

TITLE 20

MISCELLANEOUS

CHAPTER

1. GIBSON COUNTY CIVIL DEFENSE ORGANIZATION.
2. PUBLIC SAFETY DEPARTMENT.
3. FAIR HOUSING ORDINANCE.
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CHAPTER 1

GIBSON COUNTY CIVIL DEFENSE ORGANIZATION

SECTION

- 20-101. Creation of organization.
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- 20-103. Creation of office of director and designation of its authority and responsibility.
- 20-104. Creation of civil defense corps.
- 20-105. Liability.
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20-101. Creation of organization. There is hereby created the Gibson County Civil Defense Organization, which shall be a joint operation by the City of Dyer and the County of Gibson 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 other municipalities of Gibson 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 a part of the Gibson County civil defense. (1983 Code, § 1-1001)

20-102. Authority and responsibility of organization. (1)
Authority. In accordance with federal and state enactments of law, the Gibson County civil defense organization is hereby authorized to assist the regular government of the county and governments of all political subdivisions therein, as may be necessary due to enemy caused emergency or natural disasters, including but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, drought, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare, and property of the citizens of Gibson County. The Gibson County civil defense organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Gibson County civil defense organization is hereby designated the official agency to assist regular forces in time of said emergencies.

(2) **Responsibilities.** The Gibson County civil defense organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Gibson County, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1983 Code, § 1-1002)

20-103. Creation of office of director and designation of its authority and responsibility. (1) The office of the director of civil defense is hereby created. The director shall have authority to request the declaration of the existence of an emergency by the mayor and county executive or either or by higher authorities as appropriate.

(2) The director shall have overall responsibility for the preparation of all plans, 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.

(3) 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.

(4) 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 Gibson County civil defense organization and for the preparation of all plans and administrative regulations and for recruitment and training of personnel. (1983 Code, § 1-1003)

20-104. Creation of civil defense corps. The Gibson 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. (1983 Code, § 1-1004)

20-105. Liability. Liability of the city and county in carrying out duties under this chapter shall be as provided by law. (1983 Code, § 1-1005)

20-106. Finances. No person shall have the right to expend any public funds of the city or county in carrying out any civil defense activities authorized by this chapter without prior approval by the governing bodies of the city and/or county; 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 and/or county. 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. 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 Dyer or Gibson 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, such funds becoming liable for audit by the city or county. (1983 Code, § 1-1006)

CHAPTER 2

PUBLIC SAFETY DEPARTMENT¹

SECTION

- 20-201. Established.
- 20-202. Chiefs.
- 20-203. General powers and duties of chiefs.
- 20-204. Public safety officers.
- 20-205. Public safety officers subject to chiefs' orders.
- 20-206. Public safety officers to preserve law and order, etc.
- 20-207. Public safety officers to wear uniforms and be armed.
- 20-208. When public safety officers to make arrests.
- 20-209. Officers may require assistance in making arrests.
- 20-210. Disposition of persons arrested.
- 20-211. Equipment generally.
- 20-212. Qualifications of fire chief; special training for fire fighters.
- 20-213. Fire equipment.
- 20-214. Police power of fire chief.
- 20-215. Responsibilities and duties of fire chief.
- 20-216. Responsibilities and duties of assistant fire chief.
- 20-217. Fire chief to be assistant to state officer.

20-201. Established. There is hereby created and established a public safety department of the City of Dyer (hereafter referred to as department). This department shall be charged with the performance of all police and fire functions of the city. (1983 Code, § 1-401)

20-202. Chiefs. There are hereby created and established in the department the offices of chief of fire and chief of police.

The chief of police shall supervise the operations of the public safety department at all times except when there is an emergency requiring firefighting personnel and equipment.

When the public safety department is engaged in fighting fires and other fire-related functions, the fire chief will be in charge. (1983 Code, § 1-402)

¹Charter references

Election of the marshal and the appointment of police officers: art. II, § 13.
Police department: art. VIII.

Municipal code reference

Fire protection and fireworks: title 7.
Law enforcement: title 6.
Traffic citations, etc.: title 15.

20-203. General powers and duties of chiefs. The chief of police and fire chief shall be responsible to the city council for the proper administration of the activities and operations of the department pursuant to state law, city ordinances and resolutions, and policies established by the city council with powers and duties as follows:

(1) To supervise and direct the activities of the members of the public safety department.

(2) Whenever they deem such action necessary or desirable for the good of the service to demote or suspend any member of the department subject to the right of such member to file a written appeal within ten days with the city council for reinstatement.

(3) To analyze and present problems to the city council pertaining to the department which require policy decisions and keep the city council advised concerning developments pertaining to department administration, business, and affairs, and to make recommendations from time to time for improving the quality and efficiency of the services performed by the department.

(4) To supervise and control all mobile and other equipment of the department and to be responsible for its proper maintenance.

(5) To maintain or cause to be maintained complete and detailed records of all police and fire activities in which the department engages.

(6) To perform such other duties as may from time to time be delegated to them by the city council. (1983 Code, § 1-403)

20-204. Public safety officers. There is hereby created and established the position of public safety officer. There shall be no distinction between police duties and fire duties, these duties being combined and made a part of the duties of public safety officers. Volunteer personnel, however, shall perform no police duties. (1983 Code, § 1-404)

20-205. Public safety officers subject to chiefs' orders. All public safety officers shall obey and comply with such orders and administrative rules and regulations as the police chief and fire chief may officially issue. (1983 Code, § 1-405)

20-206. Public safety officers to preserve law and order, etc. Public safety officers (excluding volunteer personnel) shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. They shall also promptly serve any legal process issued by the city court. (1983 Code, § 1-406)

20-207. Public safety officers to wear uniforms and be armed. All public safety officers (excluding volunteer personnel) shall wear such uniform and badge as the city council shall authorize and shall carry a service pistol and

billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1983 Code, § 1-407)

20-208. When public safety officers to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a public safety officer (excluding volunteer personnel) in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person.

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1983 Code, § 1-408)

20-209. Officers may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a public safety officer in making a lawful arrest when such person's assistance is requested by the officer and is reasonably necessary to make the arrest. (1983 Code, § 1-409)

20-210. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested for any offense other than one involving drunkenness, he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1983 Code, § 1-410)

20-211. Equipment generally. All apparatus, equipment, and supplies of the public safety department shall be purchased by or through the city and shall be and remain the property of the city. (1983 Code, § 1-411)

20-212. Qualifications of fire chief; special training for fire fighters. The fire chief shall be a person especially qualified for the duties incumbent upon him and shall hold office at the pleasure of the city council, and shall be removed only for cause after public trial before the city council; and further, there shall be an assistant fire chief elected biannually. Special training shall be required for such engineers and drivers as may be needed in fighting fires. (1983 Code, § 1-412)

20-213. Fire equipment. The City of Dyer shall furnish to the members of the public safety department rubber coats or other suitable clothing, fire

¹Municipal code reference

Traffic citations, etc.: title 15, chapter 8.

helmets, and rubber boots to be worn at fires, drills, and on duty only. The clothing shall be and remain the property of the city and shall be ordered subject to the approval of the mayor. (1983 Code, § 1-413)

20-214. Police power of fire chief. The fire chief shall be authorized to exercise police powers at time of fire and summon to his assistance such additional help as he may deem necessary to control the fire; further, the fire chief shall and is hereby authorized to enforce all fire prevention ordinances contained in the municipal code. (1983 Code, § 1-414)

20-215. Responsibilities and duties of fire chief. (1) It shall be the duty of the fire chief to examine the condition of the fire apparatus, hose, and all other fire equipment once a week, and whenever directed by the mayor.

(2) The fire chief shall drill the department at least monthly in the use of fire apparatus and equipment, also hold one or more meetings a month in discussing equipment, proper fire fighting methods, fire hazards, and other business in line of duty, such as hydrants and mains and water supply.

(3) The fire chief shall attend all fires when not providentially hindered or excused by the mayor, and he shall direct the members in matters pertaining to their duties. He may in his judgement suspend members from duty and make report of such action to the city council as soon as practicable thereafter.

(4) The fire chief shall, with other members of the department, make inspections of all mercantiles, schools, churches, and factories at least twice a year.

(5) The fire chief shall, on absenting himself from the city, first notify the assistant chief to take charge of the department in case fire fighting personnel are activated.

(6) The fire chief shall inspect each fire truck and all other equipment once a week with the engineer or driver and see that all equipment is on each truck. The fire chief shall examine the fire truck daily and after each run and also check the oil, gas, water, tires, and keep a record of time pumped and pressure on hydrants, and at stated intervals must examine all fire hydrants in the city and report all defects to the city council. (1983 Code, § 1-415)

20-216. Responsibilities and duties of assistant fire chief. The assistant fire chief shall take charge in the absence of the chief and assume the same powers as devolve upon the chief. At all other times he shall perform such duties as to fire equipment, etc., as the fire chief may direct. (1983 Code, § 1-416)

20-217. Fire chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief is designated as an assistant to the state commissioner of insurance and is subject

to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1983 Code, § 1-418)

CHAPTER 3

FAIR HOUSING ORDINANCE

SECTION

- 20-301. Policy.
- 20-302. Definitions.
- 20-303. Unlawful practice.
- 20-304. Discrimination in the sale or rental of housing.
- 20-305. Discrimination in the financing of housing.
- 20-306. Discrimination in the provision of brokerage services.
- 20-307. Exemption.
- 20-308. Administration.
- 20-309. Education and conciliation.
- 20-310. Enforcement.
- 20-311. Investigations; subpoenas; giving of evidence.
- 20-312. Enforcement by private persons.

20-301. Policy. It is the policy of the City of Dyer, Tennessee to provide, within constitutional limitations, for fair housing throughout the community. (Ord. #99-100, March 1999)

20-302. Definitions. (1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(2) "Family" includes a single individual.

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

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

(5) "Discriminatory housing practice" means an act that is unlawful under §§ 20-304, 20-305, or 20-306. (Ord. #99-100, March 1999)

20-303. Unlawful practice. Subject to the provisions of subsection (2) and § 20-307, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-304 shall apply to:

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

(2) Nothing in § 20-304 shall apply to:

(a) Any single-family house sold or rented by an owner.

Provided that such private individual owner does not own more than

three such single-family houses at any one time. Provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further that such bona fide private individual owner does not own any interest in, nor is owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time. Provided further that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented

(i) Without the use in any manner of the sale or rental facilities or the sale or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and

(ii) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-304(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(3) For the purpose of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) He has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families. (Ord. #99-100, March 1999)

20-304. Discrimination in the sale or rental of housing. As made applicable by § 20-303 and except as exempted by §§ 20-303(2) and 20-307, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or disability.

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

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

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

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

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

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.
(Ord. #99-100 March 1999)

20-305. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making or commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or disability of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or

occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-303(2). (Ord. #99-100, March 1999)

20-306. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or disability. (Ord. #99-100, March 1999)

20-307. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or disability. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. #99-100, March 1999)

20-308. Administration. (1) The authority and responsibility for administering this Act shall be in the Mayor of the City of Dyer, Tennessee.

(2) The mayor may delegate any of these functions, duties, and powers to employees of the community or to boards of such employees, including functions, duties, and powers with respect to investigating conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The mayor shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the community, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the mayor to further such purposes. (Ord. #99-100, March 1999)

20-309. Education and conciliation. Immediately after the enactment of this chapter, the mayor shall commence such educational and conciliatory

activities as will further the purpose of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. #99-100, March 1999)

20-310. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the mayor. Complaints shall be in writing and shall contain such information and be in such form as the mayor requires. Upon receipt of such a complaint, the mayor shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (3), the mayor shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the mayor decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the mayor who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(2) A complaint under subsection (3) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the mayor, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty days after a complaint is filed with the mayor, the mayor has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The mayor will assist in this filing.

(4) If the mayor has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If

the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the mayor shall immediately terminate all efforts to obtain voluntary compliance. (Ord. #99-100, March 1999)

20-311. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the mayor shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, that the mayor first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court of the district in which the investigation is taking place. The mayor may administer oaths.

(2) Upon written application to the mayor, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the mayor to the same extent and subject to the same limitations as subpoenas issued by the mayor himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoena of the mayor shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the United States District Courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five days after service of a subpoena upon any person, such person may petition the mayor to revoke or modify the subpoena. The mayor shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the mayor or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the mayor shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the mayor, shall make or cause to be made any false entry or statement or fact in any report, account, record, or other document submitted to the mayor pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(7) The City of Dyer, Tennessee's attorney shall conduct all litigation in which the mayor participates as a party or as amicus pursuant to this chapter. (Ord. #99-100, March 1999)

20-312. Enforcement by private persons. (1) The rights granted by §§ 20-303, 20-304, 20-305, and 20-306 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought to this section or § 20-310(4) from time to time before bringing it to trial or renting dwellings; or

(2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion, sex, national origin, familial status or disability, in any of the activities, services, organizations or facilities; or

(b) Affording another person or class of persons opportunity or protection so to participate; or

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, familial status or disability, in any of the activities, services, organizations or facilities, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and, if bodily injury results, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and, if death results, shall be subject to imprisonment for any term of years or for life. (Ord. #99-100, March 1999)

CHAPTER 4

DAVID ROBINSON MUNICIPAL PARK

SECTION

20-401. Hours of operation.

20-402. Exception.

20-403. Violations.

20-401. Hours of operation. The David Robinson Municipal Park shall be open to the public daily, except that between the hours of 10:00 P.M. and 7:00 A.M. It shall be unlawful for any person under the age of eighteen (18) to be in the David Robinson Municipal Park unless accompanied by a parent or guardian. (as added by Ord. #2012-206, June 2012)

20-402. Exception. The provisions of § 20-401 of this chapter shall not apply to persons under the age of eighteen (18) who are attending any city-sanctioned activity in the park between the hours of 10:00 P.M. and 7:00 A.M. (as added by Ord. #2012-206, June 2012)

20-403. Violations. Violations of this chapter shall be punishable by a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00) in the Dyer Municipal Court. (as added by Ord. #2012-206, June 2012)