

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. TELEPHONE SERVICE.
2. JOINT CIVIL DEFENSE ORGANIZATION.
3. FAIR HOUSING REGULATIONS.
4. TELEVISION SERVICE.

**CHAPTER 1**

**TELEPHONE SERVICE**

**SECTION**

20-101. To be furnished under franchise.

**20-101. To be furnished under franchise.** Telephone service shall be furnished for the City of Erin under such franchise or franchises as may be granted by the board of mayor and aldermen.<sup>1</sup> (1974 Code, § 13-503)

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<sup>1</sup>See Ord. #186 and #211 of record in the city recorder's office.

## CHAPTER 2

### JOINT CIVIL DEFENSE ORGANIZATION

#### SECTION

20-201. Organization established.

20-202. Authority and responsibilities.

20-203. Office of the director.

20-204. Composition of personnel.

20-205. Nonliability of participants.

20-206. Expenditure of funds, etc. require prior approval by city.

**20-201. Organization established.** There is hereby created the Houston County Civil Defense Organization, which is a joint operation by the City of Erin and the County of Houston 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 Erin shall be considered as a total part of the county-wide civil defense emergency resources and when such agencies operate out of its corporate limits it shall be at the direction of, subordinate to, and as a part of the Houston County Civil Defense. (1974 Code, § 1-1001)

**20-202. Authority and responsibilities.** (1) Authority. In accordance with federal and state enactments of law, the Houston County Civil Defense Organization is hereby authorized to assist the regular government of the county and governments of all political subdivisions therein, as may be necessary due to enemy caused emergency or natural disasters, including, but not limited to, storms, floods, fires, explosions, tornadoes, hurricanes, droughts or peace time man made disasters, which might occur and affect the lives, health, safety, welfare and property of the citizens of Erin, when such occurrences are declared to be emergencies by the mayor and county judge or either, or by such higher authority as is appropriate.

(2) Planning, training, etc. 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) Authority delegated. The director is given the authority to delegate such responsibility and authority as is necessary to carry out the purpose of this chapter, subject to the approval of the chief executive officer of the city and county. (1974 Code, § 1-1002)

**20-203. Office of the director.** The office of the director of civil defense is hereby created. He shall have authority to request the declaration of an emergency. He shall also be responsible to the chief executive officers of the city

and county for the execution of the authorities, duties and responsibilities of the Houston County Civil Defense Organization, for the preparation of all plans and administrative regulations and for recruitment and training of personnel. 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 Houston County, comes under the responsibility of the director and his trained personnel. The Houston County Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of disasters. The Houston County Civil Defense Organization is also designated the official agency to assist regular forces in time of said emergencies. (1974 Code, § 1-1003)

**20-204. Composition of personnel.** The Houston County Civil Defense Corps is hereby created. The corps shall be under 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. (1974 Code, § 1-1004)

**20-205. Nonliability of participants.** The duties prescribed in this chapter is an exercise by the city and county of its governmental functions for the protection of the public peace, health and safety and neither the City of Erin nor Houston County, the agents and representatives of said city and county nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to person or property as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering persons during an impending or actual enemy attack or practice drill shall together with his successors in interest, if any, not be civilly liable for the death of, or injury of, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person. (1974 Code, § 1-1005)

**20-206. Expenditure of funds, etc. require prior approval by city.** 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 document without prior approval by the board of mayor and aldermen of the city and/or county or both; nor shall any person have any right to bind the city or county by contract, agreement or otherwise without prior and specific approval by the board of mayor and aldermen of the city and/or county, or both. The civil defense director shall disburse such monies as may be provided annually by appropriation of the city and county for the operation of the civil defense

organization. Control of disbursements will be as prescribed by agreement between the treasurers of the city and county. He shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the city and county. All funds shall be disbursed upon vouchers properly executed by the director of civil defense, subject to audit by either the City of Erin or Houston County. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise, when available or state contributions to the civil defense organization from individuals and other organization, such funds becoming liable for audit by the city and county. (1974 Code, § 1-1006)

## CHAPTER 3

### FAIR HOUSING REGULATIONS

#### SECTION

- 20-301. Definitions.
- 20-302. Purposes of law; construction; effect.
- 20-303. Unlawful housing practices.
- 20-304. Blockbusting.
- 20-305. Exemptions from housing provisions.
- 20-306. Provisions for enforcement.
- 20-307. Agency no defense in proceeding against real estate dealer.
- 20-308. Establishment of procedures for conciliation.
- 20-309. Findings of hearing board; nature of affirmative action.
- 20-310. Investigations, powers, records.
- 20-311. Conspiracy to violate this chapter unlawful.
- 20-312. Effective date.

**20-301. Definitions.** Except where the context clearly indicates otherwise, the following terms used in this section shall have the following meanings:

(1) "Hearing board" means that body of citizens duly appointed by the mayor and board of aldermen 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, or sex, or the aiding, abetting, inciting, coercing, or compelling thereof.

(5) "Real property" includes buildings, 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, a 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 (1) 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 on behalf of any of these.

(8) "Real estate broker" or "affiliate broker" 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 in 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. (1974 Code, § 4-701)

**20-302. Purposes of law; construction; effect.** The general purposes of this chapter are:

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

(2) 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 interest, rights, and privileges of individuals within the city.

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. (1974 Code, § 4-702)

**20-303. Unlawful housing practices.** It is an unlawful practice for a real estate owner or operator or for a real estate broker, affiliate broker, or any individual employed by or acting on behalf of any of these:

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

(2) To discriminate against an individual because of his or her race, color, religion, national origin, or sex in the terms, conditions, or privileges of this sale, exchange, rental, or lease of real property or in this 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, 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, 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, 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, or sex or an intent to make such a limitation, specification, or discrimination;

(7) To offer, solicit, accept, use, or retain a listing of real property for sale, rental, or lease with 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, or sex; or

(8) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin, or sex. (1974 Code, § 4-703)

**20-304. Blockbusting.** It is an unlawful practice for a real estate owner or operator, a real estate broker, an affiliate broker, a financial institution, an employee of any of these, or any other 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 area 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. (1974 Code, § 4-704)

**20-305. Exemptions from housing provisions.** (1) Nothing in § 20-303 shall apply:

(a) To rental of housing accommodations in a building which contains housing accommodations for not more than four (4) families living independently of each other, if the owner or member of his family resides in one (1) of the housing accommodations;

(b) To the rental of one (1) room or one (1) rooming unit in a housing accommodation by an individual if he or a member of his family resides therein; and/or

(c) To a landlord who refuses to rent to an unmarried male-female couple.

(2) A religious organization, association, or society, or any nonprofit 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 dwelling 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 or congregate rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (1974 Code, § 4-705)

**20-306. Provisions for enforcement.** (1) Any violation of this chapter shall be misdemeanor punishable by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), each twenty-four (24) hour period of such violation constituting a separate offense.

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

(3) In addition to appropriate civil and/or equitable remedies for enforcement of this chapter, a violation of this chapter shall constitute misdemeanor punishable as provided by law. (1974 Code, § 4-706)

**20-307. 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, affiliate broker, 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. (1974 Code, § 4-707)

**20-308. Establishment of procedures for conciliation.** (1) The city 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 board of mayor and aldermen shall establish a hearing board 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. Hearings open to the public may be initiated by the responding party any time during the conciliation process. (1974 Code, § 4-708)

**20-309. 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 findings 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 section. A copy of the findings shall be delivered to the respondent, the complainant, 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 to 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; and/or
- (e) Payment to the complainant of damages for injury caused by unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant in obtaining alternative housing accommodation and for other costs actually incurred by the complainant as a direct result of such unlawful practice.

(4) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (1974 Code, § 4-709)

**20-310. 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 this 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 the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

(3) A person who believes that the application to it of a 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 regulation 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. (1974 Code, § 4-710)

**20-311. Conspiracy to violate this chapter unlawful.** It shall be an unlawful practice for a person, or for two (2) 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 has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter;

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

(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. (1974 Code, § 4-711)

**20-312. Effective date.** This chapter shall be effective thirty (30) days after publication as provided by law; provided, that it shall cease to be effective upon receipt by the city of written notification from the United States Department of Housing and Urban Development (HUD) that HUD will not recognize this chapter, including any amendments thereto, to be substantially equivalent to the provisions of the Civil Rights Act of 1968 so as to require HUD to refer housing discrimination complaints to the City of Erin, in accordance with federal law and regulations. (1974 Code, § 4-713)

**CHAPTER 4**

**TELEVISION SERVICE**

**SECTION**

20-401. To be furnished under franchise.

**20-401. To be furnished under franchise.** Television service shall be furnished for the City of Erin and its inhabitants under such franchise or franchises as the board of mayor and aldermen shall grant.<sup>1</sup> (1974 Code, § 13-502)

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<sup>1</sup>For fuller details see Ord. #242, #248, and #260 of record in the office of the city recorder.

Municipal code reference

Cable television: title 9, chapter 8.