

ORDINANCE NO. 80

AN ORDINANCE FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, PROSPERITY AND GENERAL WELFARE; TO ESTABLISH A FIRE DEPARTMENT TO BE REGULATED, SUPPORTED AND EQUIPPED FROM APPROPRIATIONS BY THE GOVERNING BODY OF THE MUNICIPALITY.

BE IT ORDAINED by the Board of Mayor and Aldermen as follows:

ARTICLE I. ESTABLISHMENT, EQUIPMENT, AND MEMBERSHIP

There is hereby established a fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The chief and assistant chief of the fire department shall be appointed annually by the governing body. The chief shall appoint such number of physically-fit subordinate officers and firemen as he deems necessary, efficient, and economical as may be required subject to confirmation by the governing body of the municipality.

ARTICLE II. OBJECTIVES

The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.

ARTICLE III. ORGANIZATION, RULES, AND REGULATIONS

The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department.

ARTICLE IV. CONSTITUTION AND BY-LAWS

No alteration or amendment shall be made to the Constitution and

By-laws of the Mount Carmel Volunteer Fire Department unless such alteration or amendment is first approved by the governing body of the municipality.

ARTICLE V. RECORDS AND REPORTS

The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made.

ARTICLE VI. TENURE AND COMPENSATION OF MEMBERS

The chief and assistant chief shall be appointed annually by the governing body at the first regular meeting during the month of February beginning the year 1984 and each February thereafter. The chief and assistant chief shall hold office so long as his conduct and efficiency are satisfactory to the governing body. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department subject to confirmation by the governing body of the municipality when he deems such action to be necessary for the good of the department. Alternatively, the governing body of the municipality may remove a member of the fire department for cause after a public hearing. The chief or the assistant chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the governing body for good cause after a public hearing.

All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe.

ARTICLE VII. CHIEF RESPONSIBLE FOR TRAINING AND MAINTENANCE

The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month.

ARTICLE VIII. EQUIPMENT TO BE USED ONLY WITHIN CORPORATE LIMITS GENERALLY

No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless such fire is on city owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger such city

property or unless expressly authorized in writing by the municipal governing body.

ARTICLE IX. CHIEF TO BE ASSISTANT TO STATE OFFICER

Pursuant to requirements of section 53-2408 of the Tennessee Code Annotated, 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 chapter 24 of title 53 of said Tennessee Code Annotated, and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

ARTICLE X. LEGAL STATUS PROVISIONS

Section 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.

Section B. Validity If any section, clause, provision or portion of this ordinance shall be held to be invalid 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.

Section C. Effective Date This ordinance shall take effect and be in force from and after its passage, the public welfare demanding it.

Passed on first reading Dec. 8, 1983
Passed on second reading Jan. 12, 1984
Passed on third reading Feb. 9, 1984

Approved and signed in open meeting

C. Sidney Snodgrass
Mayor

Approved as to Form:

[Signature], City Attorney

Attest:

[Signature], City Recorder