

TITLE 20

MISCELLANEOUS

CHAPTER

1. EMERGENCY ASSISTANCE REGULATIONS.
2. TELEPHONE SERVICE.

CHAPTER 1

EMERGENCY ASSISTANCE REGULATIONS¹

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20-101. Definitions. (1) "City" shall mean the City of Lobelville, Tennessee.

(2) "Emergency assistance" shall mean firefighting, law enforcement, public works, emergency medical, civil defense, or any other emergency assistance that is provided by the City of Lobelville, Tennessee or by any other local government as a responding unit of local government, or any combination of such forms of assistance, where the resources of the requesting local government are not adequate to handle an emergency at hand.

(3) "Local government" shall mean any incorporated city or town, any metropolitan government, any county, any utility district, any other regional or

¹State law reference

Tennessee Code Annotated, §§ 58-2-601 *et seq.*, as amended by Public Acts 1988, Ch. 499, authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government.

local district or authority or any electric cooperative, as established under the laws of the State of Tennessee.

(4) "Requesting party" shall mean a local government which requests emergency assistance.

(5) "Responding party" shall mean a local government which responds to a request for emergency assistance.

(1996 Code, § 20-101)

20-102. Requests for emergency assistance. All requests for emergency assistance made by the city and all requests for such assistance to be rendered by the city shall be done, performed and authorized only by the mayor of the city, or in his absence by the such person or official to whom he shall have delegated such authority in writing. No other person or official of the city shall be authorized to request the rendering of emergency assistance by the city. (1996 Code, § 20-102)

20-103. City requesting for emergency assistance; mayor to be in command. When the city is the requesting party, the mayor, and when the city is the responding party, the senior officer on the scene of the emergency of any other local government, shall be in full command of the emergency as to strategy, tactics and overall direction of the operation and such person shall direct the actions of the responding party by relaying orders to the senior departmental officer in command of the responding party. (1996 Code, § 20-103)

20-104. City responding to emergencies. When the city is the responding party, all orders and other directions of the operation received from the senior officer in charge of the requesting party shall be directed through the senior departmental officer of the city in command on the scene and by him directed to the employees or other agents of the city performing the emergency assistance. (1996 Code, § 20-104)

20-105. Requirements for city to respond to emergency calls. No response to a request for emergency assistance shall be made by the city to any requesting party unless such requesting party has adopted appropriate policies and procedures which shall have been furnished to the city prior to the request being made. (1996 Code, § 20-105)

20-106. City not obligated to respond. The city shall be under no duty to respond to any request for emergency assistance from any requesting party and shall be under no duty to remain on the scene of any emergency for any length of time if it shall have responded to a request. Once on the scene of any emergency under lawful authority, the personnel and equipment of the city may be withdrawn at any time at the discretion of the mayor, or in his absence

the senior departmental officer of the city on the scene and in command of the personnel and equipment of the city. (1996 Code, § 20-106)

20-107. Mayor to determine level of response by city. In determining the level of response to be made by the city to any request of a requesting party for emergency assistance, the mayor shall make a reasonable appraisal of the emergency of the requesting party, consider the available resources of the requesting party or any other responding party, the available resources of the city, and such other factors as may be appropriate at the time. In responding to a request made by a requesting party, the greatest or maximum response that shall be permitted to be made by the city shall be fifty percent (50%) of the personnel and resources of the particular service or department of the city for which the emergency assistance is requested. (1996 Code, § 20-107)

20-108. Multiple requests at the same time. In cases where two (2) or more requests for emergency assistance are made at or about the same time to the city, the mayor shall respond to the multiple requests by taking into consideration the relative degree of the emergency which shall exist in the jurisdiction of each requesting party. (1996 Code, § 20-108)

20-109. City not liable for damages. The city, when in the capacity of a requesting party, shall not be liable for damages to the equipment or personnel of a responding party in responding to the request by the city for emergency assistance, nor shall the city or its employees be liable for any damages caused by the negligence of the personnel of the responding party while en route to or returning from the scene of an emergency within the city. (1996 Code, § 20-109)

20-110. City liable for damages occurring within the city. The city shall be liable for damages caused by the negligence of the employees of a responding party while on the scene and under the command of the senior departmental officer of the city on the scene of the emergency occurring within the city, as is provided for liability imposed on the city generally by *Tennessee Code Annotated*, §§ 29-20-101, *et seq.* (1996 Code, § 20-110)

20-111. City not liable for damages in jurisdiction of requesting party. When in the capacity of a responding party, the city shall not be liable for any property damage or bodily injury caused by the negligence of its employees while at the actual scene of any emergency in the jurisdiction of a requesting party. (1996 Code, § 20-111)

20-112. Reimburse costs incurred when responding to emergency calls. Before rendering emergency assistance, the requesting party shall

guarantee to the city that the requesting party shall reimburse to the city its actual costs incurred by way of the wages or compensation as paid to employees of the city sent to the scene of the emergency in the jurisdiction of the requesting party and for the costs of all motor vehicle operating fuels and lubricants consumed by the equipment of the city used in rendering the emergency assistance. Likewise, the city shall reimburse to any responding party for its cost of wages or compensation of its personnel and for fuels and lubricants consumed in operating its equipment sent to the city in response to a request for emergency assistance made by the city. (1996 Code, § 20-112)

20-113. Applicability of provisions. The provisions hereof shall have no applicability to the rendering of emergency assistance by the city or to the receiving by the city of emergency assistance pursuant to any specific mutual aid agreement or interlocal cooperation agreement that may have been entered into or which shall be hereafter entered into by the city with any local government. (1996 Code, § 20-113)

CHAPTER 2**TELEPHONE SERVICE****SECTION**

20-201. To be furnished under franchise.

20-201. To be furnished under franchise. Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.¹ The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1996 Code, § 20-201)

¹The agreements are of record in the office of the city recorder.