

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

1. SHELBY COUNTY AIR CODE.
2. DEPARTMENT OF HEALTH AND SANITATION.
3. MILLINGTON MUNICIPAL AIRPORT AUTHORITY.

CHAPTER 1**SHELBY COUNTY AIR CODE****SECTION**

- 20-101. Shelby County Air Code effective within city.
20-102. Fees for services.
20-103.--20-124. Repealed.

20-101. Shelby County Air Code effective within city. The Shelby County Air Code in effect in Shelby County shall also be effective within the corporate limits and shall be enforced by the Shelby County Health Department. (1981 Code, § 8-501, as replaced by Ord. #2002-2, Nov. 2002, and replaced by Ord. #2020-15, Oct. 2020 *Ch17_01-09-23*)

20-102. Fees for services. The fees established from time to time by the Shelby County Health Department in order to cover the costs incurred in administering the Shelby County Air Code shall also be effective within the corporate limits and shall be collected and retained by the Shelby County Health Department. (1981 Code, § 8-502, as replaced by Ord. #2002-2, Nov. 2002, amended by Ord. #2015-20, Oct. 2015, and replaced by Ord. #2020-15, Oct. 2020 *Ch17_01-09-23*)

20-103.--20-124. Repealed. (1981 Code, as repealed by Ord. #2020-15, Oct. 2020 *Ch17_01-09-23*)

CHAPTER 2

DEPARTMENT OF HEALTH AND SANITATION

SECTION

- 20-201. Established.
- 20-202. Director of health and sanitation.
- 20-203. Powers and duties of the director.
- 20-204. Fees.
- 20-205. Fees for temporary permits.
- 20-206. Exemptions from temporary permit fees.

20-201. Established. In order to preserve the public health of the citizens of the city, there is hereby established a department of health and sanitation. (1981 Code, § 8-101)

20-202. Director of health and sanitation. (1) The department of health and sanitation shall be under the general supervision and control of a director who shall be known as the director of health and sanitation. The director shall be appointed by the mayor with approval of the board of mayor and aldermen and serve at their pleasure or until his successor is elected and qualified and shall receive such compensation as the board may fix.

(2) Wherever the words "director of health and sanitation," "health officer" or "health authority" are used in the Official Code of the City of Millington, same shall also include in its definition the Director of the Memphis and Shelby County Health Department or his authorized representative. (1981 Code, § 8-102)

20-203. Powers and duties of the director. The director shall have the power and it shall be his duty to enforce all the laws of the state, county, and city affecting the health of the citizens of the town. Whenever necessary to carry out his powers and duties the director may require such assistance as he needs from the police department. (1981 Code, § 8-103)

20-204. Fees. The following permit fees are hereby established for inspections by the department of health and sanitation:

Restaurants

From 1 to 25 seats	\$ 25.00
From 26 to 50 seats	40.00
From 51 to 75 seats	60.00
Over 75 seats	75.00

Grocery Stores

Under 1,200 square feet	
For the grocery store	25.00
For the meat market	10.00
With a bakery	10.00
Between 1,200 and 10,000 square feet	
For the grocery store	37.00
For the meat market	15.00
With a bakery	15.00
Between 10,000 and 20,000 square feet	
For the grocery store	75.00
For the meat market	30.00
With a bakery	30.00
Over 20,000 square feet	
For the grocery store	112.50
For the meat market	37.50
With a bakery	37.50

Other

Snack bar	25.00
Drive-in restaurant	37.00
Retail bakery	37.50
Retail meat market	37.50
Packaged goods store with coffee bar	30.00
Packaged goods store	22.50
Food distributor	37.50
Food storage warehouse	75.00
Wholesale meat plant	75.00
Food vendor	75.00
Food processing plant	150.00
Food caterer	150.00
Food salvager or food salvage distribution	150.00
Hucksters	22.50
Pedestrian vendor (per truck or vehicle)	22.50

(1981 Code, § 8-104)

20-205. Fees for temporary permits. Fees for temporary permits as defined in § 9-901(8)(a) shall be fifty percent (50%) of the fees as set forth in § 20-204. (1981 Code, § 8-105)

20-206. Exemptions from temporary permit fees. That all non-profit charitable organizations, all religious institutions, all civic organizations, and all governmental agencies be, and the same are hereby exempted from the fee for temporary food service permits. Nothing herein shall be interpreted to exempt the above-referenced organizations from any other health permit regulations for temporary or regular food service permits. (1981 Code, § 8-106)

CHAPTER 3

MILLINGTON MUNICIPAL AIRPORT AUTHORITY

SECTION

- 20-301. Definitions.
- 20-302. Creation of airport authority.
- 20-303. Powers of authority.
- 20-304. Commissioners.
- 20-305. No compensation.
- 20-306. Quorum.
- 20-307. Officers and employees of the authority.
- 20-308. General powers of the authority.
- 20-309. Eminent domain.
- 20-310. Disposal of airport property.
- 20-311. Bonds and other obligations.
- 20-312. Operation and use privileges.
- 20-313. Regulations; scope; conformity with state and federal law.
- 20-314. Federal and state aid.
- 20-315. Public purposes.
- 20-316. Exemption from taxation.
- 20-317. Authority of City of Millington.
- 20-318. Supplementary powers of authority.
- 20-319. Municipal zoning authority unaffected.
- 20-320. Joint operations authorized.
- 20-321. Agreements as to joint operations; joint board.

20-301. Definitions. The following words or terms whenever used or referred to in this chapter shall have the following respective meanings unless different meanings clearly appear from the context:

(1) "Air navigation facility" means any facility used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(2) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or navigation easements or rights-of-way, together with all airport buildings and facilities located thereon.

(3) "Authority" means the Millington Municipal Airport Authority created pursuant to the provisions of this chapter.

(4) "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to such landing or taking-off of aircraft.

(5) "Navigation easement" means any easement which shall include all or any part of the following:

(a) The right to unobstructed and unrestricted flight of aircraft, in, through and across the airspace over and above certain land, beginning at the altitude or height above the surface of the land as determined by the authority.

(b) The right to enter upon certain described land for the purpose of removing and preventing any use of the land or the construction or erection of any building, structures or facilities and the growth of any trees or objects upon the real estate, over, above and across such certain described land, other than those uses, buildings, structures, facilities, growths of trees or objects expressly excepted.

(c) The right to prevent the use of the land by any assembly of persons or the use of the land in such a manner as might attract or bring together an assembly of persons thereon.

(6) "Bonds" means any bonds, notes, interim certificates, debentures, or similar obligations issued by the authority pursuant to this chapter.

(7) "Governing body" means as to the City of Millington, the board of mayor and aldermen of the City of Millington or any successor body.

(8) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and including any trustee, receiver, assignee, or there similar representative thereof. (1981 Code, § 1-701)

20-302. Creation of airport authority. There is hereby created the Millington Municipal Airport Authority pursuant to the provisions of the Airport Authorities Act, Tennessee Code Annotated, § 42-3-101, et seq. (the "act"), for the purpose of constructing, owning, leasing, managing and/or operating one or more airport facilities for the City of Millington. The authority shall be a public body corporate and politic. In addition to this chapter, the authority shall operate in accordance with the provisions and requirements of the act. (1981 Code, § 1-702)

20-303. Powers of authority. The powers of the authority shall be vested in a board of commissioners, who shall be appointed by the board of mayor and aldermen. (1981 Code, § 1-703)

20-304. Commissioners. (1) Terms of commissioners; vacancies. The commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively. Thereafter,

each commissioner shall be appointed for a term of five (5) years, except that any vacancy occurring otherwise than by the expiration of a term shall be filled for the unexpired term by the board of mayor and aldermen. Each commissioner shall hold office until his or her successor has been appointed and has qualified. Certificates of the appointment and reappointment of commissioners shall be filed with the authority.

(2) Number of commissioners. From and after the date of May 18, 2009, there shall be a total of eleven (11) commissioners appointed to serve on the Millington Municipal Airport Authority. In addition to the nine (9) commissioners appointed and serving as provided in § 20-304(1) two (2) additional commissioners shall be appointed. When first appointed, the two (2) additional commissioners shall each be designated to serve for a term of five (5) years. Their service shall in all other respects be governed by § 20-304(2). (1981 Code, § 1-704, as amended by Ord. #1996-14, Dec. 1996, and Ord. #2009-7, May 2009)

20-305. No compensation. No commissioner shall receive compensation for services as a commissioner, but every commissioner shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of duties as a commissioner. (1981 Code, § 1-705)

20-306. Quorum. A majority of the commissioners shall constitute a quorum for the purpose of conducting business of the authority and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present. (1981 Code, § 1-706)

20-307. Officers and employees of the authority. The commissioners shall elect from among themselves a chairman and a vice-chairman, and such other officers as they deem necessary. The authority may employ an executive director, secretary, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, the authority may call upon the city attorney of the City of Millington or may employ its own counsel or legal staff. The authority may delegate to one or more of its agents or employees such powers and/or duties as it may deem proper. (1981 Code, § 1-707)

20-308. General powers of the authority. The authority shall have all the powers necessary or convenient to carry out the purposes for which it is created (excluding the power to levy and collect taxes or special assessments) including, but not limited to, the power to:

- (1) Sue and be sued;
- (2) Have a seal;

- (3) Have perpetual succession; and
- (4) Have such immunity in tort cases as do municipalities under the Municipal Airport Act, Tennessee Code Annotated, § 42-4-101, et seq.;
- (5) Execute such contracts and other instruments and take such other action as may be necessary or convenient to carry out the purposes for which it is created;
- (6) Plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate and protect airports and air navigation facilities, within the City of Millington, including the acquisition, construction, installation, equipment, maintenance, and operation of such airports or buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers, and the purchase and sale of supplies, goods, and commodities as are incident to the operation of its airport properties. For such purposes the authority may, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, acquire property, real or personal, or any interest therein, including navigation easements and easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards or to prevent the establishment of airport hazards;
- (7) Acquire by purchase, gift, devise, lease, eminent domain proceedings or otherwise, existing airports and air navigation facilities; provided, that the authority shall not acquire or take over any airport or air navigation facility owned or controlled by another authority, municipality, or public agency of this or any other state without the consent of such authority, municipality, or public agency; and
- (8) Establish or acquire and maintain airports in, over and upon any public waters of the City of Millington or any submerged lands under such public waters; and construct and maintain terminal buildings, landing floats, causeways, roadways, and bridges for approaches to or connecting with any such airport, and landing floats and breakwaters for the protection thereof. (1981 Code, § 1-708)

20-309. Eminent domain. In the acquisition of property by eminent domain proceedings, the authority shall proceed in the manner provided by chapter 16 of title 29, Tennessee Code Annotated, or any successor statute. For the purpose of making surveys and examinations relative to eminent domain proceedings, it shall be lawful for the authority to enter upon the land, doing no unnecessary damage. Notwithstanding the provisions of any other statute or other law, the authority may take possession of any property to be acquired by eminent domain proceedings. The authority shall not be precluded from abandoning such proceedings in any case where possession of the property has not been taken, even after a trial jury in circuit court has rendered a verdict as to damages for the property taken and at any time prior to the entry of a final decree disposing of the entire eminent domain proceedings. (1981 Code, § 1-709)

20-310. Disposal of airport property. Except as may be limited by the terms and conditions of any grant, loan, or agreement authorized by this chapter or the Act, the authority may, by sale, lease, or otherwise, dispose of any airport, air navigation facility or other property, or portion thereof or interest therein, acquired pursuant to this chapter. Such disposal by sale, lease, or otherwise, shall be in accordance with the laws of this state governing the disposition of other public property, except that in the case of disposal to another authority, a municipality or an agency of the state or federal government for use and operation as a public airport, the sale, lease, or other disposal may be effected in such manner and upon such terms as the commissioners of the authority may deem in the best interest of civil aviation and the City of Millington. (1981 Code, § 1-710)

20-311. Bonds and other obligations. (1) The authority shall have the power to borrow money for any of its corporate purposes and issue its bonds therefor, including refunding bonds, in such form and upon such terms as it may determine, payable out of any revenues of the authority, including grants or contributions from the federal government or other sources, which bonds may be sold at public sale at not less than par. Revenue bonds may be issued for the above purposes and the authority may pledge as security for such bonds all or any portion of the landing fees, concession fees, rents, charges, or any other revenues derived from the operation of the airport. Such revenue bonds shall be issued in accordance with the applicable provisions of title 9, chapter 11, Tennessee Code Annotated; provided, that any such fees, rents, or charges so pledged that are fixed and established pursuant to the provisions of a lease or contract, shall not be subject to revision or change except in such manner as is provided in such lease or contract. Any bonds of the authority issued pursuant to this chapter which are payable, as to principal and interest, solely from revenues of an airport or air navigation facility (and they shall so state on their face) shall not constitute a debt of the City of Millington, the state, or any political subdivision thereof other than the authority, and shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Neither the commissioners nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof.

(2) In case any of the commissioners or officers of the authority whose signature appears on any bonds or coupons shall cease to be such commissioners or officers after authorization but before the delivery of the bonds, the signatures shall nevertheless be valid and sufficient for all purposes, the same as if the commissioners or officers had remained in office until delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

(3) Any bond reciting in substance that it has been issued by the authority pursuant to the provisions of this chapter and for a purpose or purposes authorized to be accomplished by this chapter shall be conclusively

deemed, in any suit, action or proceeding involving the validity or enforceability of the bond or the security therefor, to have been issued pursuant to such provisions and for such purpose or purposes.

(4) Bonds issued by the authority pursuant to the provisions of this chapter are declared to be issued for an essential public and governmental purpose, and together with interest thereon, and income therefrom, shall be exempt from all taxes. (1981 Code, § 1-711)

20-312. Operation and use privileges. (1) Operation by authority.

(a) In connection with the operation of an airport or air navigation facility owned, leased or controlled by the authority, the authority may, except as may be limited by the terms and conditions of any grant, loan or agreement, enter into contracts, leases, agreements, grants or other arrangements for terms not to exceed fifty (50) years with any person or persons, provided that the public is not deprived of its rightful use thereof:

(i) Granting the privilege of using or improving the airport or air navigation facility, including buildings or structures relating thereto, or real property acquired or set aside for such purposes, or any portion or facility thereof or space therein for commercial purposes, establishing the charges, rentals or fees at a fixed or variable rate binding upon the parties thereto for the full terms of such contracts, leases, agreements, grants or other arrangements, which contracts, leases, agreements, grants or other arrangements may provide for the resolution of disputes arising thereunder or for the fixing of variable terms therein through arbitration or similar procedure;

(ii) Conferring the privilege of supplying goods, commodities, things, services or facilities at the airport or air navigation facility;

(iii) Making available services to be furnished by the authority or its agents at the airport or air navigation facility; and

(iv) Determining the charges, rentals or fees for the use of any properties under its control, and the charges for any services or accommodations, and the terms and conditions under which such properties may be used, except that any such charges, rentals and fees as may be fixed or determined by any contract, lease, agreement, grant or other arrangement of privileges, uses, services, accommodations or concessions to which the authority is a party or is the grantor, shall, if so expressly provided therein, be binding upon all parties thereto for the full terms prescribed therein, unless same is sooner modified or terminated by mutual consent of the parties thereto.

(b) In each case, the authority may establish the terms and conditions and fix the charges, rentals or fees for the privileges, uses or services or use of buildings or structures which shall be reasonable and uniform for the same class of privilege or services and shall be established with due regard to the property and improvements used and the expenses of operation to the authority; provided, that in no case shall the public be deprived of its rightful, equal and uniform use of the airport, air navigation facility, or portion or facility thereof.

(2) Other operation. Except as may be limited by the terms and conditions of any grant, loan or agreement authorized by this chapter or the act, the authority may by contract, lease, or other arrangements, upon a consideration fixed by it, grant to any qualified person for a term not to exceed fifty (50) years, the privilege of operating, as agent of the authority or otherwise, any airport owned or controlled by the authority; provided, that no person shall be granted any authority to operate an airport other than as a public airport or to enter into any contracts, leases or other arrangements in connection with the operation of the airport which the authority might not have undertaken under subsection (1) of this section. (1981 Code, § 1-712)

20-313. Regulations; scope; conformity with state and federal law.

The authority is authorized to adopt, amend and repeal such reasonable resolutions, rules, regulations and orders as it shall deem necessary for the management, government and use of any airport or air navigation facility owned by it or under its control. No rule, regulation, order or standard prescribed by the authority shall be inconsistent with, or contrary to, any act of the congress of the United States or any regulation promulgated or standard established pursuant thereto or be inconsistent with, or contrary to, any act of the general assembly of the State of Tennessee or any regulation promulgated or standard established pursuant thereto. The authority shall keep on file at the principal office of the authority for public inspection a copy of all its rules and regulations. (1981 Code, § 1-713)

20-314. Federal and state aid. Except as otherwise provided by law, the authority is authorized to accept, receive, receipt for, disburse and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes for which the authority is created. All federal moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and state moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the state. (1981 Code, § 1-714)

20-315. Public purposes. The acquisition of any land, or interest therein, pursuant to this chapter, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation and protection of airports, air navigation facilities and other public agencies, to be severally or jointly exercised, are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. All land and other property and privileges acquired and used by or on behalf of the authority or other public agency in the manner and for the purposes enumerated in this chapter shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity. (1981 Code, § 1-715)

20-316. Exemption from taxation. Any property in this state acquired by the authority for airport purposes pursuant to the provisions of this chapter, and any income derived by the authority from the ownership, operation or control thereof, shall be exempt from taxation to the same extent as other property used for public purposes. (1981 Code, § 1-716)

20-317. Authority of City of Millington. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of an airport and air navigation facilities, and acquiring navigation easements the city may, upon such terms, with or without consideration as it may determine:

- (1) Lend or donate money to the authority.
- (2) Provide that all or a portion of the taxes or funds available or to become available to, or required by law to be used by, the city for airport purposes, be transferred or paid directly to the airport authority as such funds become available to the city.
- (3) Cause water, sewer or drainage facilities, or any other facilities which it is empowered to provide, to be furnished adjacent to or in connection with such airports or air navigation facilities.
- (4) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to the authority.
- (5) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadway's and walks from established streets or roads to such airports or air navigation facilities.
- (6) Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction or operation of airports and air navigation facilities.
- (7) Enter into agreements with the authority respecting action to be taken by the city pursuant to the provisions of this section. (1981 Code, § 1-717)

20-318. Supplementary powers of authority. In addition to the general and special powers conferred by this chapter and the act, the authority is authorized to exercise such powers as are necessarily incidental to the exercise of such general and special powers. (1981 Code, § 1-718)

20-319. Municipal zoning authority unaffected. Nothing contained in this chapter shall be construed to limit any right, power or authority of the City of Millington to regulate airport hazards by zoning. (1981 Code, § 1-719)

20-320. Joint operations authorized. (1) All powers, privileges and authority granted by this chapter may be exercised and enjoyed by the authority jointly with any public agency of this state, and jointly with any public agency of any adjoining state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or enjoyment. "Public agency" includes municipality, any agency of the state government and of the United States, and any municipality, political subdivision and agency of an adjoining state.

(2) Any agency of the state government, when acting jointly with the authority, may exercise and enjoy all the powers, privileges and authority conferred by this chapter upon the authority. (1981 Code, § 1-720)

20-321. Agreements as to joint operations; joint board. (1) The authority may enter into agreements with other public agencies for joint action pursuant to the provisions of this chapter and Tennessee Code Annotated, § 42-3-201, et seq.

(2) Each agreement shall specify its duration, the proportionate interest which each participant shall have in the property, facilities and privileges involved in the joint undertaking, the proportion of costs of operation, etc., to be borne by each participant, and such other terms as are deemed necessary or required by law.

(3) The agreement may also provide for amendments and termination; disposal of all or any of the property, facilities and privileges jointly owned prior to, or at such time as the property, facilities and privileges, or any part thereof, cease to be used for the purposes provided in this chapter, or upon termination of the agreement; the distribution of the proceeds received upon any disposal, and of any funds or other property jointly owned and undisposed of; the assumption or payment of any indebtedness arising from the joint undertaking which remains unpaid upon the disposal of all assets or upon a termination of the agreement; and such other provisions as may be necessary or convenient.

(4) The authority and any public agencies acting jointly pursuant to this chapter shall create a joint board, which shall consist of members appointed, by the governing body of each participant. The members of any such joint board representing the authority shall be appointed by the board of mayor

and aldermen from among the commissioners of the authority. (1981 Code, § 1-721)