

ORDINANCE AMENDING TITLE 4, "MUNICIPAL PERSONNEL", CHAPTER 3,
"OCCUPATIONAL SAFETY AND HEALTH PROGRAM"

WHEREAS, to more fully comply with Public Chapter 561 of the General Assembly of the State of Tennessee for the year, 1972, the Town of Mount Carmel, Tennessee, wishes to establish in accordance with the guidelines of the State of Tennessee, Department of Labor, Occupational Safety Division additional provisions of its "Occupational Safety and Health Program"; and

WHEREAS, the best interest of the employees for the Town of Mt. Carmel, Tennessee, require it;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MOUNT CARMEL, TENNESSEE, AS FOLLOWS:

SECTION ONE

MCC SECTION 4-301 AMENDED

MCC SECTION 4-301 shall be amended by adding thereto the following sentence:

"This Chapter shall provide authority for establishing and administering the Occupational Safety and Health Programs for the employees of the Town of Mt. Carmel, Tennessee."

SECTION TWO

MCC SECTION 4-302 DELETED AND

MCC SECTION 4-302 "PURPOSE." ADDED

MCC shall be amended by deleting in its entirety MCC §4-302 and in its place adding a new Section 4-302 as follows:

4-302. Purpose. The Town of Mt. Carmel, Tennessee, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

(1) Provide a safe and healthful place and conditions of employment.

(2) Make, keep, preserve, and make available to the Commission of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action is required.

(3) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this program.

SECTION THREE

SECTION 4-303. WHEN PLAN EFFECTIVE. REPEALED

SECTION 4-303. "When Plan Effective". MCC is repealed in its entirety.

SECTION FOUR

SECTION 4-303. "COVERAGE". ADDED

MCC shall be amended by adding the following section:

4-303. Coverage. The provisions of the Occupational Safety and Health Program for the Employees of the Town of Mt. Carmel, Tennessee, shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Mt. Carmel, Tennessee, whether part-time or full-time, seasonal or permanent.

SECTION FIVE

SECTION 4-304. "STANDARDS". ADDED

MCC shall be amended by adding the following section:

4-304. Standards Authorized. The Occupational Safety and Health Standards adopted by the Town of Mt. Carmel, Tennessee, are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 5).

SECTION SIX

SECTION 4-305. "VARIANCES FROM STANDARDS AUTHORIZED". ADDED

MCC shall be amended by adding the following section:

4-305. Variances from Standards. The Town of Mt. Carmel, Tennessee, may, upon written application to the Commissioner of Labor of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with "Rules of Tennessee Department of Labor, Occupational Safety Chapter 0800-1-2, as authorized by T.C.A., Title 5." Prior to requesting such temporary variance, the Town of Mt. Carmel, Tennessee, shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the Town of Mt. Carmel, Tennessee, shall be deemed sufficient notice to employees.

SECTION SEVEN

SECTION 4-306. "ADMINISTRATION". ADDED

MCC shall be amended by adding the following section:

Section 4-306. Administration. For the purposes of this ordinance, the Mayor of the Town of Mt. Carmel, Tennessee, is designated as the Director of Occupational Safety and Health to perform duties and to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program for the Employees of the Town of Mt. Carmel, Tennessee. The Director shall develop a plan of operation for the program and said plan shall become a part of this ordinance when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan.

SECTION EIGHT

FUNDING

Sufficient funds for the administering and staffing of the program pursuant to this ordinance shall be made available as authorized by the Board of Mayor and Aldermen of the Town of Mt. Carmel, Tennessee.

SECTION NINE

LEGAL STATUS PROVISIONS

A. Conflict With Other Ordinances

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, Tennessee, the most restrictive shall in all cases apply.

B. Validity

If any rule, section, or sub-section of this ordinance is held by any court to be invalid or unconstitutional, the same shall not invalidate, otherwise effect any of the other rules, sections, or sub-sections of this ordinance unless it clearly appears that such other rule, section, or sub-sections is wholly or necessarily dependent for its operation upon the rule, section or sub-section so held invalid or unconstitutional.

C. Effective Date

This ordinance shall become effective upon passage, the public welfare requiring.

Passed First Reading July 22, 1993
Passed Second Reading August 26, 1993

Ayes 6 Nays 0
Ayes 7 Nays 0

James B. Dean
MAYOR

ATTEST
Nancy Carter
CITY RECORDER

APPROVED AS TO FORM:
Michael A. Faulk
CITY ATTORNEY

STATE OF TENNESSEE)

COUNTY OF HAWKINS)

I, NANCY CARTER, hereby certify that I am the duly qualified and acting Recorder of Mount Carmel, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of a REGULAR meeting of the governing body of said municipality held on August 26, 1993; that these minutes were promptly and fully recorded and are open to public inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to a \$300,000 Sewer Revenue and Tax Bond, Series 1993 of said municipality.

WITNESS my official signature and the seal of said municipality, this 26th day of August, 1993.

Nancy Carter
Recorder

(SEAL)