

## TITLE 20

MISCELLANEOUS

## CHAPTER

1. ERWIN-UNICOI COUNTY CIVIL DEFENSE ORGANIZATION.
2. FAIR HOUSING.
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## CHAPTER 1

ERWIN-UNICOI COUNTY CIVIL DEFENSE ORGANIZATION<sup>1</sup>

## SECTION

- 20-101. Erwin-Unicoi County Civil Defense Organization created.
- 20-102. Authority and responsibilities.
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- 20-104. Erwin-Unicoi County Civil Defense Corps created.
- 20-105. No municipal or private liability.
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20-101. Erwin-Unicoi County Civil Defense Organization created. There is hereby created the Erwin-Unicoi County Civil Defense Organization, which shall be a joint operation by the Town of Erwin, and the County of Unicoi 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 Unicoi 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 Erwin-Unicoi County Civil Defense Organization. (1976 Code, § 1-1101)

20-102. Authority and responsibilities. In accordance with federal and state enactments of law, the Erwin-Unicoi 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 emergencies or natural disasters, including but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, droughts, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare, and property of the citizens of Unicoi County. The Erwin-Unicoi

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<sup>1</sup>This joint organization was created by ordinance of the Town of Erwin and resolution of Unicoi County pursuant to Tennessee Code Annotated, title 7, chapter 6.

County Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Erwin-Unicoi County Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

The Erwin-Unicoi County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Erwin-Unicoi County, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1976 Code, § 1-1102)

20-103. Office of director, his authority and responsibility. 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.

The director shall have overall responsibility for the preparation of all plans and 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.

The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this chapter, subject to the approval of the chief executive officers of the town and county.

The director shall be responsible to the chief executive officers of the town and county for the execution of the authorities, duties, and responsibilities of the Erwin-Unicoi County Civil Defense Organization, for the preparation of all plans and administrative regulations, and for recruitment and training of personnel. (1976 Code, § 1-1103)

20-104. Erwin-Unicoi County Civil Defense Corps created. The Erwin-Unicoi 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. (1976 Code, § 1-1104)

20-105. No municipal or private liability. The duties prescribed in this document is an exercise by the town and county of their governmental functions for the protection of the public peace, health, and safety, and neither the Town of Erwin nor Unicoi County, nor the agents and representatives of said town 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. (1976 Code, § 1-1105)

20-106. Expenses of civil defense. No person shall have the right to expend any public funds of the town or county in carrying out any civil defense activities authorized by this document without prior approval by the governing bodies of the town or county or both; nor shall any person have any right to bind the town or county by contract, agreement, or otherwise without prior and specific approval by the governing body of the town or county or both. The civil defense director shall disburse such monies as may be provided annually by appropriation of the town and county for the operation of the civil defense organization. Control of disbursements will be as prescribed by agreement between the treasurers of the town and county. He shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the town and county. All funds shall be disbursed upon vouchers properly executed by the director of civil defense, subject to audit by either the Town of Erwin or Unicoi 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 organizations, such funds becoming liable for audit by the town and county. (1976 Code, § 1-1106)

## CHAPTER 2

FAIR HOUSING

## SECTION

20-201. Definitions.

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20-203. Religious organizations may sell or rent to persons of same religion; exception.

20-204. Unlawful to discriminate in membership of any multiple-listing service, real estate brokers organization, etc.

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20-206. Injury complaints.

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20-208. Person claiming injury by act made unlawful by this chapter protected by Federal Civil Rights Acts.

20-201. Definitions. Whenever used in this chapter, the following words and terms shall have the following meanings unless the context necessarily requires otherwise:

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

(2) "Family" includes a single individual.

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

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant. (Ord. #502, Oct. 1987)

20-202. Unlawful practice. Subject to the exceptions hereinafter set out it shall be unlawful for any person to do any of the following acts:

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

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

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

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

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin or sex. (Ord. #502, Oct. 1987)

20-203. Religious organizations may sell or rent to persons of same religion; exception. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin or sex. (Ord. #502, Oct. 1987)

20-204. Unlawful to discriminate in membership of any multiple-listing service, real estate brokers organization, etc. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, color, religion, national origin, or sex. (Ord. #502, Oct. 1987)

20-205. Education and conciliation. The Human Relations Sub-committee of the Erwin Citizens Advisory Committee of Erwin, Tennessee is authorized and directed to undertake such educational and conciliatory activities as in its judgment will further the purpose of this chapter. It may call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions hereof and the committee's suggested means of implementing it. The sub-committee shall further endeavor, with the advice of the housing industry and other interested parties, to work out programs of voluntary compliance and may advise appropriate town officials on matters of enforcement. The sub-committee may issue reports on such conferences and consultations as it deems appropriate. (Ord. #502, Oct. 1987)

20-206. Injury complaints. Any person who claims to have been injured by an act made unlawful by this chapter, or who claims that he will be injured

by such an act, may file a complaint with the chairman of said sub-committee. A complaint shall be filed within one hundred eighty (180) days after the alleged unlawful act occurred. Complaints shall be in writing and shall contain such information and be in such form as required by the human relations sub-committee. Upon receipt of a complaint the sub-committee shall promptly investigate it and shall complete its investigation within fifteen (15) days. If a majority of the human relations sub-committee finds reasonable cause to believe that a violation of this chapter has occurred, or if a person charged with violations of this chapter refuses to furnish information to said sub-committee, the sub-committee may request the city attorney to prosecute an action in the municipal court against the person charged in the complaint. Such request shall be in writing.

Upon receiving such written request and with the assistance of the aggrieved person and said sub-committee, within fifteen (15) days, after receiving such request the city attorney shall be prepared to prosecute an action in the municipal court, provided a warrant is sworn out by the aggrieved person and served upon the person or persons charged with the offense. (Ord. #502, Oct. 1987)

20-207. Penalty. Any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not more than fifty dollars (\$50.00) for each. (Ord. #502, Oct. 1987)

20-208. Person claiming injury by act made unlawful by this chapter protected by Federal Civil Rights Acts. Nothing in this chapter requires any person claiming to have been injured by an act made unlawful by this chapter to exhaust the remedies provided herein; nor prevent any such person from seeking relief at any time under the Federal Civil Rights Acts or other applicable legal provisions. (Ord. #502, Oct. 1987)

## CHAPTER 3

MEMORIAL PARK

## SECTION

20-301. Establishment and purpose.

20-302. Permitted uses.

20-303. Prohibited uses.

20-301. Establishment and purpose. All that strip or parcel of land represented in the triangle enclosed by Ohio Avenue, Unaka Way, and a paved street which if extended would form a part of Catawba Street, is hereby declared, denominated, called, and forever known as "Memorial Park," to be occupied, employed and used for the purposes set forth in the preamble to this ordinance.<sup>1</sup> Provided, however, that this shall not be construed as such dedication of said property as will divest title to the land out of the Town of Erwin, or circumvent it in the supervisory control thereof in conjunction with the United Daughters of the Confederacy to whom certain proprietary rights have been extended by a prior ordinance of the board of mayor and aldermen. (1976 Code, § 12-301)

20-302. Permitted uses. Under the control and with the sanction of the proper authorities, it will be lawful for any person, organization, or patriotic league or association, to plant shrubbery or flowers on said plat of land, and otherwise employ appropriate artificial means to adorn the same, or to set up and erect thereon permanent memorials, monuments, and markers. (1976 Code, § 12-302)

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<sup>1</sup>The preamble to Ord. #201 provided as follows:

"WHEREAS, the Town of Erwin owns a triangular strip or parcel of land lying between Ohio Avenue, Unaka Way and a paved street, which if extended would form a part of Catawba Street; and

WHEREAS, there has heretofore been created thereon, with the sanction of the municipal authorities of the town, a monument commemorative of the valor of the Confederate soldiers, and women of the Confederacy, and the soldiers of the World War and the women of the World War; and

WHEREAS, the Town of Erwin wishes to encourage the erection of other memorials on said plat of land, and to adorn and beautify the same, so that it may become a fitting testimonial to the soldiers of the Confederacy, and the women of the Confederacy, and the World War soldiers and the women of the World War."

20-303. Prohibited uses. It is hereby declared to be a misdemeanor for any person to trespass on said property by invading the same for the purpose of committing waste, desecrating the memorials thereon, or defacing the same, or otherwise to deposit trash, refuse, debris, or other foreign matter on said premises, or doing malicious injury to said property, shrubbery, flowers, or other natural or artificial adornments, memorials, or markers. (1976 Code, § 12-303)