

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. FAIR HOUSING ORDINANCE.
2. JOINT CIVIL DEFENSE ORGANIZATION.
3. HAZARDOUS MATERIALS--COST RECOVERY.
4. COVINGTON MUNICIPAL AIRPORT.

**CHAPTER 1**

**FAIR HOUSING ORDINANCE**

**SECTION**

- 20-101. Title.
- 20-102. Definitions.
- 20-103. Purposes of law; construction; effect.
- 20-104. Unlawful housing practices.
- 20-105. Blockbusting.
- 20-106. Exemptions from housing provisions.
- 20-107. Provisions for enforcement.
- 20-108. Agency no defense in proceeding against real estate dealer.
- 20-109. Establishment of procedures for conciliation.
- 20-110. Findings of hearing board; nature of affirmative action.
- 20-111. Investigations, powers, records.
- 20-112. Conspiracy to violate this chapter unlawful.

**20-101. Title.** This chapter shall be known and may be cited as the City of Covington Fair Housing Ordinance. (1971 Code, § 4-601)

**20-102. Definitions.** Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "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.

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

(3) "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.

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

(5) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied as a home or residence of one (1) or more individuals.

(6) "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.

(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 sales, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above. (1971 Code, § 4-602)

**20-103. Purpose of law; construction; effect.** (1) The general purposes of this chapter are:

(a) To provide for execution within the City of Covington 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 of Covington 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. (1971 Code, § 4-603)

**20-104. Unlawful housing practices.** It is an 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 and 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. (1971 Code, § 4-604)

**20-105. 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. (1971 Code, § 4-605)

**20-106. Exemptions from housing provisions.** (1) Nothing in § 20-104 shall apply:

(a) To the 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 rent 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. (1971 Code, § 4-606)

**20-107. Provisions for enforcement.** (1) The violation of any of the provisions of this chapter shall be punishable under the general penalty clause of this code.

(2) The city may sue in a civil action through the chancery or circuit courts 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. (1971 Code, § 4-607)

**20-108. 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. (1971 Code, § 4-608)

**20-109. 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 when ever 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. (1971 Code, § 4-609)

**20-110. 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 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 ordinance. (1971 Code, § 4-610)

**20-111. 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 rights 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 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 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. (1971 Code, § 4-611)

**20-112. 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 opened 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 the enforcing agent(s), hearing board, or any of its members or representatives in the lawful performance of duty under this chapter. (1971 Code, § 4-612)

## CHAPTER 2

### JOINT CIVIL DEFENSE ORGANIZATION

#### SECTION

- 20-201. Tipton County Civil Defense Organization created.
- 20-202. Authority and responsibilities.
- 20-203. Office of director, his authority and responsibility.
- 20-204. Tipton County Civil Defense Corps created.
- 20-205. No municipal or private liability.
- 20-206. Expenses of civil defense.

**20-201. Tipton County Civil Defense Organization created.** There is hereby created the Tipton County Civil Defense Organization, which shall be a joint operation of the City of Covington and the County of Tipton 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 Tipton County 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 Tipton County civil defense. (1971 Code, § 1-1001)

**20-202. Authority and responsibilities.** (1) Authority. In accordance with federal and state enactments of law, the Tipton County Civil Defense Organization is hereby authorized to assist the regular government of the county and governments of all political subdivisions therein, as may be necessary due to enemy caused emergency or natural disasters, including but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, drought, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare, and property of the citizens of Tipton County, the Tipton County Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

(2) Responsibilities. The Tipton County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Tipton County, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1971 Code, § 1-1002)

**20-203. Office of director, his authority and responsibility.**

(1) Primary authority. (a) The office of the director of civil defense is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayor and county judge or either or by higher authority as appropriate.

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

(c) The director is hereby 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 officers of the city and county.

(2) Responsibility of the director. The director shall be responsible to the chief executive officers of the city and county for the execution of the authorities, duties, and responsibilities of the Tipton County Civil Defense Organization, for the preparation of all plans and administrative regulations, and for recruitment and training of personnel. (1971 Code, § 1-1003)

**20-204. Tipton County Civil Defense Corps created.** The Tipton County Civil Defense Corps is hereby created. The corps shall be under the direction of the director of civil defense and his staff members with delegated authority. It shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan. (1971 Code, § 1-1004)

**20-205. No municipal or private liability.** The duties prescribed in this document 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 Covington nor Tipton 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 document 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 actual, impending, or practice enemy attack, shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission or for loss of, or damage to, the property of such person. (1971 Code, § 1-1005)

**20-206. Expenses of civil defense.** No person shall have the right to expend any public funds of the city or county in carrying out any civil defense activities authorized by this document without prior approval by the governing bodies 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 governing body 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 Covington or Tipton County. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise, when available, or state contributions, and is further authorized to accept contributions to the civil defense organization from individuals and other organizations, such funds becoming liable for audit by the city and county. (1971 Code, § 1-1006)

## CHAPTER 3

### HAZARDOUS MATERIALS--COST RECOVERY

#### SECTION

20-301. Purpose.

20-302. Definitions.

20-303. Recovery authorization and procedure.

20-304. No admission of liability.

20-305. Action to recover costs.

**20-301. Purpose.** This chapter shall provide procedures for recovering costs incurred by the city for city assistance in hazardous materials emergencies. (Ord. #1313, Aug. 1992)

**20-302. Definitions.** As used in this chapter:

(1) "Expenses" means the actual labor costs of government and volunteer personnel including worker's compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of disposal and the cost of any contract labor and materials.

(2) "Hazardous materials emergency" means a sudden and unexpected release of any substance that, because of its quantity, concentration or physical, chemical, or infectious characteristics, presents a direct and immediate threat to public safety or the environment, and requires immediate action to mitigate the threat. (Ord. #1313, Aug. 1992)

**20-303. Recovery authorization and procedure.** The city is hereby empowered to recover from any person, corporation, partnership or other individual or entity whose negligent actions cause the hazardous material emergency expenses incurred by city agencies directly associated with a response to a hazardous materials emergency pursuant to the following procedure:

(1) The city shall determine responsibility for the emergency and notify the responsible party by mail of the city's determination of responsibility and the costs to be recovered.

(2) The notice shall specify that the determined responsible party may appeal the city's decision before a hearing officer designated by the mayor and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen (15) days from the date of the notice.

(3) In the event the determined responsible party appeals the determination, the hearing officer shall hold a public hearing to consider any issues raised by the appeal, at which hearing the appealing party and the city shall be entitled to present evidence in support of their respective positions.

(4) The hearing officer shall, after the hearing, make a recommendation to the mayor who shall issue a decision assessing responsibility and costs. (Ord. #1313, Aug. 1992)

**20-304. No admission of liability.** The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages. (Ord. #1313, Aug. 1992)

**20-305. Action to recover costs.** In the event parties determined to be responsible for the repayment of hazardous material emergency costs fail to make payment to the city within thirty (30) days after a determination of any appeal by the mayor or thirty (30) days from the deadline for appeal in the event no appeal is filed, the city may initiate legal action to recovery from the determined responsible parties the costs determined to be owing, including the city's reasonable attorney's fees. (Ord. #1313, Aug. 1992)

**CHAPTER 4**

**COVINGTON MUNICIPAL AIRPORT**

**SECTION**

20-401. Adoption of state statutes by reference.

**20-401. Adoption of state statutes by reference.** All provisions of title 42, chapter 5, County and Municipal Airports, Part 1, Tennessee Code Annotated, § 42-5-101, et seq., and any changes, modifications or additions made subsequent thereto are hereby adopted in their entirety. (Ord. #1343, Feb. 1994)