

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

1. GIBSON COUNTY CIVIL DEFENSE ORGANIZATION.
2. PRIVATE SWIMMING POOLS.
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CHAPTER 1**GIBSON COUNTY CIVIL DEFENSE ORGANIZATION****SECTION**

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20-101. Gibson County Civil Defense Organization created. There is hereby created the Gibson County Civil Defense Organization which shall be a joint operation by the City of Milan and the County of Gibson, 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 Gibson 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 Gibson County Civil Defense Organization. (1973 Code, § 1-1201)

20-102. Authority and responsibility. In accordance with federal and state enactments of law, the Gibson 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 Gibson County. The Gibson County Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Gibson County Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

The Gibson County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Gibson County, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1973 Code, § 1-1202)

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 purports of this chapter, subject to the approval of the chief executive officers of the city and county.

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 Gibson County Civil Defense Organization, for the preparation of all plans and administrative regulations, and for recruitment and training of personnel. (1973 Code, § 1-1203)

20-104. Gibson County Civil Defense Corps Created. The Gibson 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. (1973 Code, § 1-1204)

20-105. No municipal or private liability. The duties prescribed in this document is an exercise by the city and county of their governmental functions for the protection of the public peace, health, and safety, and neither the City of Milan nor Gibson County, nor 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 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 promises under such

license, privilege, or other permission or for loss of, or damage to, the property of such person. (1973 Code, § 1-1205)

20-106. Expenses of civil defense. No person shall have the right to expend any public funds of the city and county in carrying out any civil defense activities authorized by this document without prior approval by the governing bodies of the city 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 monies as may be provided annually by appropriation of the city and county for the operation of the civil defense organization. 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 either by the City of Milan or Gibson 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, such funds becoming liable for audit by the city or county. (1973 Code, § 1-1206)

CHAPTER 2

PRIVATE SWIMMING POOLS

SECTION

20-201. Private swimming pools.

20-202. Conformation to district requirements.

20-203. Enclosure required.

20-204. Construction on easements prohibited.

20-201. Private swimming pools. Private swimming pools shall not be considered as an accessory use but shall conform to the requirements of an accessory structure, if not otherwise excepted. All such pools shall be installed to city requirements, as herein provided, and a city permit shall be required and approved by the building inspector prior to construction or installation. Commercial swimming pools on residential property are prohibited. (1973 Code, § 4-601)

20-202. Conformation to district requirements. Swimming pools shall conform to the zoning district's yard requirements, and any swimming pool enclosure required by this chapter shall be at least five (5) feet from all lot lines and from any other building on the same lot unless attached to such building. (1973 Code, § 4-602)

20-203. Enclosure required. With respect to any portion of a swimming pool to which access may be obtained from outside a residence, building, or similar structure, there shall always be an enclosure of a permanent nature, not less than five (5) feet high, said enclosure to be so constructed as to prevent access by persons through such enclosure; and if any part of the enclosure be constructed to permit access through a gate or door or similar entranceway, said gate, door, or similar entranceway shall be provided with a means of locking the same to prevent access to the same extent as the remainder of the enclosure.

This provision for enclosure may include walls, fencing of a mesh type or of wood, or of screen wire or of any other material of like nature, but said enclosure shall not be constructed so as to provide foot-holds that would permit the enclosure easily to be climbed over.

All enclosures, regardless of type or construction, shall conform to the yard requirements established above. (1973 Code, § 4-603)

20-204. Construction on easements prohibited. Anything to the contrary notwithstanding, no swimming pool construction shall be permitted upon any public easement or easement reserved for utility purposes. (1973 Code, § 4-604)

CHAPTER 3

SPECIAL EVENTS

SECTION

- 20-301. Definitions.
- 20-302. Approval and regulation of special events.
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- 20-307. Appeal.
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- 20-309. Distribution of intoxicating liquor prohibited.
- 20-310. No violation of § 11-101.

20-301. Definitions. (1) "Special event" shall mean any public gathering on city property or street(s) where

(a) Vendors may sell goods or services, or

(b) Charitable solicitors may engage in the solicitation of contributions or anything else of value.

(2) "Vendor" shall mean any person, organization or other entity engaged in the business of selling and/or delivering goods, wares, food, drinks, or merchandise at a special event within the City of Milan.

(3) "Charitable solicitor" shall mean any person, organization or other entity engaged in the solicitation of contributions or anything else of value for any charitable or religious purpose at a special event within the City of Milan.

(4) "Street" shall mean any publicly maintained street, road, highway, avenue, boulevard, parkway, lane or other way open to the public upon which motor vehicles or pedestrians may travel and shall include the entire width between boundary lines of every such way when any part thereof is open to use by the public for purposes of vehicular or pedestrian travel and passage.

(5) "City property" shall mean any real property in which the City of Milan has an ownership or possessory interest.

(6) "Beer" shall be defined as set forth in § 8-205 of the Milan Municipal Code.

(7) "Intoxicating liquor" shall be defined as set forth in § 8-101 of the Milan Municipal Code.

(8) "City board" shall mean the City of Milan Board of Mayor and Aldermen. (as added by Ord. #2017-1, March 2017 *Ch7_6-20-19*)

20-302. Approval and regulation of special events. (1) Any person, organization or other entity desiring to conduct a special event in the City of

Milan shall provide at least forty-five (45) days advance written notice to the mayor or his designee of the intent to conduct a special event.

(2) Upon receipt of the notice as required herein, the proposed special event shall be placed on the city board's agenda at its next regularly scheduled meeting following receipt of the notice and the sponsor of the proposed special event shall send a representative or representatives to the city board meeting to address any questions or issues concerning the proposed special event.

(3) The city board shall have plenary authority to regulate the date, time, duration, location and boundaries of any special event, and to impose other rules or restrictions for special events, including whether vendors and/or charitable solicitors shall be allowed at the special event. (as added by Ord. #2017-1, March 2017 *Ch7_6-20-19*)

20-303. Exemptions. Sections 20-302(2)(1) and 20-302(2)(2) of this chapter shall not apply to any special event sponsored by the City of Milan.

20-304. Vendors at special events. Any vendor desiring to operate at a special event shall be subject to title 9, chapter 2 of the Milan Municipal Code, except:

(1) Section 9-204(11) of the Milan Municipal Code shall not be applicable for vendors at special events;

(2) A permit issued to a vendor to operate at a special event shall not count toward the maximum number of transient vendor permits allowed pursuant to § 9-208 of the Milan Municipal Code;

(3) Sections 9-203 and 9-219 of the Milan Municipal Code shall not be applicable to food and/or drink vendors at special events. (as added by Ord. #2017-1, March 2017 *Ch7_6-20-19*)

20-305. Charitable solicitors at special events. Any charitable solicitor desiring to solicit contributions or anything else of value at a special event shall be subject to title 9, chapter 3 of the Milan Municipal Code. (as added by Ord. #2017-1, March 2017 *Ch7_6-20-19*)

20-306. Approval required for distribution of beer. (1) In addition to the provisions of title 9, chapters 2 and 3 of the Milan Municipal Code, any vendor or charitable solicitor desiring to distribute beer at a special event shall provide at least forty-five (45) days advance written notice to the mayor or his designee of the intent to distribute beer at a special event.

(2) Upon receipt of the notice as required herein, the mayor or his designee may approve or deny the distribution of beer by any vendor or charitable solicitor at a special event, provided that any vendor or charitable solicitor approved to distribute beer at a special event

(a) Shall hold an on-premise or bona fide restaurant beer permit issued by the City of Milan; or

(ii) Shall hold a beer permit issued by any Tennessee municipality which, in the determination of the mayor or his designee, is sufficiently similar to the City of Milan's on-premise or bona fide restaurant beer permits. (as added by Ord. #2017-1, March 2017 *Ch7_6-20-19*)

20-307. Appeal. Any vendor or charitable solicitor aggrieved by the action of the mayor or his designee in the denial of approval to distribute beer at a special event shall have the right to appeal to the city board. Such appeal shall be taken by filing with the city recorder within three (3) business days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The city recorder shall add any such appeal to the agenda for the next regular meeting of the city board, or any such appeal may be addressed at a special called meeting scheduled pursuant to the charter. (as added by Ord. #2017-1, March 2017 *Ch7_6-20-19*)

20-308. Distribution of beer, limitations and offenses. (1) Any vendor or charitable solicitor approved to distribute beer at a special event pursuant to this chapter may distribute beer only during the time and within the boundaries of the special event as determined by the city board.

(2) It shall be unlawful for any vendor or charitable solicitor approved to distribute beer at a special event except pursuant to this chapter. It shall be unlawful for any vendor or charitable solicitor to distribute beer at a special event in violation of any date, time, duration, location, boundary or other rule or restriction approved by the city board. It shall be the responsibility of any vendor or charitable solicitor operating or otherwise participating in a special event to comply with the provisions of this chapter and any rules or restrictions approved by the city board.

(3) It shall be unlawful for any person, organization or other entity to distribute beer at a special event in any container other than a temporary disposable cup. (as added by Ord. #2017-1, March 2017 *Ch7_6-20-19*)

20-309. Distribution of intoxicating liquor prohibited. Nothing in this chapter shall be deemed to allow the distribution of intoxicating liquor at a special event. (as added by Ord. #2017-1, March 2017 *Ch7_6-20-19*)

20-310. No violation of § 11-101. It shall not be a violation of § 11-101 of the Milan Municipal Code for a person to possess or consume beer purchased from a duly authorized vendor or charitable solicitor at a special event so long as such possession or consumption is within the date, time, duration, location, boundary or other rules or restrictions approved by the city board. (as added by Ord. #2017-1, March 2017 *Ch7_6-20-19*)

CHAPTER 4

TREE TRIMMING POLICY AND FEE**SECTION**

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20-401. Definition. "Tree trimmer." Shall include any person firm, corporation or partnership, whether as owner, agent or partner who is professionally engaged for hire in the business of trimming, cutting or removing trees within the City of Milan. (as added by Ord. #2020-2, March 2020 *Ch8_01-11-22*)

20-402. Permit and business license required. No tree trimmer shall engage in such business without a permit and city business license. (as added by Ord. #2020-2, March 2020 *Ch8_01-11-22*)

20-403. Permit requirements. (1) A permit shall be issued for each individual location. Said permit shall not have a duration of more than ten (10) days from issuance.

(2) A fee of twenty-five dollars (\$25.00) shall be collected for the issuance of each permit.

(3) The applicant for such permit shall submit to the city clerk a written affidavit of application containing the following information:

(a) Name of the applicant.

(b) Complete permanent business address and, if applicable, the residential.

(c) A government issued photo ID. (as added by Ord. #2020-2, March 2020 *Ch8_01-11-22*)

20-404. Trimmers shall be responsible for removal of debris. All tree trimmers shall be responsible for the removal of all debris resulting from their activities. (as added by Ord. #2020-2, March 2020 *Ch8_01-11-22*)

20-405. Unlawful to leave debris in streets, alleys or on sidewalks. It shall be unlawful for any tree trimmer to leave any debris along the right-of-way of public street, alley or sidewalk of the City of Milan. (as added by Ord. #2020-2, March 2020 *Ch8_01-11-22*)

20-406. Trimmers to be insured. All tree trimmers shall be insured for a minimum five hundred thousand dollars (\$500,000.00) to protect both personal injury and property. (as added by Ord. #2020-2, March 2020 *Ch8_01-11-22*)

20-407. Violations. A violation of this chapter is punishable by penalty of fifty dollars (\$50.00), to be paid by tree trimmer. Each day the debris is allowed to remain shall constitute a new and separate offense. (as added by Ord. #2020-2, March 2020 *Ch8_01-11-22*)