

## TITLE 20

### MISCELLANEOUS

#### CHAPTER

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#### CHAPTER 1

### GIBSON COUNTY CIVIL DEFENSE ORGANIZATION

#### SECTION

- 20-101. Gibson County Civil Defense Organization created.
- 20-102. Authority and responsibility.
- 20-103. Office of director, his authority and responsibility.
- 20-104. Gibson County Civil Defense Corps created.
- 20-105. No municipal or private liability.
- 20-106. Expenses of civil defense.

**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 premises 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)