

TITLE 20

MISCELLANEOUS

CHAPTER

1. LOCAL GOVERNMENT EMERGENCY ASSISTANCE POLICIES.¹

CHAPTER 1

LOCAL GOVERNMENT EMERGENCY ASSISTANCE POLICIES

SECTION

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20-101. Definitions. (1) "Emergency assistance" shall mean fire-fighting, law enforcement, public works, emergency medical, civil defense, or any other emergency assistance that is provided by the City of McEwen, 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.

(2) "Local government" shall mean any incorporated city or town, any metropolitan government, any county, any utility district, any other regional or local district or authority or any electric cooperative, as established under the laws of the State of Tennessee.

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

¹An agreement establishing emergency assistance, mutual aid and interlocal cooperation relative to law enforcement activities entered into on November 14, 1995, by and between Humphreys County, the City of McEwen, the City of New Johnsonville and the City of Waverly is in the office of the recorder.

(4) "Responding party" shall mean a local government which responds to a request for emergency assistance. (1970 Code, § 1-1101)

20-102. Authority to make requests or respond to requests. 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 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 or to authorize the rendering of emergency assistance by the city. (1970 Code, § 1-1102)

20-103. Command of operations when city is requesting party. 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. (1970 Code, § 1-1103)

20-104. Command of operations when city is responding party. 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. (1970 Code, § 1-1104)

20-105. Requesting party must have furnished city with its policies and procedures. 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. (1970 Code, § 1-1105)

20-106. No duty of city to respond to any request, etc. 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 by the senior departmental officer of the city on the scene and in command of the personnel and equipment of the city. (1970 Code, § 1-1106)

20-107. Determination of level of response. 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. (1970 Code, § 1-1107)

20-108. Simultaneous requests for assistance. 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. (1970 Code, § 1-1108)

20-109. Liability for damages, injuries, costs. (1) 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 enroute to or returning from the scene of an emergency within the city.

(2) 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.

(3) 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.

(4) 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 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 operation 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 of 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. (1970 Code, § 1-1109)

20-110. When chapter not applicable. These 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. (1970 Code, § 1-1110)