added by Ord. #00-2160, Nov. 2000)

CHAPTER 7

BOARD OF ADJUSTMENTS AND APPEALS

SECTION

2-701. Definitions.

2-702. Creation of the board.

2-703. Qualifications.

2-704. Powers and authority.

2-705. Service of code official's decision, notice or order.

2-706. Application for appeal.

2-707. Notice of hearing.

2-708. Stays of enforcement.

2-709. Board decisions.

2-710. Action on board decision.

2-711. Court review.

2-701. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Code official* means Chief Building Official; building inspector; Fire Marshal; fire inspector; code officer; enforcement officer; or any other officer designated by the City of Lebanon to enforce the municipal code and standards.

(2) *Terms defined in other codes.* Where terms are not defined in one municipal code, but are defined in other municipal codes, such terms shall have the meaning ascribed to them as in those codes.

(3) *Terms not defined.* Where terms are not defined through the methods authorized by the codes, such terms shall have ordinarily accepted meanings such as the context implies. (Ord. No. 23-6893,11-21-2023)

2-702. Creation of the board. There is hereby created the city board of adjustments and appeals for new construction and property maintenance hereafter known as the "board."

(1) *Members.* The Board shall consist of five (5) members appointed by the Mayor and confirmed by majority vote of the City Council to staggered five (5) year terms. Each member appointed to the Board shall be qualified by experience and training to pass on matters pertaining to building and residential design and construction, property maintenance, energy conservation, fire protection, and/or electrical, plumbing, mechanical, or fuel gas systems. No member of the Board shall be an employee of the City. Members shall serve without pay and shall be reappointed to additional terms without limit. Any

members serving on the Board before the effective date of this code section shall continue to serve the remainder of any unexpired term. Vacancies shall be filled for any unexpired term by the Mayor and confirmed by a majority vote of the City Council.

(2) *Organization.* The Board shall elect a Chair and Vice Chair from its membership on an annual basis. The term of each such office shall be one (1) year, with members eligible for reelection for additional terms. The election of said officers shall be held at the first meeting of the Board each calendar year. If a vacancy occurs during the year, it shall be filled by an election at the next regular meeting. In the event that both the Chair and Vice Chair are absent, and/or are required to recuse themselves from a matter, but otherwise a quorum is present, the other members present shall elect a Chair Pro Tem for purposes of the meeting or matter. The Codes Director shall designate a qualified member of the Codes Department to serve as secretary to the Board, who shall keep a record of the Board's meetings and determinations. Such record shall be a public record, filed in the offices of the Commissioner of Finance.

(3) *Meetings.* Regular meetings of the Board shall be held once a month, unless cancelled by the Chair due to a lack of matters requiring the Board's consideration. The Chair shall have authority to call special meetings of the Board. A simple majority of the Board's membership shall constitute a quorum. In the absence of a quorum, the members present shall adjourn and all items on the agenda will be continued to the next meeting. Special called meeting may be called by the Chair or upon written request of three (3) or more members of the Board. Written notification of the time, place, location, and purpose of the meeting shall be delivered to each member of the Board at least five (5) days prior to the meeting and provided to the public as required by the Tennessee Open Meetings Act.¹ At a special called meeting, only the business stated in the public notice as the purpose of the meeting may be conducted.

(4) *Quorum.* A quorum shall consist of three members of the board membership.

(5) *Conflict of interest.* In accordance with the City's Code of Ethics, a member shall not hear an appeal in which that member has a personal, professional, or financial interest.²

(6) *Procedures.* The Board shall adopt procedures pursuant to which all hearings will be conducted. Any rules adopted by the Board shall be submitted to the City Council for approval by resolution. The Board shall also adopt official forms for an application to appeal and for the decision of the Board upon determination of an appeal.

(7) *Removal of board members.* Board members may be removed by majority vote of the City Council for neglect of duty, for failure to attend three

¹ Tenn. Code Ann. § 8-44-101 et seq.

² LMC §1-1001 et seq.

consecutive meetings, for failure to attend a majority of meetings in a 12-month period, or for cause or malfeasance in office after being given an opportunity for a hearing before the City Council. (Ord. No. 23-6893,11-21-2023)

2-703. Qualifications. The board shall consist of five individuals, one from each of the following professions or disciplines:

(1) Registered design professional with architectural experience or a builder or superintendent of building construction with not fewer than ten (10) years experience, five (5) of which shall have been in responsible charge of work.

(2) Registered design professional with structural engineering experience.

(3) Registered design professional with mechanical and engineering experience or a mechanical contractor with not fewer than ten (10) years of experience, five (5) of which shall have been in responsible charge of work.

(4) Registered design professional with electrical engineering experience or an electrical contractor with not fewer than ten (10) years experience, five (5) of which shall have been in responsible charge of work.

(5) Registered design professional with fire protection engineering experience or an fire protection contractor with not fewer than ten (10) years experience, five (5) of which shall have been in responsible charge of work. (Ord. No. 23-6893,11-21-2023)

2-704. Powers and Authority.

(a) The board shall have the authority to hear appeals from a decision, notice, or order of the code official enforcing the following codes:

(1) International Building Code.

(2) International Residential Code (except Section R313.2, Section 1102.4, Table N1102.1.2 (R402.1.2), and Appendix L, and amend Section R313.1 exception to say: an automatic residential fire sprinkler system shall not be required if a 2 hour fire resistance rated wall exists between units, if such walls do not contain plumbing and/or mechanical equipment, ducts, or vents in the common wall).

(3) International Fire Code.

(4) International Plumbing Code.

(5) International Fuel Code.

(6) International Existing Building Code.

(7) International Mechanical Code.

(8) Life Safety Code, published by the National Fire Prevention Association.

(9) International Property Maintenance Code. (Ord. No. 23-6893,11-21-2023)

2-705. Service of code official's decision, notice or order. The decision, notice, or order of the codes official may be served personally, mailed via certified or first-class registered mail to property owner's, or their registered agent's the last known address. If the notice is returned showing that it was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure or property affected by such notice. (Ord. No.23 -6893,11-21-2023)

2-706. Application for appeal. Any person directly affected by a decision, notice, or order of the codes official shall have the right to appeal to the Board, provided that a written application for appeal is filed within twenty (20) calendar days after the day the decision, notice, or order of the codes official was served. If the decision, notice, or order is served by mail, three (3) days shall be added to the time within which the written application for appeal must be filed. (Ord. No. 23-6893,11-21-2023)

2-707. Notice of hearing. An appellant shall be afforded at least ten (10) days' written notice of the meeting at which the appellant's appeal will be considered by the Board unless appellant waives such notice. (Ord. No. 2023-6893,11-21-2023)

2-708. Stays of enforcement. An appeal from a decision, notice, or order (other than Imminent Danger Notices and Stop Work Orders) issued by the codes official shall stay the enforcement of the notice and order until the appeal is heard by the Board. (Ord. No. 23-6893,11-21-2023)

2-709. Board decisions.

(a) The Board shall have the power to modify or reverse any decision, notice or order upon a finding based on preponderance of the evidence presented:

(1) That the true intent and meaning of any provision of the above referenced codes and standards, or any of the rules legally adopted thereunder, have been incorrectly interpreted;

(2) That a provision of the above referenced codes and standards on which the challenged decision, notice, or order is based upon does not apply under the circumstances;

(3) That an equally good or better form of construction is proposed;

(4) That the requirements of the above referenced codes and standards are adequately satisfied by other means, and/or

(5) That the strict application of any requirement of the minimum property codes would cause an undue hardship for a party affected by the decision, notice, or order and that relief from the strict application of such requirement would not create an undue risk to the health and safety of the occupants of the structure in question, or to the general public.

(b) The Board may condition any relief on the appellant's performance of specific actions and may prescribe appropriate conditions and safeguards in conformity with applicable code(s) and standard(s). In addition, the Board may prescribe a reasonable time limit within which any action required of the appellant shall be commenced or completed, or both. Violation of such conditions or time limits shall be deemed a violation of the applicable code(s) or standard(s).

(c) Each decision of the Board shall be in the form of a written order, setting forth the factual basis for the decision and any conditions or time limits placed on the relief afforded, if any. A copy of the decision shall be furnished to the appellant. (Ord. No. 23-6893,11-21-2023)

2-710. Action on board decision. The codes official shall take immediate action in accordance with the decision of the Board unless the Mayor and City Attorney authorize application to the Chancery Court for Wilson County for a writ of certiorari to correct errors of law. Action taken includes citation to the City Court with the penalty as provided by the general penalty provision of this municipal code³, seeking an injunction, or any other remedies provided by law. (Ord. No. 23-6893,11-21-2023)

2-711. Court Review.⁴ Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the service of a copy of the Board's decision on the applicant. (Ord. No. 23-6893,11-21-2023)

³ LMC § 1-1101

⁴ Tenn. Code Ann. § 27-9-101 et seq.

CHAPTER 8

SIDEWALK, BIKE, AND TRAIL COMMITTEE

SECTION

- 2-801. Creation of Sidewalk, Bike, and Trail Committee
- 2-802. Membership
- 2-803. Duties

2-801 Creation of Sidewalk, Bike, and Trail Committee. Sidewalks, bike lanes, and trails promote and protect the health, safety, and general welfare of people living in and visiting the City of Lebanon, Tennessee, hereinafter referred to as "the City" The Sidewalk, Bike, and Trail Committee specifically is designed to achieve the following goals:

- A. Protect, enhance, and preserve existing pedestrian oriented infrastructure throughout the City
- B. Develop and promote accessibility through alternative modes of transportation
- C. Strengthen civic engagement through connected neighborhoods
- D. Encourage healthy living through a more active lifestyle

(Ord. 19-5920 Oct. 2019)

2-802 Membership. The Lebanon Sidewalk, Bike, and Trail Committee shall consist of nine (9) members who shall be appointed by the mayor of Lebanon, Tennessee. Six (6) members shall be residents of Lebanon, Tennessee, the remainder may reside outside of Lebanon, Tennessee, but must reside in Wilson County, Tennessee. Of the nine (9) members, at least one (1) shall be a member of the Lebanon Regional Planning Commission, at least one (1) shall be a member of the Public Services Transportation Committee, at least one (1) shall be a representative from the ADA community, and each Ward will have at least one (1) representative. Appointment to the commission will be based on either knowledge of the subject of alternative transportation and/or professional experience. Initial appointments to the Committee shall be made so as to provide staggered terms for membership. Four (4) of the initial appointments shall be for four (4) years; three (3) initial appointments shall be for three (3) years; and two (2) initial appointments shall be for two (2) years. Subsequent appointments shall be for terms of four (4) years. Committee members may be removed for cause at any time by the Mayor. In the event of Committee vacancies due to death, resignation, involuntary removal, etc., the Mayor shall appoint replacement members to serve the remainder of the unexpired term, and notify the City Council. The Members will appoint a Chairperson, Vice-Chairperson, and Secretary at the first meeting in a new calendar year. Meetings will take place at least quarterly, but may take place more often with the approval of an annual calendar. Quorum will be achieved with a total of five (5) member present. In the event of a voting measure, a passing vote will be majority votes cast by members present. (Ord. 19-5920 Oct. 2019; Ord. 19-5956 Dec. 2019)

2-803 Duties. To recommend the location and acquisition of easements, to the Planning Commission, for sidewalks, bike lanes, and trails, within the City, catalog existing and future sidewalks, bike lanes, and trails, and make recommendations regarding present and future sidewalks, bike, and trail needs and sidewalks, bike, and trail use conflicts. To develop and update the sidewalk, bikes, and trails plan to create a network of off- road trails and sidewalks which link major open space, parks and other public facilities and neighborhoods, and to set priorities to optimize the use of public funds for sidewalks, bike lanes, and trails. To promote multi-use of public right-of-way for sidewalks, bike lanes, and trails where desirable and appropriate. To recommend a comfortable environment for sidewalk, bike lane, and trail users, this should include shade, buffering between roads and proposed uses, and separation from conflicting uses. To coordinate joint use of sidewalk, bike, and trail facilities by a variety of users. To promote sidewalk, bike, and trail safety and education. To advise and recommend appropriate levels of sidewalk, bike lane, and trail maintenance and cooperatively work with organized and non-organized constituent groups on development of volunteer maintenance programs as appropriate. To review and make recommendations to the City concerning ordinances, plans, or actions which impact sidewalks, bike lanes, and trails, or the proposed sidewalk, bike, and trail network. To provide a forum for citizen input into assessments and needs for the City pertaining to sidewalks, bike lanes, and trails, and to advise the City of these findings. To review and annually make recommendations to the City of adjustments needed in the comprehensive sidewalk, bike, and trail plan. To serve as a reference for the Planning Commission in encouraging public and private subdividers and land developers to incorporate a sidewalk, bike, and trail system where needed in conjunction with proposed development. To maintain records regarding the status and condition of dedicated sidewalks, bike lanes, and trails. (Ord. 19-5920 Oct. 2019)