

ORDINANCE NO. 15-426

AN ORDINANCE TO REVISE AND RESTRUCTURE THE DEPARTMENT OF PUBLIC SAFETY AND TO FIX EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, it is deemed advisable and advantageous to the Town of Mount Carmel to restructure the Public Safety Department;

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

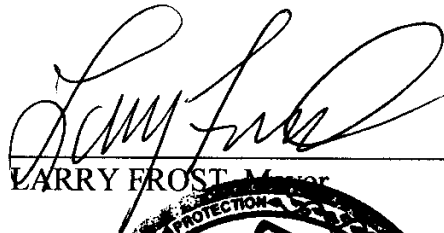
SECTION I. That the Town of Mount Carmel Municipal Code Title 6, Law Enforcement, Section 6-101 through 105, 401 through 409, 501 through 505, Title 7, Fire Protection and Fireworks, Chapter 1, Fire District, and Chapter 2, Fire Code, Section 7-101, and 7-201 through 207, be deleted in their entirety, and the new Chapters attached shall be substituted therefore.

SECTION II. 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, the most restrictive shall in all cases apply.

B. Validity. If any section, clause, provision, or portion of this Ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

C. Effective Date. This ordinance shall become effective upon passage and publication, the public welfare requiring it.


LARRY FROST, Mayor

ATTEST:


MARIAN SANDIDGE, Recorder



FIRST READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN	x		
ALDERMAN MARGARET CHRISTIAN	x		
ALDERMAN WANDA DAVIDSON	x		
ALDERMAN CHRIS JONES	x		
ALDERMAN CARL WOLFE	x		
VICE-MAYOR PAUL HALE	x		
MAYOR LARRY FROST	x		
TOTALS	7	0	0

PASSED FIRST READING: **April 29, 2015**

SECOND READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN	x		
ALDERMAN MARGARET CHRISTIAN	x		
ALDERMAN WANDA DAVIDSON			absent
ALDERMAN CHRIS JONES	x		
ALDERMAN CARL WOLFE	x		
VICE-MAYOR PAUL HALE	x		
MAYOR LARRY FROST	x		
TOTALS	6	0	1

PASSED SECOND READING: **June 23, 2015**

PUBLICATION AFTER PASSAGE:
DATE: June 26, 2015
NEWSPAPER: *Kingsport Times-News*

TITLE 6

PUBLIC SAFETY

CHAPTER

1. PUBLIC SAFETY DEPARTMENT ESTABLISHED
2. PUBLIC SAFETY
3. RESERVE PUBLIC SAFETY OFFICERS
4. FIRE PREVENTION AND SUPPRESSION

CHAPTER 1

PUBLIC SAFETY DEPARTMENT ESTABLISHED

SECTION

- 6-101. PUBLIC SAFETY DEPARTMENT ESTABLISHED
- 6-102. POSITIONS ESTABLISHED
- 6-103. FUNCTIONS AND DUTIES
- 6-104. DUTIES OF THE DIRECTOR OF PUBLIC SAFETY
- 6-105. DEPARTMENT COMMAND STRUCTURE

6-101. PUBLIC SAFETY DEPARTMENT ESTABLISHED.

Public Safety Department hereby is created and established as a new department, which shall be known as the Public Safety Department. Staffing shall consist of the current Fire Department and Police Department.

6-102. POSITIONS ESTABLISHED.

(1) The Department of Public Safety shall consist of the Fire Chief, Police Chief, and members of each department designated as public safety officers, police officers, and firemen. The job descriptions for the above are on file in the Department of Public Safety.

(2) The Police Chief shall be the Director of the Public Safety Department and department head for the Police Department whose appointment is made by the Mayor with the consent of the Board of Mayor and Aldermen. In the event a leave of absence or vacancy occurs, the Assistant Police Chief shall assume the duties of the Director. The Mayor has the authority to appoint a designee to fill the vacancy until the position of Director has been filled by the Board of Mayor and Aldermen.

6-103. FUNCTIONS AND DUTIES.

Within the Public Safety Department, the members of the Fire Department shall be responsible for fire prevention, fire suppression, and investigations related to fires. The members of the Police Department shall be responsible for crime prevention, crime suppression, traffic control, and criminal investigations. Public safety officers perform dual services relating to fire and police activities. Other related functions and duties may be assigned by the Public Safety Director with the consent of the Mayor.

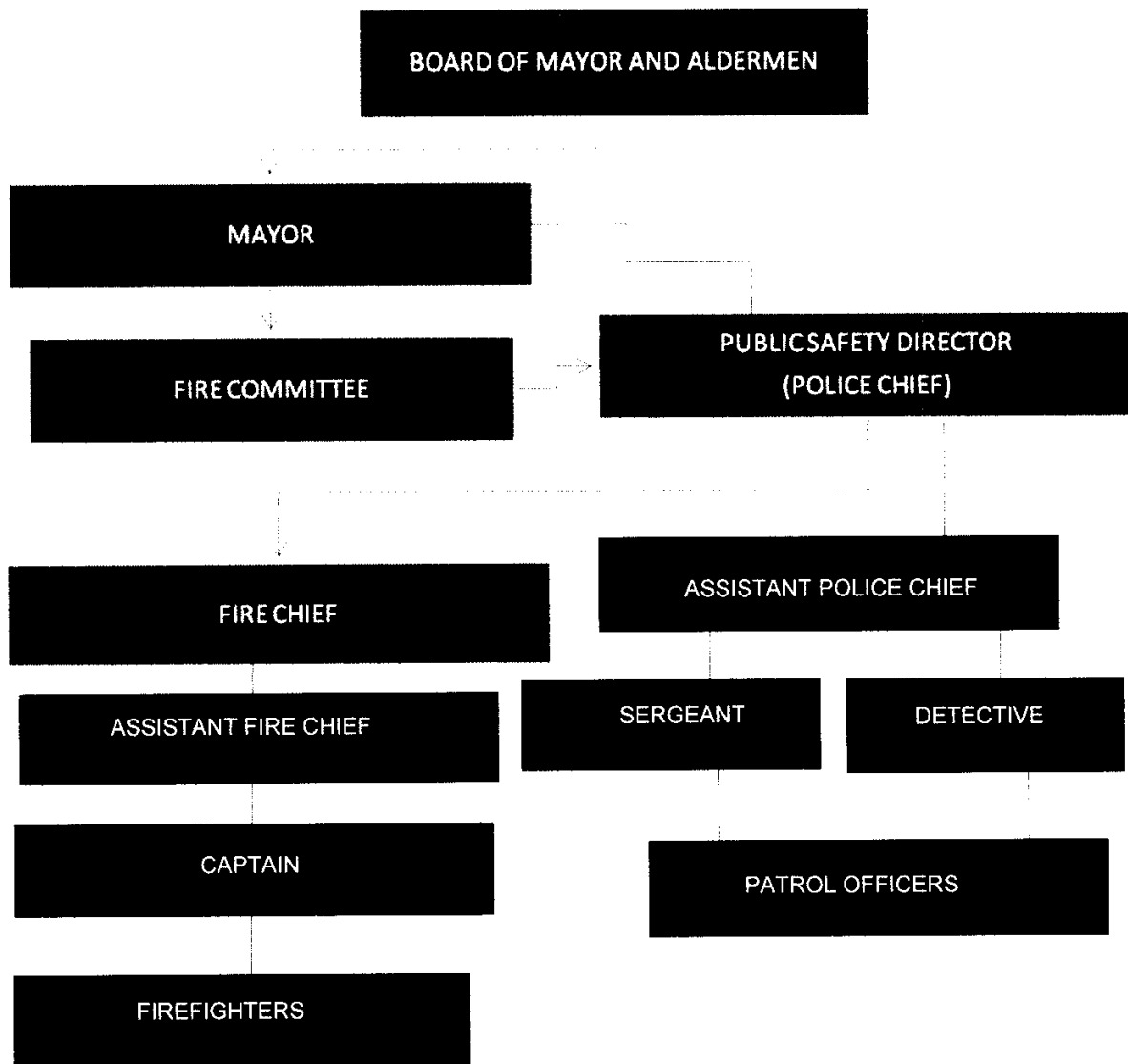
6-104. DUTIES OF THE DIRECTOR OF PUBLIC SAFETY.

(1) The Director of Public Safety shall be granted all powers, with all the duties imposed, by the laws of the State relating to Police Chiefs, and in addition shall have the power and duty to enforce laws and ordinances of the City and State now and in the future as required.

(2) The Director of Public Safety shall be the Chief Executive Officer of the department, with authority in departmental matters of discipline, operations, and policy. The Director will report to the Mayor the operations of the department and provide reports as requested or required by the Mayor.

6-105. DEPARTMENT COMMAND STRUCTURE.

Department command structure shall be as follows:



CHAPTER 4

FIRE PREVENTION AND SUPPRESSION

SECTION

- 6-401. ORGANIZATIONAL STATEMENT.
- 6-402. APPOINTMENT.
- 6-403. OBJECTIVES.
- 6-404. FIRE PREVENTION AND SUPPRESSION OPERATIONS.
- 6-405. RECORDS AND REPORTS.
- 6-406. EQUIPMENT AND FUNDING.
- 6-407. CHIEF RESPONSIBLE FOR TRAINING.
- 6-408. CHIEF TO BE ASSISTANT TO STATE COMMISSIONER.
- 6-409. EQUIPMENT TO BE USED WITHIN MUNICIPAL LIMITS.
- 6-410. ORGANIZATION, RULES, AND REGULATIONS.

6-401. ORGANIZATIONAL STATEMENT.

The Fire Chief will structure these procedures and make assignments of officers and members in an effort to provide the best possible services to citizens, effectively utilize the time and talents of all members, and position the department to operate in a manner that facilitates change and places maximum emphasis on preparation for the future.

By establishing a system in which the Fire Chief will have knowledge of the member or members that have been assigned or who have volunteered for the time that has been scheduled, the Fire Department will ensure a timely response to emergencies.

An on-duty roster, prepared monthly, will be placed in such an area that all department members have access. It will be the responsibility of said members to fulfill the staffing of the roster assignments through the chain of command if conflicts occur. Reserve members who are volunteering their time are required to participate in at least three shifts per month. Creation of the on-duty roster creates no obligation for reserve members except as required above.

6-402. APPOINTMENT.

The Mayor, with the consent of the Board, may appoint current City employees to act as fire department personnel whenever the need arises for fire prevention and suppression purposes, provided said employees have been properly trained.

6-403. OBJECTIVES.

1. To prevent uncontrolled fires from starting
2. To prevent the loss of life and property by fire
3. To confine fires to their place of origin and extinguish them
4. To prevent loss of life from asphyxiation or drowning
5. To perform rescue work as equipment and training are practical

6-404. FIRE PREVENTION AND SUPPRESSION OPERATIONS.

The Fire Chief will appoint and make definite assignments for fire personnel. Rules and regulations will be designed and enforced that are necessary for fire prevention and suppression operations.

6-405. RECORDS AND REPORTS.

It shall be the responsibility of the Fire Chief to maintain and keep adequate records of all fires, inspections, apparatus, equipment, charitable contributions, personnel and work of the department. Submission of a final report at the end of the fiscal year, including a detailed annual report, should be accomplished by the Fire Chief. The Fire Chief will assign fire department personnel to be responsible for the tasks of maintaining any record or records. The fire department member shall keep adequate records, and, with the direction of the Fire Chief, establish a secure area for such records or reports to be filed.

6-406. EQUIPMENT AND FUNDING.

The Fire Chief shall direct the general public to send any fire department donations to the City Recorder, who shall place said funds in a restricted account, and such donations shall be used exclusively for the benefit of the Fire Department. Any equipment donated to the Fire Department shall be the sole property of the Town.

6-407. CHIEF RESPONSIBLE FOR TRAINING.

All training for firefighters will be the full responsibility of the Fire Chief. The Fire Chief shall appoint and have authority to designate a fire department member whose sole position is focused on the training of all fire personnel. The Fire Chief shall ensure that all fire department personnel are trained to the minimum training requirements, which shall include all training required by local, state, and federal rules and regulations.

6-408. CHIEF TO BE ASSISTANT TO STATE COMMISSIONER.

Pursuant to requirements of Tennessee Code Annotated §68-102-301, et seq., the Chief of the Fire Department is designated as an assistant to the State Commissioner of Insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, Title 68, Chapter 102, Part 3, and shall be subject to the directions of the Commissioner in the execution of the provisions thereof.

6-409. EQUIPMENT TO BE USED IN MUNICIPAL LIMITS.

Public safety officers and firemen shall respond to calls for firefighting and fire protection within the City limits. The Board of Mayor and Aldermen may, in its discretion, and with a resolution, authorize fire prevention and suppression activities at other locations in which the conditions deem necessary and will be in the best interest of the citizens of Mount Carmel. Reciprocal inter-local assistance agreements may be executed with other municipalities or departments within the areas outside of the municipality where the fire committee deems necessary and appropriate. Agreements heretofore entered and ratified may include automatic and/or mutual aid agreements in which a signed written agreement or assistance has been requested by another department.

6-410. ORGANIZATION, RULES, AND REGULATIONS.

The Fire Chief will be responsible for taking assignments and reporting to the Public Safety Director or in the absence shall report to the Assistant Public Safety Director who reports all findings to the Mayor. Definite assignments of individuals shall be directed by the Fire Chief with approval by the Public Safety Director. Enforcement, formulations, rules, and regulations are necessary for the efficient, safe, and orderly operations of the Fire Department. The Public Safety Director along with the Fire Chief shall have the authority to dismiss or suspend any member of the Fire Department who violates departmental rules or regulations or when dismissal or suspension is deemed necessary to continue the operations of the Fire Department, provided said authority has been delegated by the Mayor.

CHAPTER 5

RESERVE FIREMEN

SECTION

6-501. ESTABLISHMENT AND MEMBERSHIP.

6-502. REVIEW COMMITTEE.

6-503. STATUS.

6-501. ESTABLISHMENT AND MEMBERSHIP.

Reserve firemen, who are members of the Public Safety Department, must be at least eighteen (18) years of age and a licensed driver of the State of Tennessee.

6-502. REVIEW COMMITTEE.

Suspended reserve firemen have the option to appeal a suspension to the Mayor. The aggrieved member will be granted an opportunity to present his or her appeal either orally and/or in writing to the Mayor. It will be the responsibility of the Mayor to affirm the suspension, modify, or remove the suspended member.

6-503. STATUS.

Members of the Fire Department, who are not employed by the City in another capacity, will serve as reserve firemen, who acknowledge that their position as reserve firemen is to serve the Town of Mount Carmel and provide fire protection for the community and surrounding areas. Reserve firemen may be compensated a nominal and reasonable fee, upon discretionary recommendation of the Fire Chief, subject to confirmation by the Board of Mayor and Aldermen.

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. FIRE DISTRICT DESCRIBED.

Central businesses zoned within corporate City limits, residential subdivisions, and all properties (leased, owned, private, and rental) zoned in accordance within the jurisdictional boundaries established shall be the Fire District.

CHAPTER 2

FIRE CODE

SECTION

- 7-201. FIRE CODE ADOPTED.
- 7-202. AVAILABLE IN RECORDER'S OFFICE.
- 7-203. ENFORCEMENT.
- 7-204. MODIFICATIONS.
- 7-205. GASOLINE TRUCKS.
- 7-206. VARIANCES.
- 7-207. VIOLATION AND PENALTIES.

7-201. FIRE CODE ADOPTED.

Tennessee Code Annotated §6-54-501 through 6-54-506 grants the authority pursuant to this code with the purpose of providing a reasonable level of life safety including the protection of property in the event of fires, explosions, and dangerous conditions that may occur in new or existing buildings, structures, or premises.

Provisions of safety for firefighters and emergency responders during events of emergency operations, which are recommended by the International Code Council, the International Fire Code 2012 edition hereby be adopted through reference, which includes this as part of the code. In accordance with the requirements of Tennessee Code Annotated §6-54-502, one copy of said 2012 Edition of International Fire Code will be filed with the City Recorder to be accessible to the public for use and inspection. The International Fire Code 2012 edition is hereby adopted and incorporated fully as if repeated verbatim herein and shall be used as a governing force within the corporate City limits.

7-202. AVAILABLE IN RECORDER'S OFFICE.

One (1) copy of the aforesaid code and revisions, as modified, has been filed with the Recorder of the City for a period of fifteen (15) days prior to the passage of the ordinance, as required by Tennessee Code Annotated §6-54-502.

7-203. ENFORCEMENT.

The International Fire Code herein adopted by reference shall be enforced by the Chief of the Fire Department. He shall have the same powers as the State Fire Marshall.

7-204. MODIFICATIONS.

The International Fire Code adopted in §7-201 above is modified by deleting therefrom Section 108, titled "Board of Appeals", in its entirety; §7-207 below shall control appeals.

7-205. GASOLINE TRUCKS.

Gasoline trucks and/or personnel are restricted to the operations and parking of any gasoline tank truck full/emptied within the central business district or residential area. Personnel and trucks are exempt during the actual engagement of delivery to the specified location.

7-206. VARIANCES.

The Chief of the Fire Department may recommend to the Board of Mayor and Aldermen variances from the provisions of the International Fire Code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the Board of Mayor and Aldermen.

7-207. VIOLATIONS AND PENALTIES.

It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the Board of Mayor and Aldermen or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provisions of this code. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.