

TITLE 20

MISCELLANEOUS

CHAPTER

1. CITY CEMETERIES.
2. DEPARTMENT OF RECREATION AND PARKS DEVELOPMENT.
3. PARKS AND RECREATION FACILITIES.
4. CIVIL EMERGENCIES.
5. TREE AND SHRUB POLICY.
6. FAIR HOUSING.

CHAPTER 1

CITY CEMETERIES

SECTION

- 20-101. Transfer of lots.
- 20-102. Price of lots.
- 20-103. Grave markers and monuments.
- 20-104. Fences or walls.
- 20-105. Shrubbery, plants, flowers, trees, or growth.
- 20-106. Depths and boundaries of graves.
- 20-107. Responsibility of mortuary.
- 20-108. Identification of lots and/or grave sites.
- 20-109. Compliance with chapter.
- 20-110. Uses.
- 20-111. Producers and retail dealers of monumental materials.
- 20-112. Administration and management.
- 20-113. Irrevocable trust agreement authorized.

20-101. Transfer of lots. In order that the city may at all times have a permanent record of the ownership of all city cemetery lots, it shall be unlawful for any person, firm or corporation owning a cemetery lot in the city cemeteries (Cedar Grove Cemetery, Sullins Cemetery, or Hammonds Cemetery) to sell, transfer, or convey the same without obtaining the prior written consent of the city manager. All transfers of ownership in plots and all assignments shall be subject to a charge of five dollars (\$5.00) to be paid to the city manager at the time of transfer or assignment. (1972 Code, § 12-501)

20-102. Price of lots. The price of lots shall be established by the city council in regular session and future changes in the price of lots may be governed as economic conditions may dictate. Said current prices are as follows:

	1 GRAVE - ATHENS RESIDENTS & ATHENS <u>PROPERTY OWNERS</u>	1 GRAVE - NON ATHENS RESIDENTS & NON ATHENS <u>PROPERTY OWNERS</u>
CEDAR GROVE CEMETERY	\$300.00	\$500.00
SULLINS CEMETERY	125.00	175.00
HAMMONDS CEMETERY	100.00	125.00

GRAVE OPENINGS

CEDAR GROVE CEMETERY	\$400.00
SULLINS CEMETERY	400.00
HAMMONDS CEMETERY	400.00
CREMATED REMAINS	100.00
INFANTS	150.00

(1972 Code, § 12-502, as amended by Ord. #831, June 1997, Ord. #884, Oct. 2001, and Ord. #971, Aug. 2008)

20-103. Grave markers and monuments. Only one (1) monument shall be erected on any grave lot or any full size lot containing multiple grave sites. The area of the base of the memorial shall not exceed 10% of the area of the lot. The length of the base of the memorial shall not exceed 60% of the width of the lot. The width of the base of the memorial shall not exceed twenty (20%) percent of the length of the lot. Foot markers may be permitted, provided they are placed flush with the ground. Exceptions to the above may be made on all markers furnished by the federal government. Foundations will be required for all monuments and markers of every description. All foundations must be of concrete, flush with the ground, and of ample size and depth to properly carry the size and weight of the stone.

If and when the city develops or establishes a new addition to the Cedar Grove Cemetery or other cemetery in the City of Athens, the same will be known as a memorial type cemetery and, so far as this type of cemetery is concerned, no above ground monuments or markers of any description will be permitted. (1972 Code, § 12-503)

20-104. Fences or walls. No fences or walls shall hereafter be erected upon any cemetery lot and no corner markers or slabs shall rise above the ground.

The city will install all corner markers on lots at the cost of the marker and labor, plus 10% of said total cost. (1972 Code, § 12-504)

20-105. Shrubbery, plants, flowers, trees, or growth. Planting of shrubs, plants, flowers, trees, or other growth will not be permitted except by special

permission of the city manager. No person shall disturb the sod, plants, trees, shrubs or flowers that have been planted by the City of Athens or authorized persons, or interfere in any manner with the general design and beauty of the cemeteries. Flowers, vases, wreaths, flags and other temporary decorations may be placed upon lots or graves contingent on the right of the city to remove them after a reasonable time if they become unsightly or mar the beauty or the appearance of the cemeteries. (1972 Code, § 12-505)

20-106. Depths and boundaries of graves. All graves shall be at least six (6) inches within the boundary lines of the burial lot, and shall be at least four (4) feet in depth. Grave sites in all future plots shall be 4' x 10'. (1972 Code, § 12-506)

20-107. Responsibility of mortuary. It will be the responsibility of the mortuary or other persons responsible for preparing a grave site to remove all surplus dirt from the grave site or area surrounding the grave site provided such surplus dirt was created as a result of preparing a grave site.

Grave openings shall be paid for in advance, or satisfactory credit arrangements made, by the funeral director seeking or requesting the opening. (1972 Code, § 12-507)

20-108. Identification of lots and/or grave sites. The City of Athens will not be responsible for locating a grave site in a plot where interment is desired and directed by the proper owner of the lot or any person having authority to authorize same as far as any mistake occurring for want of proper instruction as to the particular space, size, or location in a plot from any person, firm, or corporation. The City of Athens will assist the owners of lots of record insofar as it may be practicable to do so in order to insure that any undue hardship or other inconveniences to family or friends of the deceased may be eliminated. (1972 Code, § 12-508)

20-109. Compliance with chapter. All lot owners will be furnished a copy of this chapter upon request, or at the time of purchase of a lot. It is hereby expressed that the owner of lots of record prior to the adoption of the provisions in this chapter are subject to the terms and provisions hereof upon their final passage by the city council of the City of Athens, Tennessee. (1972 Code, § 12-509)

20-110. Uses. The lots are hereby set apart and dedicated as burial places for the remains of human beings only and for no other burials thereon and shall be maintained forever by the City of Athens, Tennessee. (1972 Code, § 12-510)

20-111. Producers and retail dealers of monumental materials. Producers and retail dealers of monumental materials shall not be permitted to

erect any stone or do any work in a city cemetery until they have submitted satisfactory evidence of their ability to perform the work and have filed and posted a good and sufficient bond in the sum of two thousand dollars (\$2,000.00) with the city manager which bond shall be conditioned that the principal thereof shall conform and comply with the regulations as established by the city manager. (1972 Code, § 12-511)

20-112. Administration and management. The management of all city cemeteries shall be under the direction of the city manager, who in turn shall be responsible to the city council for their direct and complete supervision. The city manager is designated as the custodian of all maps and is responsible for the issuing and recording of deeds and causing proper entries to be made in all permanent records maintained by the City of Athens. The director of finance will be the custodian of all cemetery funds and will disburse any income derived therefrom at the direction of the city council.

The director of finance will comply with the general state law in establishing a perpetual care fund and complying with other cemetery requirements. (1972 Code, § 12-512)

20-113. Irrevocable trust agreement authorized. The mayor and city manager are authorized to enter into and execute an irrevocable trust agreement with any trustee qualified to act as fiduciary in the State of Tennessee, as approved by city council for the purpose of maintaining the funds of the City of Athens cemeteries. (1972 Code, § 12-513, as amended by Ord. #917, April 2004)

CHAPTER 2

DEPARTMENT OF PARKS AND RECREATION

SECTION

20-201. Creation of department.

20-202. Head of department.

20-203. Duties of head of department.

20-201. Creation of department. There is hereby established a "department of parks and recreation." (1972 Code, § 1-1201, as amended by Ord. #917, April 2004)

20-202. Head of department. The city manager, or such assistant appointed by him, shall be the head of the department of parks and recreation. (1972 Code, § 1-1202, as amended by Ord. #917, April 2004)

20-203. Duties of head of department. It shall be the duty of the head of the department of parks and recreation to oversee, develop, provide, maintain, conduct, and supervise public playgrounds, athletic fields, recreation centers, and other recreational facilities and activities on properties owned or controlled by the city, and on other properties with the consent of the owners or lessors. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner. The aim and purpose to be the advancement of the welfare of the citizens and residents of the city in the area of recreation. (1972 Code, § 1-1203, as amended by Ord. #917, April 2004)

CHAPTER 3

PARKS AND RECREATION FACILITIES

SECTION

- 20-301. Definitions.
- 20-302. Persons invited to use city parks; park hours.
- 20-303. Unlawful activities generally.
- 20-304. Sanitation.
- 20-305. Traffic.
- 20-306. Recreational activities.
- 20-307. Certain behavior declared unlawful.
- 20-308. Merchandising, advertising and signs.
- 20-309. Park operating policy.
- 20-310. Enforcement.
- 20-311. Additional rules and regulations.
- 20-312. Liability for injuries or damages.

20-301. Definitions. For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Athens Tennessee.

(2) "Director" is the Director of Recreation and Parks of the City of Athens, the person immediately in charge of all park area and its activities, and to whom all park employees in such area are responsible.

(3) "Park" is all city owned parks including any facilities or improvements.

(4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(5) "Vehicle" is any wheeled conveyance, whether or not motor powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city parks. (1972 Code, § 12-701)

20-302. Persons invited to use city parks; park hours. (1) All persons are invited to use city parks and their facilities who will comply with the terms hereof and such rules and regulations as may be promulgated hereunder governing the use of city parks.

(2) City parks will be open to use by the public invited thereto between the hours of 7:00 a.m. and 12:00 midnight unless posted otherwise. (1972 Code, § 12-702)

20-303. Unlawful activities generally. It shall be unlawful and constitute a misdemeanor for any person within city parks to:

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

(b) Rest rooms and washrooms. Failure to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the rest rooms and washrooms designated for the opposite sex.

(c) Removal of natural resources. Dig or remove any soil, rock, stones trees, shrubs or plants, down-timber, or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

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

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

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

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

(3) Wild animals, birds, etc. (a) Hunting, molesting, etc. Hunt, molest, harm, frighten , kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous may be killed on sight.

(b) Feeding. Give or offer, or attempt to give any animal or bird any tobacco, alcohol or other known noxious substances. (1972 Code, § 12-703)

20-304. Sanitation. It shall be unlawful for any person within city parks to:

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

(2) Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the persons responsible for its presence, and properly disposed of elsewhere. (1972 Code, § 12-704)

20-305. Traffic. It shall be unlawful for any person within the parks to:

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

(2) Obey personnel; enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks.

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

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

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

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

(d) Emergency procedure. Fail to immediately notify a park employee or by placing a note on disabled vehicle of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other person.

(e) Abandonment. Leave a vehicle within the boundaries of the park after park hours unless such vehicle be disabled and is reported by the driver to a park employee. Any vehicle remaining in said park after

closing hours, except as is excepted herein will be towed away and stored at the expense of the owner.

(5) Bicycles, motorcycles and all terrain vehicles. (a) Confined to roads. Ride a bicycle or motorcycle on other than a paved vehicular road or specifically designated route.

(b) All terrain vehicle. Ride an all terrain vehicle in the park.

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

(d) Rider prohibited. Ride any other person on a bicycle unless properly equipped for such purpose.

(e) Designated racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(f) Immobile. Leave a bicycle or motorcycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

(g) Night operation. Ride a bicycle or motorcycle on any road within the park between thirty (30) minutes after sunset or thirty (30) minutes before sunrise without an attached headlight plainly visible at least two hundred (200) feet in front of, and without a red tail light or red reflector plainly visible from at least one hundred (100) feet from the rear of such bicycle or motorcycle. (1972 Code, § 12-705)

20-306. Recreational activities. It shall be unlawful for any person within the city park to:

(1) Swimming, etc. Swim, bathe or wade in any waters or waterways in or adjacent to such park unless so designated and clearly marked by signs.

(2) Boating. Bring into or operate a privately owned boat, raft or other watercraft, whether motor-powered or not, upon any waters in such park.

(3) Hunting and firearms. Hunt, trap or pursue wildlife at any time in violation of the Tennessee Wildlife Resources Agency rules and regulations. No person shall carry a weapon on public parks, playgrounds, civic centers and other public recreational buildings and grounds. It is an offense for any person to possess or carry, whether openly or concealed, any firearm of any description or air-rifles, spring guns bows and arrows, slings or any other form of weapon potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Events sanctioned by the City of Athens for instructional, ceremonial or competitive purposes or for display or sales purposes are excluded

from this prohibition. Bonded law enforcement officers retain full authority and are not prohibited by this section.

(4) Fishing. Fish without complying with the "Tennessee Fishing Regulations" as published by the Tennessee Wildlife Resources Agency and any local rules or guidelines.

(5) Picnic areas. (a) Generally. Picnic or lunch in a place other than those designated for that purpose. Park employees shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(b) Availability. Violate the regulation that use of the individual fireplaces/grills together with tables and benches follows generally the rule of "first come, first served."

(c) Nonexclusive. Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

(d) Duty of picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(6) Camping. Except as specifically set out below, to set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp-trailer, camp-wagon or the like. Overnight "pup tent" camping by organized groups sponsored by recognized youth development agencies is permissible by special permit of the director obtained in accordance with § 20-309(3).

(7) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except on the fields and courts or areas provided therefor. (1972 Code, § 12-706, as amended by Ord. #883, Oct. 2001)

20-307. Certain behavior declared unlawful. It shall be unlawful for any person within the city park to:

(1) Domestic animals. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than five (5) feet in length. Horseback riding is permitted only in areas so designated by signs or by written permission of the director.

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

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

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

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

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

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

(8) Interference with permittees. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(9) Intoxicating beverages. Possess controlled substances and/or alcoholic beverages, wine, and/or beer at any time. This prohibition shall not apply to a licensed caterer selling any alcoholic beverage, wine, and/or beer at the Athens Regional Park conference center or to persons who have purchased any alcoholic beverage, wine, and/or beer from a caterer selling such alcoholic beverage, wine, and/or beer for consumption at the conference center or other designated area adjoining the conference center and the possession occurs at the conference center or other designated area adjoining the conference center. (1972 Code, § 12-707, as amended by Ord. #780, Aug. 1993, and Ord. #890, Jan. 2002)

20-308. Merchandising, advertising and signs. No person in a city park shall:

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

(2) Advertising. Announce, advertise or call the public attention in any way to any article or service for sale or hire without written permission from the director.

(3) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a city park. (1972 Code, § 12-708)

20-309. Park operating policy. (1) Closed areas. Any section or part of a city park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary.

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

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

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

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

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

- (i) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (ii) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (iii) That the proposed activity or use is not unreasonably anticipated to incite violence, crime or disorderly conduct;

(iv) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the city; and

(v) The facilities desired have not been reserved for other use at the day and hour required in the application.

(c) Appeal. With five (5) working days after receipt of an application, the director shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within two (2) days to the city manager, which shall consider the application under the standards set forth in subsection (3)(b) hereof and sustain or overrule the director's decision within twenty-four (24) hours. The decision of the city manager shall be final.

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

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

(f) Revocation. The director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown. (1972 Code, § 12-709, modified)

20-310. Enforcement. (1) Officials. The director, park employees, and members of the Athens Police Department shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(2) Ejectment. The director, any park employees, and members of the Athens Police Department shall have the authority to eject from the parks any person acting in violation of this chapter or rules and regulations promulgated hereunder. (1972 Code, § 12-710, as amended by Ord. #890, Jan. 2002)

20-311. Additional rules and regulations. The director shall have the authority to promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter and to assure an impartial, fair and safe use and enjoyment of city parks by those persons lawfully using the parks. The director shall have the authority to schedule the use of tennis courts and ball fields under this section. Regulations pertaining to specific activities shall be displayed in a prominent and public location at the point of the activity controlled. Rules and regulations pertaining to the parks as a whole shall be publicly and prominently displayed at each entrance to city parks. Rules and regulations adopted in accordance with this section shall have the same force and effect as if copied herein verbatim. (1972 Code, § 12-711)

20-312. Liability for injuries or damages. All persons using the parks will do so at their own risk. The city will not be liable for any injuries or damages sustained by persons using said parks. (1972 Code, § 12-712)

CHAPTER 4

CIVIL EMERGENCIES

SECTION

- 20-401. Definitions.
- 20-402. Proclamation of civil emergency.
- 20-403. Curfew authorized.
- 20-404. Powers of mayor during civil emergency.
- 20-405. Violations.
- 20-406. No intent to limit peaceful demonstrations, etc.
- 20-407. Exceptions to curfew.

20-401. Definitions. (1) A "civil emergency" is hereby defined to be:

(a) A riot or unlawful assembly characterized by the use of actual force or violence or a threat to use force, if accompanied by the immediate power to execute, by three or more persons acting together without authority of law.

(b) Any natural disaster or man-made calamity including, but not limited to, flood, conflagration, cyclone, tornado, earthquake, or explosion within the geographic limits of Athens, Tennessee, resulting in the death or injury of persons, or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

(c) The destruction of property or the death or injury of persons brought about by the deliberate acts of one or more persons acting either alone or in concert with others when such acts are a threat to the peace of the general public or any segment thereof.

(2) A "curfew" is hereby defined as a prohibition against any person or persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property, vacant premises within the corporate limits of Athens, Tennessee, except persons officially designated to duty with reference to said civil emergency or those lawfully on the streets as defined hereinafter. (1972 Code, § 1-1301)

20-402. Proclamation of civil emergency. When, in the judgment of the mayor or, in his absence from the city, the vice-mayor, a civil emergency as defined herein is deemed to exist, he shall forthwith proclaim in writing the existence of same, a copy of which proclamation will be filed with the city manager or director of finance. (1972 Code, § 1-1302)

20-403. Curfew authorized. After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographic areas of the city or to the city as a whole as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the

public safety and welfare. Said proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the mayor, but not to exceed fifteen (15) days. (1972 Code, § 1-1303)

20-404. Powers of mayor during civil emergency. After proclamation of a civil emergency, the mayor of Athens, Tennessee, may at his discretion, in the interest of public safety and welfare, make any of the following orders:

- (1) Order the closing of all retail liquor stores.
- (2) Order the closing of all establishments wherein beer or alcoholic beverages are served.
- (3) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted.
- (4) Order the discontinuance of the sale of beer.
- (5) Order the discontinuance of selling, distribution, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- (6) Order the closing of gasoline stations and other establishments the chief activity of which is the sale, distribution, or dispensing of liquid flammable or combustible products.
- (7) Order the discontinuance of selling, distributing, dispensing, or giving away of any firearms or ammunition of any character whatsoever.
- (8) Order the closing of any or all establishments, or portions thereof, the chief activity of which is the sale, distribution, dispensing, or giving away of firearms and/or ammunition.
- (9) Issue such other orders as are necessary for the protection of life and property. (1972 Code, § 1-1304)

20-405. Violations. Any person violating the provisions of this chapter or any executive order issued pursuant hereto shall be guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1972 Code, § 1-1305)

20-406. No intent to limit peaceful demonstrations, etc. It is the intent of the city council not to limit peaceful demonstrations, freedom of speech, or the lawful use of the streets, alleys, and public property except to the extent necessary to avert or control a civil emergency. (1972 Code, § 1-1306)

20-407. Exceptions to curfew. Any curfew, as defined herein, shall not apply to persons lawfully on the streets and public places during a civil emergency who have obtained permission of the chief of police, which permission shall be granted on good cause shown. This curfew also shall not apply to medical personnel in the performance of their duties. (1972 Code, § 1-1307)

CHAPTER 5

TREE AND SHRUB POLICY

SECTION

- 20-501. Definitions.
- 20-502. Creation and establishment of a city tree board.
- 20-503. Term of office.
- 20-504. Compensation.
- 20-505. Duties and responsibilities.
- 20-506. Operation.
- 20-507. Street tree species to be planted.
- 20-503. Spacing.
- 20-509. Distance from curb and sidewalk.
- 20-510. Utilities.
- 20-511. Public tree care.
- 20-512. Tree topping.
- 20-513. Pruning, distance from street corners and fireplugs.
- 20-514. Dead or diseased tree removal on private property.
- 20-515. Removal of stumps.
- 20-516. Interference with city tree board.
- 20-517. Right to appeal decision of city tree board.
- 20-518. Violation.

20-501. Definitions. "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

"Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

"Parkway" is herein defined as that part of a street or highway not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually reserved for vehicular traffic. (1972 Code, § 12-601)

20-502. Creation and establishment of a city tree board. There is hereby created and established a City Tree Board for the City of Athens, Tennessee. (1972 Code, § 12-602, modified)

20-503. Term of office. The Recreation Advisory Board (RAB) shall comprise the City Tree Board and shall serve according to their RAB terms. (1972 Code, § 12-603, modified)

20-504. Compensation. Members of the board shall serve without compensation. (1972 Code, § 12-604)

20-505. Duties and responsibilities. It shall be the responsibility of the board to develop and administer a written plan for the planting, maintenance, and removal of trees and other woody growth on all public parks, city-owned areas, and city parkways. This plan will be presented as part of the department of recreation and park development's annual report to the city council, and upon their approval shall constitute the official comprehensive city tree plan for the City of Athens. The board, when requested by city council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. (1972 Code, § 12-605)

20-506. Operation. The board will operate under this chapter and Robert's Rules of Order, Newly Revised, and will be accountable to the city manager. (1972 Code, § 12-606, modified)

20-507. Street tree species to be planted. The following list constitutes the official street tree species for Athens, Tennessee. No species other than those included in this list may be planted as street trees without written permission of the city tree board.

<u>Small Trees</u>	<u>Medium Trees</u>	<u>Large Trees</u>
Flowering Dogwood	Red Oak (Southern,	Cottonwood
Flowering Redbud	Northern, Scarlet,	Tulip Poplar
Flowering Crabapple	Pin, Willow)	Maple (Sugar)
Hawthorn	White Oak	Bald Cypress*
(Washington,	Sassafras	Dawn Redwood*
Cockspur, Lavallo)	Ginkgo	Yellowwood
Pear (Bradford,	Linden	Sweetgum
Callery)	Birch (Paper, River)	American Beech
Japanese Flowering	Japanese Pogoda Tree	Northern Catalpa
Cherry	Pine (Eastern White,	Pecan
Amur Cork Tree	Austrian Scotch,	Shagbark Hickory
Goldenrain Tree	Loblolly)	Southern Magnolia
Serviceberry	White Cedar	Sycamore
Carolina Silverbell	Atlas Cedar	Hemlock
Russian Olive	Green Ash	Spruce (Norway,

*Denotes evergreen trees that lose needles in the Fall.

<u>Small Trees</u>	<u>Medium Trees</u>	<u>Large Trees</u>
American Hornbeam	Sawtooth Oak	Blue)
Smoke Tree	Maple (Red, Norway)	Fir (White,
Kwanzan Cherry		Douglas)
Purpleleaf Plum		
American Holly		
American Arborvitae		
Junipers		

(1972 Code, § 12-607)

20-508. Spacing. The spacing of street trees will be in accordance with the three species size classes listed in § 20-507, and no trees may be planted closer together than the following: Small trees, twenty (20) feet; medium trees, thirty (30) feet; and large trees, forty (40) feet; except in special plantings designed or approved by the tree board. (1972 Code, § 12-608)

20-509. Distance from curb and sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in § 20-507 of this chapter, and no trees may be planted closer to any curb or sidewalk than the following: Small trees, two (2) feet; medium trees, four (4) feet; and large trees, six (6) feet. (1972 Code, § 12-609)

20-510. Utilities. No street trees other than those species listed on small trees in § 20-507 of this chapter may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility. (1972 Code, § 12-610)

20-511. Public tree care. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the property lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The city tree board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with §§ 20-507--20-510 of this chapter. Provided: nothing contained in this section shall relieve the owner of abutting property of the responsibility to

prune, maintain, and remove trees lying within the right-of-way of the street. (1972 Code, § 12-611)

20-512. Tree topping. It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter. The Athens Utilities Board and its designated representative in tree topping shall be exempt from this section. (1972 Code, § 12-612)

20-513. Pruning, distance from street corners and fireplugs. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley, or sidewalk at a height of less than fourteen (14) feet. It shall also be unlawful to have or maintain any tree, shrub, or woody plant which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. These obstructions shall not be above two (2) feet in height and shall not be allowed within fifty (50) feet from the center line of any street. No street trees shall be planted closer than ten (10) feet of any fireplug. Property owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees, and the whole cost thereof, plus 15% for inspection and other incidental costs in connection therewith, shall be paid by the owner or owners of said lot or parcel of land, and said costs shall be billed to the owner or owners of the property. If the bill is not fully paid within 120 days after the mailing of said bill, a 10% penalty shall be added, and it shall be placed on the tax roll of the City of Athens as a lien upon the property and collected in the same manner as other city taxes are collected. (1972 Code, § 12-613)

20-514. Dead or diseased tree removal on private property. The city shall have the right to cause the removal of any trees that are dead or diseased on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city.

The city tree board shall determine which tree or trees are to be removed. The owner of the trees will be notified in writing of such proposed removal stating the reason for the removal and the location of said tree or trees to be removed. If the owner desires to contest the removal of said tree or trees, he shall, within ten (10) days from the date of notice of removal, request, in writing, a hearing before the city tree board. If it is determined after said hearing that

said tree or trees are to be removed, the removal shall be done by said owners at the owner's expense within sixty (60) days after the date of the decision to remove. In the event the owner fails to comply with such order to remove, the city shall then proceed to remove said tree or trees, and to charge removal costs to the owner of the property as provided in § 20-513. (1972 Code, § 12-614)

20-515. Removal of stumps. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (1972 Code, § 12-615)

20-516. Interference with city tree board. It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds as authorized in this chapter. (1972 Code, § 12-616)

20-517. Right to appeal decision of city tree board. Any party shall have a right to appeal the decision of the city tree board. If the owner does wish to contest the decision of the city tree board, he shall, within ten (10) days from the date of the hearing before the city tree board, request, in writing, a hearing before city council for a review and/or hearing on said decision. (1972 Code, § 12-617)

20-518. Violation. The violation of any provision of this chapter is declared to be a misdemeanor. (1972 Code, § 12-618)

CHAPTER 6

FAIR HOUSING

SECTION

- 20-601. Title.
- 20-602. Definitions.
- 20-603. Purposes of law, construction, effect.
- 20-604. Unlawful housing practices.
- 20-605. Blockbusting.
- 20-606. Exemptions from housing provisions.
- 20-607. Provisions for enforcement.
- 20-608. Agency no defense in proceeding against real estate dealer.
- 20-609. Establishment of procedures for conciliation.
- 20-610. Findings of hearing board; nature of affirmative action.
- 20-611. Investigations, powers, records.
- 20-612. Conspiracy to violate chapter unlawful.

20-601. Title. This chapter shall be known and may be cited as the City of Athens "Fair Housing Ordinance." (1972 Code, § 4-701)

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

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

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

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

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

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

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

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

(8) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of others, for a fee commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities, or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these. (1972 Code, § 4-702, modified)

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

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

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

(2) Nothing contained in the chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin, or sex. (1972 Code, § 4-703)

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

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

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

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

(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin, handicaps, familial status, or sex;

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

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

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

(8) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin, handicaps, familial status, or sex. (1972 Code, § 4-704, modified)

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

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

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (1972 Code, § 4-705)

20-606. Exemptions from housing provisions. (1) Nothing in § 20-604 shall apply:

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

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

(c) (i) 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 there 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 after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this subchapter only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales 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 (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 3604(c) of this title; 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

(ii) 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.

(2) A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled with a religious organization, association, or society, from limiting the sale, rental, or occupancy

of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, or national origin.

(3) Single sex dormitory rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (1972 Code, § 4-706, modified)

20-607. Provisions for enforcement. (1) The violation of any of the provisions of this chapter shall subject the violator to a civil penalty up to \$500. Provided that each day the violation continues it will be a separate offense. However, the total penalty shall not exceed \$1,000.00.

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

(3) In addition to the appropriate civil and/or equitable remedies for enforcement of this chapter, a violation of this chapter shall constitute a misdemeanor punishable as provided by law. (1972 Code, § 4-707, modified)

20-608. Agency no defense in proceeding against real estate dealer. It shall be no defense to a violation of this chapter by a real estate owner or operator, real estate broker, real estate salesman, a financial institution, or other person subject to the provisions of this chapter, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (1972 Code, § 4-708)

20-609. Establishment of procedures for conciliation. (1) The city council shall designate an agent(s) to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this chapter. Conciliation efforts may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

(2) The city council shall establish a hearing board, consisting of no less than five (5) members, which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the board shall commence whenever the agent(s) acting on behalf of the city decides a conciliation failure has occurred and the respondent agrees to participate in the hearing board proceedings. Hearing open to the public may be initiated by the responding party at any time during the conciliation process. (1972 Code, § 4-709)

20-610. Findings of hearing board; nature of affirmative action. (1) If the hearing board determines that the respondent has not engaged in an unlawful practice, the board shall state its finding of fact and conclusions of law

and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officers and persons as the board deems proper.

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

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

- (a) Extension of all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;
- (b) Reporting as to the manner of compliance;
- (c) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing board;
- (d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual.

(4) The provision for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (1972 Code, § 4-710)

20-611. Investigations, powers, records. (1) In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records and documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

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

(3) A person who believes that the application of any regulation or order issued under this section would result in undue hardship may apply to the hearing board for an exemption from the application of the regulational order. If the board finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (1972 Code, § 4-711)

20-612. Conspiracy to violate this chapter unlawful. It shall be unlawful practice for a person, or for two or more persons to conspire:

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

participated in any manner in any investigation, proceeding, or hearing under this chapter; or

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

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

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing board, or any of its members or representatives in the lawful performance of duty under this chapter. (1972 Code, § 4-712)