

ORDINANCE NO. 299

AN ORDINANCE TO CREATE AND ESTABLISH A NEW DEPARTMENT TO BE KNOWN AS THE DEPARTMENT OF PUBLIC SAFETY; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, it is deemed advisable and advantageous to the citizens of the Town of Mount Carmel, to create and establish a new Department, consisting of the current Police Department and the current Fire Department, to be known as the Department of Public Safety. Now therefore,

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

SECTION I. That the Town of Mount Carmel Municipal Code, Title 6, Law Enforcement, and Title 7, Fire Protection and Fireworks, Chapter 3, Fire Department, are hereby deleted in their entirety and a new Title 6 entitled Public Safety, is adopted to read as follows:

Title 6

PUBLIC SAFETY

Chapter

1. Public Safety Department Established.
2. Law Enforcement.
3. Reserve Public Safety Officers/Police Officers.
4. Fire Prevention and Suppression.
5. Volunteer Public Safety Officers/Police Officers/FireFighters.

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 Director of Public Safety.
- 6-105. Department Command.

6-101. Public Safety Department Established.

There is created and established a new department to be known as the "Department of Public Safety." It shall consist of the current Police Department and the current Fire Department.

6-102. Positions Established.

1. Positions with the Department of Public Safety shall consist of the Director of the Department of Police Chief, Fire Chief, Police Officers, Public Safety and Public Safety Officers, Firemen.
2. The Police Chief shall be the Director of Public Safety and shall be head of the Department and shall be appointed by the mayor with the consent of the Board of Mayor and Aldermen. In the event that a vacancy should occur in the position of the Director, the duties of the Director shall be assumed by the mayor or his designee.

6-103. Functions and Duties.

The functions and duties of the Department of Public Safety shall consist of those heretofore assigned to be performed by the police and fire departments and shall include crime prevention and suppression, investigations, traffic control, fire prevention and suppression and such other related functions and duties as may be assigned from time to time by the mayor.

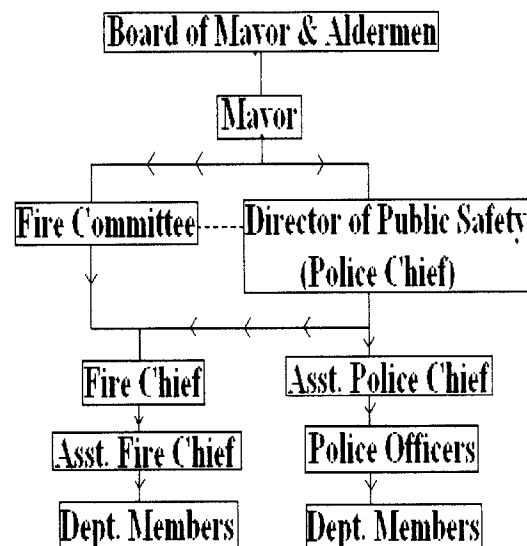
6-104. Duties of Director of Public Safety.

1. The Director of Public Safety shall have all of the powers granted, together with all of the duties imposed, by the laws of the state relating to fire chiefs and police chiefs, and in addition hereto he shall have the power and duty to enforce the ordinances of the town and to perform such other services as the laws of the state and the ordinances of the town may now or hereafter require.
2. The Director of Public Safety is the Chief Executive Officer of the Department and the final Departmental authority on all matters of

policy, operations and discipline. He shall be responsible to the mayor ¹ for the operation of the department and shall provide the mayor with such reports as may be required.

6-105. Department Command.

1. Command structure of the Department shall be as follows:



¹ See Tenn. Code Ann. § 6-3-106(b)(2)(A)

Chapter 2

LAW ENFORCEMENT

Section.

- 6-201. Public Safety Officer subject to Director's orders.
- 6-202. Public Safety Officer to preserve law and order, etc.
- 6-203. When Public Safety Officer to make arrests.
- 6-204. Disposition of persons arrested.
- 6-205. Police Department Policies and Procedures Manual 2005.
- 6-206. Evidence and Property Unit -Standard Operating and Procedure Manual.
- 6-207. Standing Orders.

6-201. Public Safety Officer/Police Officer subject to Director's orders.

All Public Safety Officers/Police Officers shall obey and comply with such orders and administrative rules and regulations as the Director of Public Safety may officially issue. (1978 Code, sec. 1-401)

6-202. Public Safety Officer/Police Officer to preserve law and order, etc.

Public Safety Officer/Police Officer shall preserve law and order within the town. They shall patrol the town and shall assist the town court during the trial of cases. Public Safety Officers/Police Officers shall also promptly serve any legal process issued by the town court. (1978 Code, sec. 1-402)

6-203. When Public Safety Officer/Police Officer to make arrests.²

Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a Public Safety Officer/Police Officer in the following cases:

1. Whenever he is in possession of a warrant for the arrest of the person.

2. Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

3. Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it.

(1978 Code, sec. 1-404)

6-204. Disposition of persons arrested.

- a. For code or ordinance violations.

Unless otherwise provided by law, a person arrested for a violation of this code or other town ordinances shall be brought before the town court. However, if the town court is not in session, the arrested person shall be allowed to post bond with the County Court Clerk. If the arrested person fails or refuses to post bond, he shall be confined pending his release by the town judge. In addition, if the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

² Municipal code reference
Issuance of citation in lieu of arrest in
traffic cases: title 15, chapter 7.

b. Felonies or misdemeanors.

A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender.

(1978 Code, sec. 1-406, modified)

promulgate Standing Orders and procedures for the legal efficient operation of the department in carrying out the duties, responsibilities, and obligations imposed upon them by law of necessarily assumed in calling out the department's objectives.

6-205. Police Department Policies and Procedures Manual 2005.

The Town of Mount Carmel, Tennessee Police Department Policies and Procedures Manual 2005 is hereby adopted by reference and included as a part of this Code as the official policy of the Town of Mt. Carmel and all approved amendments thereto, and is to be used by all members and employees of the Mt. Carmel Police Department in calling out the duties, responsibilities, and obligations imposed upon them by law or necessarily assumed in calling out the department's objectives.

(Ord. No. 186, 01/28/1998) (Ord. No. 201, 01/28/1999)³

6-206. Evidence and Property Unit—Standard Operating and Procedure Manual.

The Town of Mount Carmel, Tennessee Police Department Evidence and Property Unit—Standard Operating and Procedures Manual, 1998 Edition, is hereby adopted by reference and included as a part of this Code as the official policy of the Town of Mount Carmel and all approved amendments thereto, and is to be used by all members and employees of the Mt. Carmel Police Department in carrying out the duties, responsibilities, and obligations imposed upon them by law of necessarily assumed in carrying out the department's objectives.

(Ord. No. 201, 03/03/99)

6-207. Standing Orders.

The Director of Public Safety is authorized to

³ A Reserve Officer Unit Manual was also adopted by Resolution No. 198.

Chapter 3

RESERVE PUBLIC SAFETY OFFICERS RESERVE POLICE OFFICERS

Section.

6-301. Reserve Officer Unit Manual 1999.

6-301. Reserve Officer Unit Manual 1999.

The Town of Mount Carmel, Tennessee Reserve Officer Unit Manual 1999 is hereby adopted by reference and included as a part of this Code as the official policy of the town and all approved amendments thereto, and is to be used by all Reserve Public Safety Officers/Police Officers in calling out the duties, responsibilities, and obligations imposed upon them by law or necessarily assumed in calling out the department's objectives.

(Ord. No. 186, 01/28/1998) (Ord. No. 201, 01/28/1999)

Chapter 4

FIRE PREVENTION AND SUPPRESSION

Section.

6-401. Appointment.

6-402. Objectives.

6-403. Fire Prevention and Suppression operations.

6-404. Records and reports.

6-405. Equipment and funding.

6-406. Training and maintenance.

6-407. Equipment to be used within the municipal limits of the Town of Mt. Carmel.

6-408. Director of Public Safety to be assistant to state officer.

6-409. Organization and operating rules.

6-401. 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.
(as replaced by Ord. No.121)

6-402. Objectives.

Fire prevention and suppression objectives:

- c. To prevent uncontrolled fires from starting.
- d. To prevent the loss of life and property because of fire.
- e. To confine fires to their places of origin and to extinguish them.
- f. To prevent loss of life from asphyxiation.
- g. To perform such rescue work as equipment and training of personnel make practicable.

(as replaced by Ord. No.121)

6-403. Fire Prevention and Suppression operations.

The Fire Chief shall appoint and make definite assignments to Fire Personnel, subject to

the approval of the Fire Committee, formulate and enforce such rules and regulations as shall be necessary for orderly and efficient fire prevention and suppression operations.
(as replaced by Ord. No. 121)

6-404. Records and reports.

The Fire Chief shall keep adequate records of all fires, inspections, apparatus, equipment, charitable contributions, personnel, and work of the department. He shall submit a written report on such matters to the mayor prior to each regular meeting of the board of mayor and aldermen. At the end of the year a detailed annual report shall be made and submitted.
(as replaced by Ord. No. 121)

6-405. Equipment and funding.

The Fire Chief may shall direct the general public to send any donations to the City Recorder. All donations shall be used to purchase firefighting equipment and supplies. Any equipment donated to the fire department shall be the sole property of the town.
(as replaced by Ord. No. 121)

6-406. Training and maintenance.

The Fire Chief shall be fully responsible for the training of all Fire Department members and

for maintenance of all property and equipment of the Fire Department. Fire Department members shall hold not less than one practice training session each month and shall have no less than twenty-four hours documented training per year. (as replaced by Ord. No. 121)

approved as the organization and operating rules of said department.
(as added by Ord. No. 121)

6-407. Equipment to be used within the municipal limits of the Town of Mt Carmel. ⁴

The Department of Public Safety shall respond to calls for firefighting and fire protection within the corporate limits. The board of mayor and aldermen may, in its discretion, and by resolution, authorize fire prevention and suppression activity at other locations upon such conditions as the board deems is in the best interest of the citizens of Mount Carmel. Reciprocal Interlocal assistance agreements may be executed with other municipalities and other volunteer fire departments as the Fire Committee deems necessary and proper. All such agreements heretofore entered into are hereby ratified.
(as replaced by Ord. No. 121)

6-408. Fire Chief to be assistant to state officer.

The Fire Chief is hereby designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by *Tenn. Code Ann. § 68-102-108(b)(2)*, and shall be subject to the directions of the commissioner in the execution of the provisions thereof.
(as added by Ord. No. 121)

6-409. Organization and operating rules.

The Fire Chief shall be responsible to the Director of Public Safety and guided by the Fire Committee. He shall be responsible for the Fire Department records and their maintenance. The *Internal Organization-Mount Carmel Department of Public Safety Fire Prevention and Suppression Manual 2005* attached hereto as an Appendix is

⁴ Municipal code reference
Contracts, Mutual Aid Agreements and
other types of agreements: title 1, chapter 4.

Chapter 5

VOLUNTEER PUBLIC SAFETY OFFICERS VOLUNTEER POLICE OFFICERS VOLUNTEER FIRE FIGHTERS

Section.

6-501. Establishment and membership.

6-502. Department operations.

6-503. Review committee.

6-504. Status

6-505. Liability and other insurance.

6-501. Establishment and membership.

Volunteer members of the fire department must each be at least eighteen (18) years of age and must each be licensed drivers in the State of Tennessee.

(as replaced by Ord. No.121)

6-502. Department operations.

The Fire Chief shall make definite assignments to individuals, and shall, subject to the approval of the Fire Committee, formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the Fire Department. The Director of Public Safety and/or the Fire Chief shall have the authority to suspend any member of the Fire Department for violating the departmental rules and regulations or whenever he deems it necessary for the continuing efficient operation of the department.

(as replaced by Ord. No. 121)

6-503. Review committee.

Any suspended Fire Department member shall have the option of appealing the suspension to the Fire Committee. The Fire Committee shall, after affording the aggrieved member an opportunity to present his position, either orally or in writing, at a regular or special meeting, affirm the suspension, modify the suspension, or remove the suspended member.

(as replaced by Ord. No. 121)

6-504. Status.

All members of the Fire Department who are not employed by the city in another capacity, serve as volunteers and, with their application and agreement to serve, acknowledge that they are not employees of the Town of Mt. Carmel but are serving their community for fire protection purposes. Volunteer members shall serve without compensation.

(as added by Ord. No. 121)

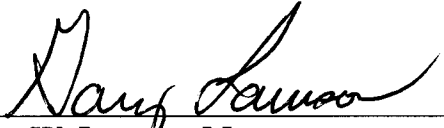
6-505. Liability and other insurance.

The Town of Mt Carmel shall carry and pay the premiums on liability insurance to cover the hazards of the municipal employee and volunteer Fire Department personnel operating fire trucks and equipment over the public highways and roads. The town may also carry collision insurance on all of its fire department vehicles. The Town of Mt Carmel may, if financially possible, provide medical and wage loss indemnity insurance coverage for volunteer members of the Fire Department in order to compensate, in so far as the policy provides, volunteer members for medical expenses and any actual wage loss suffered from their regular job as a result of an injury incurred during the volunteer member's participation in firefighting activities on behalf of the Town of Mt Carmel. The town's financial responsibility to its Public Safety Officer is limited to paying the premiums on whatever liability, indemnity, medical and worker's compensation insurance is purchased, if any. The

Town of Mt Carmel is not responsible for the actual medical expenses and actual lost wages of any member in the Fire Department either as a current city employee or a volunteer, in the event that any insurance carrier becomes insolvent or otherwise defaults upon its obligations to pay any claim under the insurance policy purchased by the Town of Mt. Carmel.
(as added by Ord. No. 121)

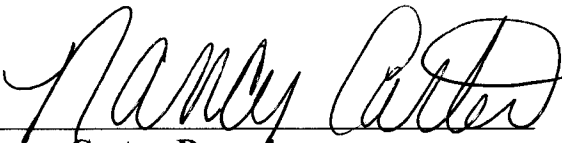
SECTION II. That any reference in the Code of Ordinances to police department or fire department or volunteer fire department or municipal fire department or municipal volunteer fire department is hereby deemed to be a component of the new Department of Public Safety; and any reference in the Code of Ordinances to the Chief of Police or Police Chief shall be synonymous with the term Director of Public Safety.

SECTION III. That this ordinance shall take effect from and after its date of passage, as the law directs, the public welfare of the Town of Mount Carmel demanding it.



Gary W. Lawson, Mayor

ATTEST:



Nancy Carter, Recorder

Passed First Reading	<u>5-21-05</u>
Passed Second Reading	<u>6-28-05</u>
Published On	<u>7-1-05</u>

MOTION MADE BY:

Wolfe
Bailey

SECOND BY:

Ordinance No.

299

FIRST READING	AYES	NAYS	OTHER
Alderman Bailey	✓		
Vice-Mayor Christian	✓		
Alderman Mawk	<i>absent</i>		
Alderman Wheeler	✓		
Alderman Wolfe	✓		
Alderman Worley			<i>abstain</i>
Mayor Lawson	✓		
TOTALS	<i>5</i>	<i>0</i>	<i>1</i>

PASSED FIRST READING

5-31-05

SECOND READING	AYES	NAYS	OTHER
Alderman Bailey	✓		
Vice-Mayor Christian	✓		
Alderman Mawk	✓		
Alderman Wheeler	✓		
Alderman Wolfe	✓		
Alderman Worley	<i>absent</i>		
Mayor Lawson	✓		
TOTALS	<i>6</i>	<i>0</i>	<i>0</i>

PASSED SECOND READING

6-28-05

DATE PUBLISHED:

7-1-05

NEWSPAPER:

Kingsport Times News

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN August 15, 2005

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 7-1-05, and appearing 1 consecutive weeks/times, as per order of _____

Town of Mount Carmel

Signed Karen C. Mulkey

THE FOLLOWING ORDINANCES were passed by the Mt. Carmel Board or Mayor and Aldermen June 28, 2005: (1.) Ordinance 295. Amends Title 6, "Law Enforcement" Chapter one, "Police Policies and Procedures Manual, 2005" (2.) Ordinance 296. General Fund Budget, Fiscal period July 1, 2005, through June 30, 2006 (3.) Ordinance 297. Sewage Maintenance Budget FY 2005/2006 (4.) Ordinance 298. Establish Property Tax Rate (5.) Ordinance 299. Form Public Safety Department (6.) Ordinance 300. Fire Department Standard Operating Guide.
Pub. IT: 07/01/05

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 15th day of August 2005, Karen C. Mulkey of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

William David Richards

My commission expires 6-26-07

