PART 5

BUILDING REGULATIONS AND CODES

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CHAPTER 1

BUILDING CODE AND REGULATIONS

SECTION:

5-101: Building Code Adopted
5-102: Additions And Changes
5-103: Penalty
5-104: Fire Limits Defined

5-101: **BUILDING CODE ADOPTED[1]:** The BOCA national building code, the latest edition thereof, as published by the Building Officials and Code Administrators, International, Inc., is hereby adopted as the building code of the town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the building code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions and changes, if any, prescribed in this chapter. (1998 Code)

5-102: **ADDITIONS AND CHANGES:**

A. The following sections of the town's building code are hereby revised:

1. Insert town of Beaver;

2. Insert that applicable fees are set by the town by motion or resolution;

3. Insert that offenses are punishable by fine and imprisonment as provided in section 1-108 of this code. (1998 Code)

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1. 11 OS § 14-107; 74 OS § 324.8.

5-103: **PENALTY:** A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in section 1-108 of this code, plus costs. Each day upon which a violation continues shall be deemed a separate offense. (1998 Code)

5-104: **FIRE LIMITS DEFINED:** The boundaries of the fire limits of the town shall be as established by the town board of trustees. (1998 Code)

CHAPTER 2

PLUMBING REGULATIONS

SECTION:

5-201: Plumbing Code Adopted
5-202: Additions, Insertions And Changes
5-203: Plumbers' License
5-204: Penalty

5-201: **PLUMBING CODE ADOPTED[1]:** A certain document, at least one copy of which is on file in the office of the town clerk, being marked and designated as "the BOCA national plumbing code", the latest version thereof, and any revisions or amendments thereto, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the plumbing code of the town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the plumbing code are hereby referred to, adopted and made a part hereof, as if fully set out in this code, with additions, insertions and changes, if any, prescribed in this chapter. (1998 Code)

5-202: **ADDITIONS, INSERTIONS AND CHANGES:**

A. The following sections are hereby revised as follows:

1. Insert the town of Beaver;

2. Insert that applicable fees are as set by the town by motion or resolution;

3. Insert that offenses are punishable as provided in section 1-108 of this code. (1998 Code)

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1. 59 OS § 1001 et seq.

5-203: **PLUMBERS' LICENSE[1]:**

A. No person shall practice or engage in the business, trade or occupation of a plumbing contractor, a journeyman plumber, or a plumber's apprentice unless he possesses a current and valid license as such from the state.

B. Bond and insurance requirements of plumbing contractors shall meet the requirements established by state law.

C. No person shall practice or engage in the business, trade or occupation of a plumbing contractor, a journeyman plumber or a plumber's apprentice unless he has first registered as such with the town and paid the annual fee set by the town board by motion or resolution. (1998 Code)

5-204: **PENALTY:** A violation of this chapter shall be deemed a misdemeanor and shall be punishable as provided in section 1-108 of this code. Any person who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in section 1-108 of this code. (1998 Code)

1. 59 OS § 1001 et seq.

CHAPTER 3

ELECTRICAL CODE

SECTION:

5-301: National Electrical Code Adopted
5-302: Electricians' License
5-303: Penalty

5-301: **NATIONAL ELECTRICAL CODE ADOPTED:** The national electrical code, the latest edition thereof, as approved by the American Standards Association, for the installation of electrical wiring, devices and equipment is hereby adopted as the minimum standard for the installation of all electrical wiring, devices and equipment in the town, except as otherwise specifically provided in this chapter. The national electrical code is hereby made a part of this code as fully and to the same extent as if copied herein in full, provided that the present or current issue of the national electrical code and any subsequent amendments thereto shall be considered as the national electrical code as that term is used herein. (1998 Code)

5-302: **ELECTRICIANS' LICENSE[1]:**

A. No person shall practice or engage in the business, trade or occupation of an electrical contractor, journeyman electrician or electrician's apprentice unless he holds a current license obtained from the state.

B. Bond and insurance requirements of electrical contractors shall meet the requirements established by state law.

C. No person shall practice or engage in the business, trade or occupation of an electrical contractor, a journeyman electrician or an electrician's apprentice unless he has first registered as such with

1. 59 OS §§ 1680 – 1696.

the town and paid the annual fee set by the town board by motion or resolution. (1998 Code)

5-303: **PENALTY:** A violation of this chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in section 1-108 of this code. (1998 Code)

CHAPTER 4

GAS PIPING CODE

SECTION:

5-401: Code Adopted
5-402: License
5-403: Penalty

5-401: **CODE ADOPTED:** The national fuel gas code, as issued by the National Fire Protection Association, the latest edition thereof, is hereby adopted, incorporated and made a part hereof as if fully set out in this code, with the insertions, deletions and changes if any prescribed in this chapter. State licensed plumbing and mechanical contractors and persons authorized to install gas piping under state licensing laws are authorized to do so under this code. (1998 Code)

5-402: **LICENSE:**

A. It is unlawful for any person to engage in the business of installing gas piping or gas appliances without first obtaining any license required by the state.

B. Bond and insurance shall be provided by the licensee in such amounts as required by the state. (1998 Code)

5-403: **PENALTY:** Any person who shall do any act prohibited by this chapter or fail or refuse to comply therewith or fail or refuse to obey a lawful order of the inspector shall be punished by a fine as provided in section 1-108 of this code. (1998 Code)

5-501

CHAPTER 5

LIQUEFIED PETROLEUM GAS

SECTION:

5-501: Mandatory Use Of Gas System Required; Propane Prohibited; Purpose
5-502: Storage Of Gases; Cylinder Exchange Program
5-503: Persons Must Comply With Code
5-504: Penalties

5-501: **MANDATORY USE OF GAS SYSTEM REQUIRED; PROPANE PROHIBITED; PURPOSE:** The natural gas service and system for the town of Beaver through its franchise agreement with West Texas Gas will be mandatorily used wherever such system is available by all residences, including, but not limited to, single- and multi-family housing units, dwelling houses and buildings or property used for business or commercial establishment of any type, situated within the town, and abutting on any street, alley or right of way which has a town gas line available for connection. This chapter does not apply to outdoor LPG appliances using twenty (20) pound or smaller tanks.

The use of propane is prohibited where a gas line is available for connection.

The purpose for requiring mandatory use of the natural gas utility is that the service for the town, provided by franchise agreement with West Texas Gas, is not economically viable unless all premises within its boundaries help pay for it, and there is a reasonable concern for the health and safety of its residents in requiring mandatory use.

Propane tanks on record by the town being used may continue to be used until there is a change of ownership of that property by sale, transfer, or death of present owner. (Ord. 2010-1, 1-14-2010)

5-502: STORAGE OF GASES; CYLINDER EXCHANGE PROGRAM:

A. Storage Tanks: Outside aboveground and underground storage tanks shall be prohibited within the boundary limits of the town, except as established by the zoning ordinance for sale of gas to the public. Retail sales of LPG/CNG shall be confined to the heavy commercial district when storage is underground and confined to light or heavy industrial district when storage is aboveground except under a cylinder exchange program as set forth in subsection B of this section.

B. Cylinder Exchange Program:

1. Cylinder exchange cabinets shall be constructed of steel and be lockable so that cylinders cannot be removed and valves cannot be tampered with when unattended. The cabinets shall be:

a. Vented top and bottom.

b. Set on a firm, incombustible base.

c. Kept locked when not exchanging cylinders.

d. Placed at least ten feet (10') from any building opening.

e. Placed at least fifteen feet (15') from any source of ignition such as: soft drink and ice machines, exhaust fans, air conditioners or telephones.

2. The cabinet shall have the following signs affixed to it:

a. "Propane" or "Flammable Gas" and "No Smoking".

b. License or permit number.

c. Name of class I permit holder who supplies the cylinders.

d. Twenty four (24) hour emergency telephone number.

3. The cabinet shall be located for distance and number of cylinders as per NFPA 58.

4. Protection against vehicle impact shall be provided in accordance with good engineering practice where vehicle traffic normally is expected at the location as per NFPA 58.

5. An approved serviceable portable fire extinguisher of not less than eighteen (18) pounds dry chemical BIC rating shall be readily available within a fifty foot (50') radius of the exchange cabinet and shall be inspected annually.

6. All empty or full cylinders shall be:

a. Stored in a cabinet in an upright position.

b. Valve outlet plugged.

7. All full cylinders placed in the cabinet shall:

a. Have a proper consumer warning label affixed.

b. Be requalified as per NFPA 58, appendix C.

c. Be painted white or aluminum in color.

8. A warning sign shall be posted at or near any entrance doorway stating the "LP GAS EXCHANGE CYLINDERS EMPTY OR FULL SHALL NOT BE TAKEN INDOORS FOR ANY REASON".

9. All employees who exchange cylinders shall be properly trained and know how to check for leaks and what emergency procedures to take if a leak is discovered. Only properly trained employees can remove or install exchange cylinders from the cylinder exchange cabinets. This training shall be provided by the class I permit holder who is supplying the exchange cylinders. This documentation will be kept at the class VII location.

10. A class I permit shall be required in order to supply exchange cylinders for the cylinder exchange permit holder. (Ord. 2010-1, 1-14-2010)

5-503: **PERSONS MUST COMPLY WITH CODE[1]:** All other uses and applications of liquefied petroleum gas other than those addressed in sections 5-501 and 5-502 of this chapter shall be regulated and enforced by the National Fire Protection Association NFPA 58 entitled liquefied petroleum gas code and NFPA 54 entitled national fuel gas code as adopted by the Oklahoma liquefied petroleum gas board, and is adopted

1. 52 OS § 420.1 et seq.

and incorporated herein by reference and shall have full force and effect within this town. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the town and shall be punished accordingly. (Ord. 2010-1, 1-14-2010)

5-504: **PENALTIES:** Any person, firm, or corporation who shall violate this chapter, or any section or part of section thereof, is guilty of an offense, and upon conviction thereof shall be punished by a fine as provided in section 1-108 of this code. (Ord. 2010-1, 1-14-2010)

5-601

CHAPTER 6

MOVING BUILDINGS

SECTION:

5-601: Permits Required

5-601: **PERMITS REQUIRED:** It is unlawful for any person to move any house or building in, along, across or over, any street or alley in the town limits without first having obtained a permit from the board of trustees of the town. The board of trustees shall issue the permit upon approval of the proposed move and proper application of the person for a fee to be set by motion or resolution. The permits are good for a five (5) day period from date of issue. Any person moving such house or building shall plank all street crossings and sidewalks to prevent damage to the streets and sidewalks or protect them as required by the town. (1998 Code)

CHAPTER 7

MECHANICAL CODE

SECTION:

5-701: Adoption Of Mechanical Code
5-702: Additions, Insertions And Changes
5-703: Mechanical License
5-704: Penalty

5-701: **ADOPTION OF MECHANICAL CODE:** The BOCA national mechanical code, the latest version thereof, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the mechanical code of the town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the mechanical code are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code, with the additions, insertions, deletions and changes, if any, prescribed in this chapter. At least one copy of the code is kept on file in the town clerk's office. (1998 Code)

5-702: **ADDITIONS, INSERTIONS AND CHANGES:**

A. The following sections are hereby revised:

1. Insert town of Beaver.

2. Insert that applicable fees shall be set by the town by motion or resolution.

3. Insert that offenses are punishable as provided in section 1-108 of the town code of ordinances. (1998 Code)

5-703: **MECHANICAL LICENSE[1]:**

A. No person shall practice or engage in the business, trade or occupation of a mechanical contractor, a mechanical journeyman, or a mechanical apprentice unless he has a current and valid license issued by the state.

B. Bond and insurance requirements of mechanical contractors shall meet the requirements established by state law.

C. No person shall practice or engage in the business, trade or occupation of a mechanical contractor, a mechanical journeyman or a mechanic's apprentice unless he has first registered as such with the town and paid the annual fee set by the town board by motion or resolution. (1998 Code)

5-704: **PENALTY:** A violation of this chapter shall be deemed a misdemeanor and shall be punishable as provided in section 1-108 of this code. Any person who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in section 1-108 of this code. (1998 Code)

1. 59 OS § 1850.1 et seq.

CHAPTER 8

SWIMMING POOLS

SECTION:

5-801: Definition
5-802: Permits; Fee
5-803: Barriers Required
5-804: Safety, Sanitation And Conservation
5-805: Penalty

5-801: **DEFINITION:** For the purpose of this chapter, "swimming pool" means any and every pool of water, any part of which is more than twenty four inches (24") in depth constructed on either public or private property. (1998 Code)

5-802: **PERMITS; FEE:** No person shall erect, construct or install a swimming pool in the town on public or private property without first obtaining a permit therefor from the town clerk and paying the applicable permit fee, which is set by the town board of trustees by motion or resolution. The application for permit shall be made on forms provided by the town and shall be considered by the town board of trustees. (1998 Code)

5-803: **BARRIERS REQUIRED:**

A. Before the town authorizes the issuance of a permit, the applicant shall submit to the clerk plans and specifications for suitable effective barriers for preventing children and other unauthorized persons from entering the swimming pool area, including, but not limited to, any fence, wall, structure not less than forty eight inches (48") in height.

B. No person shall construct, install, erect, locate or maintain any swimming pool in the town unless the swimming pool is in an area

completely enclosed or protected by a suitable effective barrier. (1998 Code)

5-804: **SAFETY, SANITATION AND CONSERVATION:** Any person owning and operating a swimming pool shall not violate any ordinary rules of safety, sanitation or conservation of the state or town concerning the maintenance and operation of a swimming pool. (1998 Code)

5-805: **PENALTY:** Violations of this chapter are punishable as provided in section 1-108 of this code. (1998 Code)

CHAPTER 9

FAIR HOUSING

SECTION:

5-901: Policy
5-902: Definitions
5-903: Unlawful Practice
5-904: Discrimination In The Sale Or Rental Of Housing
5-905: Discrimination In The Financing Of Housing
5-906: Discrimination In The Provision Of Brokerage Services
5-907: Exemption
5-908: Administration
5-909: Education And Conciliation
5-910: Enforcement
5-911: Investigation; Subpoenas; Giving Of Evidence
5-912: Enforcement By Private Persons
5-913: Interference, Coercion, Or Intimidation
5-914: Prevention Of Intimidation In Fair Housing Cases

5-901: **POLICY:** It is the policy of the town to provide, within constitutional limitations, for fair housing throughout the town. (1998 Code)

5-902: **DEFINITIONS:** As used herein:

DISCRIMINATORY HOUSING PRACTICE:	An act that is unlawful under sections 5-904 through 5-906 of this chapter.
DWELLING:	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 thereon of any such building, structure, or portion thereof.
FAMILY:	Includes a single individual.

PERSON: Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

TO RENT: Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (1998 Code)

5-903: **UNLAWFUL PRACTICE:**

A. Subject to the provisions of subsection A2 of this section and section 5-907 of this chapter, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to:

1. All dwellings except as exempted by subsection A2 of this section;

2. Nothing in section 5-904 of this chapter shall apply to:

a. Any single-family house sold or rented by an owner provided:

That such private individual owner does not own more than three (3) such single-family houses at any one time;

That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty four (24) month period;

That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time;

That the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented;

(1) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(2) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of subsection 5-904A3 of this section, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence;

3. For the purposes of subsection A2 of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein;

b. He has, within the preceding twelve (12) months, participated as an agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein;

c. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (1998 Code)

5-904: DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING:

A. As made applicable by section 5-903 of this chapter and except as exempted by subsection 5-903A2 and section 5-907 of this chapter, it shall be unlawful:

1. To refuse to sell or rent after the making of a bona fide offer, 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, sex, color, religion, national origin, handicap, or familial status;

2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, national original, handicap, or familial status;

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, sex, color, religion, or national origin, handicap, or familial status or an intention to make any such preference, limitation, or discrimination;

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

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, sex, color, religion, or national origin, handicap, or familial status. (1998 Code)

5-905: **DISCRIMINATION IN THE FINANCING OF HOUSING:** It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or their financial assistance, because of the race, sex, color, religion, national origin, handicap, or familial status of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in subsection 5-903A2 of this chapter. (1998 Code)

5-906: **DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES:** It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, rental 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, sex, color, religion, national origin, handicap, or familial status. (1998 Code)

5-907: **EXEMPTION:** Nothing in this chapter shall prohibit 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 religion is restricted on account of race, sex, color, national origin, handicap or familial status. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (1998 Code)

5-908: **ADMINISTRATION:**

A. The authority and responsibility for administering this chapter shall be in the chief executive officer of the town.

B. The town board of trustees shall serve as the fair housing board for the town. (1998 Code)

5-909: **EDUCATION AND CONCILIATION:** Immediately after the enactment of this chapter, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (1998 Code)

5-910: ENFORCEMENT:

A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the chief executive officer. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer requires. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection C of this section, the chief executive officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the chief executive officer decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be (upon conviction) punished as provided in section 1-108 of this code.

B. A complaint under subsection A shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the compliant against him and with the leave of the chief executive officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

C. If within thirty (30) days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the secretary of the department of housing and urban development. The chief executive officer will assist in this filing.

D. If the chief executive officer has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days thereafter commence a civil action in any appropriate court, against the respondent named in the complaint to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

E. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

F. Whenever an action filed by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance. (1998 Code)

5-911: INVESTIGATION; SUBPOENAS; GIVING OF EVIDENCE:

A. In conducting an investigation the chief executive officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation; provided, however, that the chief executive officer first complies with the provisions of the fourth amendment relating to unreasonable searches and seizures. The chief executive officer may issue subpoena to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The chief executive officer may administer oaths.

B. Upon written application to the chief executive officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief executive officer to the same extent and subject to the same limitations as subpoenas issued at the request of a respondent and shall show on their face the name and address of such respondent and shall state that they were issued at his request.

C. Witnesses summoned by subpoena of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

D. Within five (5) days after service of a subpoena upon any person, such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

E. In case of contumacy or refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

F. Any person who wilfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the chief executive officer shall be punished as provided in section 1-108 of this code. Any person who, with intent thereby to mislead the chief executive officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the chief executive officer pursuant to his subpoena or other order, or shall wilfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall wilfully mutilate, alter, or by any other means falsify any documentary evidence, shall be punished as provided in section 1-108 of this code.

G. The town attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus pursuant to this chapter. (1998 Code)

5-912: **ENFORCEMENT BY PRIVATE PERSONS:**

A. The rights granted by sections 5-903 through 5-906 of this chapter and may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred eighty (180) days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or subsection 5-910D of this chapter from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief executive officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the chief executive officer and which practice forms the basis for the action in court; and provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrances, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.

B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and punitive damages as provided by law, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff; provided, that the plaintiff in the opinion of the court is not financially able to assume the attorney fees. (1998 Code)

5-913: **INTERFERENCE, COERCION, OR INTIMIDATION:** It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 5-903 through 5-906 of this chapter. This section may be enforced by appropriate civil action. (1998 Code)

5-914: **PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES:**

A. Whoever, whether or not acting under color of law, by force or threat of force wilfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

5-914

1. Any person because of his race, color, religion, national origin, handicap or familial status and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;

2. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

a. Participating, without discrimination on account of race, sex, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in subsection A1 of this section;

b. Affording another person or class of persons opportunity or protection so to participate; or

3. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, sex, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in subsection A1 of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be punished as provided in section 1-108 of this code. (1998 Code)

CHAPTER 10

PENALTY

SECTION:

5-1001: Penalty
5-1002: Relief In The Courts

5-1001: **PENALTY:** Any person who engages in any business, trade or vocation for which a license, permit, certificate or registration is required by this part, without first having a valid license, permit, certificate or registration as required, or who shall fail to do anything required by this part or by any code adopted by this part, or who shall otherwise violate any provision of this part, or of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided in this part, shall be guilty of an offense, punishable as provided in section 1-108 of this code. Each day upon which a violation continues shall be deemed a separate offense. (1998 Code)

5-1002: **RELIEF IN THE COURTS:** No penalty imposed by and pursuant to this part shall interfere with the right of the town also to apply to the proper courts of the state for mandamus, an injunction, or other appropriate action against such person. (1998 Code)