

TITLE 20**MISCELLANEOUS****CHAPTER**

1. AIRPORT AUTHORITY.
2. SMOKING REGULATIONS.
3. FAIR HOUSING REGULATIONS.
4. TELEPHONE AND TELEGRAPH SERVICE.

CHAPTER 1**AIRPORT AUTHORITY****SECTION**

- 20-101. General law of state adopted by reference.
20-102. Provisions as to joint operation of airport.
20-103. Municipal airport authority created; membership; powers and duties.
20-104. Definitions.

20-101. General law of state adopted by reference. The terms and provisions of the general law regarding airport authorities as set forth in Tennessee Code Annotated, §§ 42-3-101 through 42-3-103, and Tennessee Code Annotated, §§ 42-5-101 through 42-5-205, and all amendments thereof, and all applicable municipal airport authority statutes, be and are hereby adopted and ratified, the same as if copied verbatim into this chapter, together with all future amendments of State Law, and are made a part hereof fully by reference. (1982 Code, § 1-801)

20-102. Provisions as to joint operation of airport. The terms and provisions as to joint operation of airports, and all provisions thereof, as set out under Tennessee Code Annotated, §§ 42-5-203, et seq., be and are hereby specifically adopted, ratified, and approved, and the city council may, by later resolution, authorize the joint operation thereof, a joint board, and other matters as contained in said statutory provisions by said resolution. (1982 Code, § 1-802)

20-103. Municipal airport authority created; membership; powers and duties. There is hereby created a municipal airport authority, which shall be authorized to exercise its functions upon the appointment and qualification of the first commissioners thereof after the issuance of a certificate of incorporation by the Secretary of State, all as provided by the Tennessee Code Annotated, § 42-3-103, and the following sections, and all amendments thereof,

and all applicable code sections, the same as if copied herein verbatim, and which are adopted by reference.

The city council of the City of Elizabethton, Tennessee, pursuant to this chapter, shall immediately appoint, by resolution, five reputable citizens as contemplated by Tennessee Code Annotated, § 42-3-103, as commissioners of the Elizabethton Municipal Airport Authority, by which name said airport authority is designated, for terms of one, two, three, four, and five years respectively. Thereafter, each commissioner shall be appointed for a term of five years, except that vacancies occurring otherwise than by the expirations of terms shall be filled for the unexpired terms by the city council of the City of Elizabethton, Tennessee, as by law provided.

Upon appointment and qualification, the municipal airport commissioners shall have the powers and duties as prescribed by the statutes of the State of Tennessee as in matters of this kind. Nothing in this chapter shall be construed as creation of a regional airport authority as set forth in Tennessee Code Annotated, §§ 42-3-104, et seq. (1982 Code, § 1-803)

20-104. Definitions. All definitions, including the establishment of airports, and air navigation facilities, land acquisition, limitation on design and operation of air navigation facilities, public purposes of airports, acquisition of existing airports, eminent domain, disposal of airport property, the operation and use and privileges, liens, regulations and jurisdiction, appropriations and taxation, and all other matters pertaining to airports shall be as defined by the statutes of the State of Tennessee together with all future amendments thereof, which are hereby expressly adopted and made a part of this chapter by reference for all purposes. (1982 Code, § 1-804)

CHAPTER 2

SMOKING REGULATIONS

SECTION

- 20-201. Purpose.
- 20-202. Definitions.
- 20-203. Restrictions.
- 20-204. Designation of smoking and non-smoking areas.
- 20-205. Posting of signs.
- 20-206. Governmental agency cooperation.
- 20-207. Enforcement and appeal.
- 20-208. Penalties.

20-201. Purpose. The declared purpose of this chapter is to restrict the use of tobacco or any other smoking product in any city owned buildings, municipal facilities, and city owned vehicle. (1982 Code, § 10-401, as amended by Ord. #37-3, Feb. 2001)

20-202. Definitions. As used in this chapter the following words and phrases shall have the meaning as stated:

(1) "Smoke" or "smoking" means the carrying of a lighted pipe, or lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar or cigarette of any kind.

(2) "Municipal facility" means any enclosed area or facility which is owned, operated, leased or under the control of the City of Elizabethton, Tennessee, to which the public is invited or in which the public is permitted; included, but not limited to waiting rooms, reception areas, meeting rooms, and areas which city employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, and conference rooms.

(3) "Tobacco product" means tobacco in any form, including, but not limited to snuff, chewing tobacco, cigars, and pipe tobacco.

(4) "Building superintendent" shall mean the senior city employee in such building, such as the city manager for city hall, the fire chief for the fire departments, the chief of police for the police department, and the public works director for the city garage. (1982 Code, § 10-402)

20-203. Restrictions. No person shall smoke or use tobacco products in any enclosed area in a municipal facility, in any city owned building, or any city owned vehicle. (1982 Code, § 10-403, as amended by Ord. #37-3, Feb. 2001)

20-204. Designation of smoking and non-smoking areas. (1) All enclosed areas in municipal facilities are hereby designated as non-smoking areas.

(2) Smoking areas may be designated outside municipal facilities by the building superintendent and city manager.

(3) Smoking is not permitted in public school buildings, public conveyances, theaters, auditoriums, public assembly rooms, meeting rooms, rest rooms, elevators, libraries, museums or galleries, which are open to the public or in any place where smoking is prohibited by the fire marshal or by other law, ordinance or regulation.

(4) In open areas where smoking is permitted, existing physical barriers systems shall be used to minimize the effect of smoke in adjacent non-smoking areas. No smoking in an open doorway or passageway shall be permitted that would allow smoke to pass into any enclosed municipal facility, building, or any city owned vehicle. (1982 Code, § 10-404, as amended by Ord. #37-3, Feb. 2001)

20-205. Posting of signs. No smoking signage shall be clearly, sufficiently, and conspicuously posted in every municipal facility or other place covered by this chapter. The manner of such posting including the wording, size, color, design, and place of posting whether on the walls, doors, tables, counters, stands or elsewhere shall be at the discretion of the building superintendent so long as clarity, sufficiency and conspicuousness are apparent in communicating the intent of this chapter. (1982 Code, § 10-405, as amended by Ord. #37-3, Feb. 2001)

20-206. Governmental agency cooperation. The city manager shall annually request such governmental and educational agencies located within the City of Elizabethton, to establish local operating procedures to cooperate and comply with this chapter. In federal, state and county facilities within the City of Elizabethton, the city manager shall urge enforcement of no-smoking prohibitions and request cooperation with this chapter. (1982 Code, § 10-406, as amended by Ord. #37-3, Feb. 2001)

20-207. Enforcement and appeal. (1) The building superintendent shall post or cause to be posted all "No Smoking" signs required by this chapter. Employees shall be required to orally inform persons violating this chapter of the provisions thereof. The duty to inform shall arise when the employee becomes aware of such violation.

(2) It shall be the responsibility of the building superintendent to disseminate information concerning the provisions of this chapter to employees. (1982 Code, § 10-407, as amended by Ord. #37-3, Feb. 2001)

20-208. Penalties. 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 offense. Each occurrence shall constitute a separate offense. (1982 Code, § 10-408, as amended by Ord. #37-3, Feb. 2001)

CHAPTER 3

FAIR HOUSING REGULATIONS

SECTION

- 20-301. Definitions.
- 20-302. Unlawful acts.
- 20-303. Exemption for certain religious organizations.
- 20-304. Denial of access to multiple listing services, etc.
- 20-305. Conciliatory and educational activities.
- 20-306. Complaints.
- 20-307. Exhaustion of remedies.

20-301. 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 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. (1982 Code, § 4-801)

20-302. Unlawful acts. 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. (1982 Code, § 4-802)

20-303. Exemption for certain religious organizations. 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 dwelling 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. (1982 Code, § 4-803)

20-304. Denial of access to multiple listing services, 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. (1982 Code, § 4-804)

20-305. Conciliatory and educational activities. The human relations sub-committee of the citizens' advisory committee of Elizabethton is authorized and directed to undertake such educational and conciliatory activities as in its judgment will further the purposes of this chapter. It may call conference 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 city officials on matters of enforcement. The sub-committee may issue reports on such conferences and consultations as it deems appropriate. (1982 Code, § 4-805)

20-306. 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 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 violation 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 city 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 city court, provided a warrant is sworn out by the aggrieved person and served upon the person or persons charged with the offense. (1982 Code, § 4-806)

20-307. Exhaustion of remedies. 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. (1982 Code, § 4-807)

CHAPTER 4**TELEPHONE AND TELEGRAPH SERVICE****SECTION**

20-401. To be furnished under franchise.

20-401. To be furnished under franchise. Telephone and telegraph service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.¹

¹The agreements are of record in the office of the city clerk.