

TITLE 20

MISCELLANEOUS

CHAPTER

1. ERWIN-UNICOI COUNTY CIVIL DEFENSE ORGANIZATION.
2. MEMORIAL PARK.

CHAPTER 1

ERWIN-UNICOI COUNTY CIVIL DEFENSE ORGANIZATION¹

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.
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- 20-106. Expenses of civil defense.

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. (2005 Code, § 20-101)

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 County Civil Defense Organization is hereby authorized to perform such duties

¹This 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.

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. (2005 Code, § 20-102)

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. (2005 Code, § 20-103)

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. (2005 Code, § 20-104)

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. (2005 Code, § 20-105)

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. (2005 Code, § 20-106)

CHAPTER 2

MEMORIAL PARK

SECTION

- 20-201. Establishment and purpose.
- 20-202. Permitted uses.
- 20-203. Prohibited uses.

20-201. 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 the ordinance from which this section is derived.¹ 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. (2005 Code, § 20-301)

20-202. 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. (2005 Code, § 20-302)

¹The 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 heretobefore 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."

20-203. 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. (2005 Code, § 20-303)