

TITLE 20

MISCELLANEOUS

CHAPTER

1. TREE ORDINANCE.
2. CIVIL DEFENSE ORGANIZATION.
3. FAIR HOUSING REGULATIONS.

CHAPTER 1

TREE ORDINANCE

SECTION

- 20-101. Title.
- 20-102. Definitions.
- 20-103. Creation of a tree board.
- 20-104. Term of office.
- 20-105. Operation.
- 20-106. Duties and responsibilities.
- 20-107. Compensation.
- 20-108. Tree planting.
- 20-109. Tree care.
- 20-110. Tree removal.
- 20-111. Special considerations.
- 20-112. Arborist license and bond.
- 20-113. Review by board of mayor and council.
- 20-114. Penalty.

20-101. Title. This chapter shall be known as and may be cited as the City of Lake City Tree Ordinance. The purpose of this chapter is to provide a mechanism for the management of trees and woody vegetation in the city. (1968 Code, § 1-1601)

20-102. Definitions. The terms as used in this chapter shall have the following meaning:

- (1) "Tree" - a woody plant with a single trunk, or multiple trunk capable of growing to a height of 15 feet or more.
- (2) "Shrub" - a woody plant with a multiple stem capable or growing to a height of up to 15 feet.
- (3) "Public tree" - a tree growing in an area owned by the community, including parks, public buildings, schools, hospitals and other areas to which the public has free access.

(4) "Private tree" - a tree growing in an area owned by a private individual, business or commercial establishment, company, or industry, private institution, or other area not owned by government entities.

(5) "Street tree" - a tree growing within a public right of way along a street, in a median or in a similar area in which the public right of way borders areas owned by private individuals.

(6) "Public utility" - that section of local government in charge of electrical distribution in the community and having responsibility for keeping distribution lines free of hazards, including trees.

(7) "Municipal forester" - a city employee responsible for the city's tree program.

(8) "Pruning" - selective removal and thinning of the upper portions of the tree, taking into account the shape and natural structure of the tree.

(9) "Topping" - arbitrary removal of various portions of the tree, thereby leaving stubs, with no regard for the natural structure of the tree.

(10) "Crownsread" - the distance from the end of branches on one side of the tree, through the trunk, to the ends of the branches on the other side.

(11) "Line clearance" - removal of limbs and branches growing within a set distance of electrical distribution lines.

(12) "Tree density factor" - a number derived from the combination of the density of trees remaining on a site and the density of additional trees to be planted. (1968 Code, § 1-1602)

20-103. Creation of a tree board. There is hereby created a tree board for this city, which shall consist of five members who are citizens, residents of the city or the immediate area. Members shall be appointed by the mayor and approved by the board. (1968 Code, § 1-1603)

20-104. Term of office. Members shall serve three year terms, except for the first board which will have two members appointed for one year and two members appointed for two years, and one member appointed for three years. Members shall serve successive terms. Vacancies are filled by appointment by the mayor until the end of the term. (1968 Code, § 1-1604)

20-105. Operation. The board shall choose its own officers, make its own rules and regulations, and keep a records of its proceedings. Copies of the minutes shall be available to the governing body after each tree board meeting. Meetings shall be held quarterly or more often if called by the chairman of the board. A majority of the members shall constitute a quorum for transaction of business. (1968 Code, § 1-1605)

20-106. Duties and responsibilities. The duties of the tree board shall include but not limited to the following:

- (1) Prepare a tree plan for the community.

- (2) Coordinate tree-related activities.
- (3) Conduct an Arbor Day ceremony.
- (4) Provide tree information to the community.
- (5) Maintain a recommended tree list for the community.
- (6) Recognize groups and individuals completing tree projects.
- (7) Coordinate publicity concerning trees and tree programs.
- (8) Coordinate donations of trees or money to purchase trees.
- (9) Adopt rules and regulations pertaining to the tree program.
- (10) Perform other tree related duties and opportunities that arise from time to time. (1968 Code, § 1-1606)

20-107. Compensation. Members of the tree board shall serve without compensation. (1968 Code, § 1-1607)

20-108. Tree planting. Tree planting shall be undertaken by the city on all public areas in a systematic manner to assure diversity of age classes and species, and other aspects of the planting function shall be determined by the tree board.

Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest. The tree board will provide information about species, planting techniques, and placement guidelines when requested by residents. (1968 Code, § 1-1608)

20-109. Tree care. Tree maintenance may include pruning, fertilizing, watering, insect and diseases control or other tree care activities. The city shall take responsibility for those maintenance activities needed to keep the public trees reasonably healthy and minimize the risk of hazard trees could cause to residents and visitors of the city. Determination of maintenance needs will be made by the tree board. Tree care may be accomplished by city personnel or by contract with commercial tree care companies.

Care and maintenance of private trees are encouraged to minimize safety hazards to people and the health risk to other trees in the community. The tree board will provide information in a timely manner to residents about all aspects of tree care including the latest techniques and procedures currently being practiced.

The practice of tree topping is prohibited on all public trees and is strongly discouraged as a tree care practice for private trees. Proper pruning with branch removal at branch or trunk junctures is the best practice for limb removal. (1968 Code, § 1-1609)

20-110. Tree removal. Dead trees, and dying trees on public property that pose a safety or health risk to residents or to other trees will be removed. Upon inspection by the tree board, those trees on public property found to be dead, and those found to be dying that pose a safety or health risk to residents

or other trees shall be removed in a timely manner. The tree board will upon finding dead or dying trees on private property, notify the landowner of such tree and encourage the landowner to remove said tree. (1968 Code, § 1-1610)

20-111. Special considerations. Where possible, the utility shall undertake a program of replacing large trees with small maturing ornamental trees of the kind recommended by the tree board. (1968 Code, § 1-1611)

20-112. Arborist license and bond. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city, without first applying for and procuring a license.

The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the city or any person injured or damage resulting from the pursuit of such endeavors as herein described. (1968 Code, § 1-1612)

20-113. Review by board of mayor and council. The board of mayor and council shall have the right to review the conduct, acts, and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the board of mayor and council who may hear the matter and make final decisions. (1968 Code, § 1-1613)

20-114. Penalty. Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$50.00. (1968 Code, § 1-1614)

CHAPTER 2

CIVIL DEFENSE AGENCY

SECTION

20-201. Creation and personnel.

20-202. Director's responsibility.

20-203. Organization's function.

20-201. Creation and personnel. There shall be created and established a local organization for civil defense within the City of Lake City, Tennessee, pursuant to and in accordance with the civil defense plans and programs of the State of Tennessee and in accordance with the provisions of Pub. Acts 1951, ch. 81 and all amendments thereto and other related laws of the State of Tennessee and the United States. Said organization shall consist of a director and a deputy director to be appointed by the mayor and such other personnel as may be deemed necessary by the mayor and director in order to effectively carry out a program for civil defense. (1968 Code, § 1-1001)

20-202. Director's responsibility. The director shall have direct responsibility for the organization, administration, and operation of the organization, subject to the direction and control of the board of mayor and council. (1968 Code, § 1-1002)

20-203. Organization's function. The organization shall carry out an effective program for local civil defense in cooperation with federal and state civil defense agencies. (1968 Code, § 1-1003)

CHAPTER 3

FAIR HOUSING REGULATIONS¹

SECTION

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

20-301. Title. This chapter shall be known and may be cited as the City of Lake City Fair Housing Ordinance. (1968 Code, § 1-1301)

20-302. 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 board of mayor and 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.

¹This chapter was added by Ord. #249, part A. Part B of that ordinance provides that: "This ordinance shall be effective 20 days after publication is 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) will not recognize this ordinance, 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 Lake City, in accordance with federal law and regulations."

(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 on 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, 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, trusts, 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 "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. (1968 Code, § 1-1302)

20-303. Purposes of law; construction; effect. (1) The general purposes of this chapter are:

(a) To provide for execution within the City of Lake City of 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. (1968 Code, § 1-1303)

20-304. Unlawful housing practices. It is unlawful practice for a real estate owner or 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 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 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 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 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 or sex; or

(8) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin or sex. (1968 Code, § 1-1304)

20-305. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, 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 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. (1968 Code, § 1-1305)

20-306. Exemptions from housing provisions. (1) Nothing in § 20-304 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) 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 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. (1968 Code, § 1-1306)

20-307. Provisions for enforcement. (1) The violation of any of the provisions of this chapter shall subject the violator to a civil penalty in the amount of \$50.00 to be recovered in a civil action, provided that in the case of a continuing violation, the total penalty shall not exceed \$500.00.

(2) The city may sue in a civil act through the general court of justice 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 a misdemeanor punishable as provided by law. (1968 Code, § 1-1307)

20-308. 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. (1968 Code, § 1-1308)

20-309. 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 council 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. A hearing open to the public may be initiated by the responding party at any time during the conciliation process. (1968 Code, § 1-1309)

20-310. 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, 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 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;

(e) Payment to the complainant of damages for injury caused by an 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. (1968 Code, § 1-1310)

20-311. 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 to the extent required under 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 regulatory 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. (1968 Code, § 1-1311)

20-312. 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 has 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 enforcing agent(s), hearing board, or any of its members or representatives in the lawful performance of duty under this chapter. (1968 Code, § 1-1312)