

TITLE 1

ADMINISTRATION, OFFICERS, AND PERSONNEL¹

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CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

1-101. Time and place of regular meetings.

¹For other provisions relating to administration, officers, and personnel, see the charter and/or the appropriate related title in this code.

²For charter provisions dealing with qualifications and duties of aldermen, vacancies in office of aldermen, quorum requirements, malfeasance in office, etc., see § 4. For election provisions in the charter, see §§ 2 and 14.

- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Rules of decorum for meetings.

1-101. Time and place of regular meetings. The Board of Mayor and Aldermen shall hold regular monthly meetings at 7:00 p.m. on the second Monday of each month at the town hall. [Code of 1982, as modified]

1-102. Order of business. At each meeting of the Board of Mayor and Aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the Board of Mayor and Aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment.

[Code of 1982]

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the Board of Mayor and Aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. [Code of 1982]

1-104. Rules of decorum for meetings. Meetings of the board of mayor and aldermen shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the board is retained at all times. The presiding officer of the board, who shall be the mayor, or, in the mayor's absence, another member of the board of aldermen so designated by the board, shall be responsible for maintaining the order and decorum of meetings.

(1) Rules of decorum. While any meeting of the board of mayor and aldermen is in session, the following rules of order and decorum shall be observed:

- (a) Board members. The members of the board of mayor and aldermen shall preserve order and decorum, and a member shall not by

conversation or other means delay or interrupt the board proceedings or disturb any other member while speaking.

(b) Town staff members. Employees of the town shall observe the same rules of order and decorum as those which apply to the members of the board.

(c) Persons addressing the board. Public oral communications at the board of mayor and aldermen meetings should not be a substitute for any item that can be handled during the normal working hours of the municipal government. The primary purpose of oral communications is to allow citizens the opportunity to formally communicate matters that cannot be handled during the regular working hours of the city government to the board of mayor and aldermen as a body. Each person who addressed the board shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the board staff, or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any board meeting shall, at the discretion of the presiding officer or a majority of the board, be barred from further audience before the board during that meeting.

(d) Members of the audience. No person in the audience at a board meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any board meeting. Any person who conducts himself in the afore-mentioned manner shall, at the discretion of the presiding officer or a majority of the board, be barred from further audience before the board during that meeting.

(2) Addressing the board. A person wishing to address the board regarding an item which is on the board meeting agenda shall submit a request on the form provided, or he may seek recognition by the presiding officer of the board during discussion of any such item. Persons wishing to discuss a non-agenda item may seek recognition by the presiding officer during the "citizens communications" or "grievances from citizens" portion of the meeting. No person shall address the board without first being recognized by the presiding officer. The following procedures shall be observed by persons addressing the board:

(a) Each person shall step up to the podium provided for the use of the public and shall state his name and address; the organization, if any, which he represents; and, if during the "citizens communications" or "grievances from citizens" portion of the meeting, the subject he wishes to discuss.

(b) During the "citizens communications" or "grievances from citizens" portion, any subject which is not deemed relevant by the board shall be concluded.

(c) Each person shall confine his remarks to the board agenda item or approved "citizens communications" or "grievances from citizens" subject being discussed.

(d) Each person shall limit his remarks to five (5) minutes, unless further time is granted or reduced by the board.

(e) All remarks shall be addressed to the board as a whole and not to any single member thereof, unless in response to a question from said member.

(f) No question may be asked of a member of the board or of the town staff without permission of the presiding officer.

(2) Enforcement of decorum. The rules of decorum set forth above shall be enforced in the following manner.

(a) Warning. The presiding officer shall request that a person who is breaching the rules of decorum be orderly and silent. If, after receiving a warning from the presiding officer shall order him to leave the board meeting. If such person does not remove himself, the presiding officer may order any law enforcement officer who is on duty at said meeting as sergeant-at-arms of the board to remove that person from the board chambers.

(b) Removal. Any law enforcement officer who is serving as sergeant-at-arms of the board shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the board meeting. Upon the instruction of the presiding officer, it shall be the duty of the sergeant-at-arms to remove from the board meeting any person who is disturbing the proceedings of the board.

(c) Resisting removal. It shall be unlawful and punishable by civil penalty for any person to resist removal by the sergeant-at-arms.

(d) Motion to enforce. If the presiding officer of the board fails to enforce the rules set forth above, any member of the board may move to require him to do so, and an affirmative vote of a majority of the board shall require him to do so. If the presiding officer of the board fails to carry out the will of a majority of the board, the majority may designate another member of the board to act as presiding officer for the limited purpose of enforcing any rule of this section which it wishes to enforce.

(e) Adjournment. If a meeting of the board is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the meeting may be adjourned or continued by the presiding officer or a majority of the board, and any remaining board business may be considered at the next meeting. [Code of 1982, as replaced by Ord. #97-23, Oct. 1997]

CHAPTER 2

MAYOR¹

SECTION

1-201. Executes town's contracts.

1-201. Executes town's contracts. The mayor shall execute all contracts as authorized by the Board of Mayor and Aldermen. [Code of 1982]

¹For charter provisions dealing with the term, qualifications, duties, and removal from office of the mayor, see § 3.

CHAPTER 3

TOWN ADMINISTRATOR

SECTION

1-301. Office established.

1-302. Appointment, salary, and tenure of administrator.

1-303. Duties of administrator.

1-301. Office established. There is hereby established the office of town administrator, which shall be administered by a full time administrator. [Ord. of June 27, 1978, § 1, as replaced by Ord. #92-16, Oct. 1992]

1-302. Appointment, salary, and tenure of administrator. The Board of Mayor and Aldermen shall appoint and fix the salary of the administrator, who shall serve at the pleasure of the Board of Mayor and Aldermen; provided, however, that the Board of Mayor and Aldermen may make a contract with such person who may be appointed administrator on a month to month basis or for a period of not exceeding twelve (12) months. [Ord. of June 27, 1978, § 2, as replaced by Ord. #92-16, Oct. 1992]

1-303. Duties of administrator. The office of town administrator shall act under and be responsible to the Board of Mayor and Aldermen. The administrator shall perform the following duties:

(1) Give his full time to administering the business of the town under the Board of Mayor and Aldermen of the town, subject to any exceptions provided in his contract of employment.

(2) Make recommendations to the Board of Mayor and Aldermen for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the town.

(3) Keep the Board of Mayor and Aldermen fully advised as to the conditions and needs of the town.

(4) Report to the Board of Mayor and Aldermen the condition of all property real and personal, owned by the municipality and recommend repairs or replacements as needed.

(5) Act as purchasing agent for the town overseeing the purchase of all materials, supplies, and equipment necessary for the proper conduct of the town's business, subject to funds being available for the expenditures, policies and procedures established by the Board of Mayor and Aldermen, and any related provision in the town charter.

(6) Supervise and coordinate all administrative activities of each department of the town under the policies established by the Board of Mayor and Aldermen.

(7) Recommend to the Board of Mayor and Aldermen and suggest the priority of major programs or projects involving public works or public improvements that should be undertaken by the municipality.

(8) Recommend to the Board of Mayor and Aldermen the employment or promotion of any employee of the town who is responsible to the Board of Mayor and Aldermen.

(9) Keep personnel files on all town employees in cooperation with the Town Recorder.

(10) Administer the town's employee discipline and termination policy carrying out all disciplinary procedures including suspension and dismissal under the terms and conditions established by the Board of Mayor and Aldermen in the Town's Personnel Policy.

(11) Prepare and submit the annual budget and capital program to the Board of Mayor and Aldermen.

(12) Keep the Board of Mayor and Aldermen fully advised as to the financial condition and future needs of the town and make such recommendations to the Board of Mayor and Aldermen concerning the affairs of the town as he deems desirable.

(13) Perform such other duties as may be required of him by resolution of the Board of Mayor and Aldermen. [Ord. of June 27, 1978, § 3, as replaced by Ord. #92-16, Oct. 1992 and amended by Ord. #96-04, July 1996]

CHAPTER 4

RECORDER¹

SECTION

1-401. To be bonded.

1-401. To be bonded. The recorder shall be bonded in the sum of ten thousand dollars (\$10,000.00) with surety acceptable to the Board of Mayor and Aldermen before assuming the duties of office. [Code of 1982]

¹For a charter provision dealing with the appointment, oath, and duties of the recorder, see § 7. For a provision allowing the mayor to act as the recorder during the recorder's absences, disability, or incompetency, see § 3 of the charter.

CHAPTER 5

RECREATION COMMISSION

SECTION

- 1-501. Establishment.
- 1-502. Composition, appointment and membership.
- 1-503. Organization, rules, staff.
- 1-504. Meetings.
- 1-505. Powers and duties.
- 1-506. Compensation.

1-501. Establishment. There is hereby established a recreation advisory committee for the Town of Jonesborough. [Ord. of Dec. 14, 1976, § 101, as replaced by Ord. #96-16, Oct. 1996]

1-502. Composition, appointment and membership. (1) The recreation advisory committee shall be composed of nine (9) voting members. Three (3) of the voting members shall be the following:

- (a) The mayor or his/her designee.
- (b) The Washington County Mayor or his/her designee.
- (c) One (1) alderman from the Jonesborough Board of Aldermen.

Six (6) members shall be appointed members and shall be selected by the mayor and confirmed by the board of mayor and aldermen. The director of parks and recreation shall be an ex-officio member of the advisory committee.

(2) Affiliate membership. A non-voting affiliate membership on the advisory committee is hereby established, and the president of the Jonesborough Little League Associate or his/her designee, and the president of the Persimmon Ridge Soccer Association or his/her designee is officially designated as an affiliate member to the recreation advisory committee. Affiliate members will receive monthly information sent to regular committee members, and will be encouraged to attend and participate in discussions at all meetings of the committee, however, they will not vote, and not be considered in the make-up of a quorum.

(3) Affiliate membership emeritus. Also hereby established is an affiliate membership emeritus status on the recreation advisory committee. The affiliate membership emeritus is a non-voting status on the recreation advisory committee that can be bestowed on a long-time member of the committee that for health or other reasons can no longer attend meetings on a regular basis. The affiliate member emeritus designation allows the longtime member to continue being associated with recreation advisory committee in a non-voting status, still receiving information provided to regular members for monthly meetings, and being encouraged to participate in meetings whenever possible.

[Ord. of Dec. 11, 1979, § 102, as replaced by Ord. #92-14, Sept. 1992; Ord. #93-05, June 1993; Ord. #96-16, Oct. 1996; Ord. #2000-04, Feb. 2000, and Ord. #2014-10, Sept. 2014]

1-503. Organization, rules, staff. The advisory committee shall elect from its appointed members a chairman and vice-chairman. The terms shall be for one (1) year with eligibility for re-election. The director of parks and recreation shall perform the duties of secretary and shall be present at all advisory committee meetings and sub-committee meetings. The chairman shall appoint all necessary sub-committees from the Advisory Committee. [Ord. of Dec. 11, 1979, § 103, as replaced by Ord. #96-16, Oct. 1996]

1-504. Meetings. The recreation advisory committee shall establish a meeting schedule for each calendar year and properly advertise said schedule as required. The time and place of regular meetings shall be determined by a majority vote of the advisory committee members. Called meetings of the advisory committee shall be determined by the chairman or majority of the entire membership. [Ord. of Dec. 11, 1979, § 104, as replaced by Ord. #96-16, Oct. 1996, and amended by Ord. #2008-05, June 2008]

1-505. Powers and duties. The advisory committee shall act in advisory capacity only and shall have no authority to bind the board of mayor and aldermen, mayor or corporation or Town of Jonesborough in any way except as the board of mayor and aldermen may from time to time direct. The advisory committee shall have no authority to obtain the expenditures of any of the town's funds without the expressed authority of the board of mayor and aldermen. The board of mayor and aldermen may, however, in its discretion appropriate funds to the advisory committee for carrying out its required duties and activities.

It shall be the goal of the recreation advisory committee to act as a catalyst to provide Jonesborough area residents with a well-rounded recreational program that serves the needs of all age and ethnic groups regardless of sex and physical prowess. The advisory committee shall have the following responsibilities:

(1) Coordinate with the board of mayor and aldermen all activities related to athletics, municipal parks and other recreational facilities within the town.

(2) The advisory committee shall periodically evaluate the progress and development of the various programs within the town, the level of maintenance of all recreation areas and the effectiveness of the programs. The advisory committee shall be currently informed concerning the public need for expanded recreational facilities and for the need for various types of recreational programs.

(3) Act as coordinator between the town and various civic organizations in relation to recreational projects, programs and athletic events.

(4) Advise the board of mayor and aldermen of the need for various types of rules and regulations concerning the use of town parks and recreational facilities. The advisory committee shall further advise the board of the usage of the town parks and facilities to the best interests of the public and town.

(5) The advisory committee shall work with the town administrator and the parks and recreation director to develop and review a budget for the park and recreation department each fiscal year.

(6) Perform such other duties as the board of mayor and aldermen may from time to time require. [Ord. of Dec. 11, 1979, § 105, as replaced by Ord. #96-16, Oct. 1996]

1-506. Compensation. The members of the recreation advisory committee shall serve without compensation. [Ord. of Dec. 11, 1979, § 106, as replaced by Ord. #96-16, Oct. 1996]

CHAPTER 6¹CODE OF ETHICS

SECTION

- 1-601. Applicability.
- 1-602. Definitions.
- 1-603. Disclosure of personal interest by official with vote.
- 1-604. Disclosure of personal interest in non-voting matters.
- 1-605. Acceptance of gratuities, etc.
- 1-606. Use of information.
- 1-607. Use of town time, facilities, etc.
- 1-608. Use of position or authority.
- 1-609. Outside employment.
- 1-610. Ethics complaints.
- 1-611. Violations.

1-601. Applicability. This chapter is the code of ethics for personnel of the Town of Jonesborough. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the town. The words "town," "municipal" and "municipality" include these separate entities. (as added by Ord. #2007-06, May 2007)

1-602. Definitions. The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) The word "complaint" means a written, signed document setting forth the reason(s) for belief of an ethics violation. A complaint must contain the original signature of the complaining party and such person's contact information including but not limited to full name, address, and telephone number. Comments sent by email, facsimile or other electronic means are not original documents and will not constitute a valid complaint.

(2) The words "personal interest" mean:

(a) Any financial, ownership, or employment interest in the subject of a vote by a town board not otherwise regulated by state statutes on conflicts of interest; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

¹Chapter 6 "History Museum Advisory Committee" was deleted by Ord. #2001-03, June 2001.

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s) (including natural, step or adoptive, as well as in-laws), grandparent(s), siblings(s) (including natural, step or adoptive), child(ren) (including natural, step or adoptive, as well as grandchildren and in-laws), and any other individual residing within the employee's household who is a legal dependent of the employee or official for income tax purposes.

(3) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(4) The word "gift" means the transfer of anything of economic value, regardless of form, without reasonable consideration. "Gift" may include a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred. "Gift" does not include political campaign contributions which are solicited or accepted in accordance with applicable laws and regulations.

(5) The word "official" means the members of board of mayor and aldermen, as well as members appointed thereby to town boards, commissions, committees, authorities, corporations or instrumentalities established by law or by the code. "Official" also includes the town judges.

(6) The word "censure" means an expression of severe criticism or reproach.

In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #2007-06, May 2007)

1-603. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself/herself from voting on the measure. (as added by Ord. #2007-06, May 2007)

1-604. Disclosure of personal interest non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. Copies of such forms filed with the recorder shall be provided to the town administrator and, in the case of an employee, filed in the employee's personnel file. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or

policy, recuse himself/herself from the exercise of discretion in the matter. (as added by Ord. #2007-06, May 2007)

1-605. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration in favor of any kind from anyone other than the town:

(1) For the performance of an act, or refraining from the performance of an act, that he/she would be expected to perform, or refrain from performing, in the regular course of his/her duties; or

(2) That might reasonably be interpreted as an attempt to influence his/her action, or reward him/her for past action, in executing town business. (as added by Ord. #2007-06, May 2007)

1-606. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his/her official capacity or position of employment with the intent to result in financial gain for himself/herself or any other person or entity. (as added by Ord. #2007-06, May 2007)

1-607. Use of town time, facilities, etc. (1) An official or employee may not use or authorize the use of town time, facilities, equipment or supplies for private gain or advantage to himself/herself.

(2) An official or employee may not use or authorize the use of town time, facilities, equipment or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the town, or as otherwise provided by law. (as added by Ord. #2007-06, May 2007)

1-608. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the town; provided, however, that this section shall not apply to reasonable amounts paid for:

(a) Food, transportation, lodging and other travel expenses incurred in accordance with the town's travel policy.

(b) Dues, registrations, meals and similar expenses incurred in conjunction with membership or participation in a professional or community organization to which the official or employee belongs in his or her official capacity.

(c) Meals purchased in the course of an official business meeting conducted on the town's behalf.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself/herself or others that is not

authorized by the Charter, general law, or ordinance or policy of the town. No officer shall intimidate, threaten, coerce, discriminate against, or give the appearance of or attempt to intimidate, threaten, coerce or discriminate against any employee for the purpose of interfering with that person's freedom of choice in the regular discharge of his or her official duties.

(3) No official or employee shall provide commercial or advertising endorsements in such a manner as to convey the town's approval of any private for-profit enterprise; provided, however, that an official or employee may respond to inquiries seeking information as to the town's experience with a vendor or other private enterprise. (as added by Ord. #2007-06, May 2007)

1-609. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the town's charter or any ordinance or policy. This section does not negate any personnel policy requirement for employees to obtain prior approval before beginning any outside employment. (as added by Ord. #2007-06, May 2007)

1-610. Ethics complaints. (1) The town attorney is designated as the ethics officer for the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The town attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the board of mayor and aldermen, the town administrator or the town attorney shall either determine that a complaint has merit, determine that the complaint does not have merit, or determine that the complaint has "sufficient merit" to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or, in the event the complaint is against the town attorney or he has a conflict of interest, another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #2007-06, May 2007)

1-611. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the town's charter or other applicable law and, in addition, is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2007-06, May 2007)

CHAPTER 7

SENIOR CITIZENS ADVISORY COMMITTEE

SECTION

- 1-701. Committee established.
- 1-702. Purpose and duties.
- 1-703. Composition.
- 1-704. Reorganization of existing members.
- 1-705. Terms.
- 1-706. Compensation.
- 1-707. Organization and rules.
- 1-708. Meetings.
- 1-709. Fundraising.

1-701. Committee established. A senior center advisory committee is hereby re-established for the Town of Jonesborough. [Ord. of Dec. 13, 1977; ord. of Feb. 12, 1980, as replaced by Ord. #2015-2, March 2015 *Ch12_04-09-18*]

1-702. Purpose and duties. The role of the senior center advisory committee is to provide community input into the operation and activities of the Jonesborough Senior Center, and to help ensure that to the extent possible the center program is enhancing the quality of life of the seniors from Jonesborough and portions of Washington County. More specifically, the advisory board shall:

- (1) Advise and make recommendations to staff regarding center policies, and make recommendations to the board of mayor and aldermen.
- (2) Assist staff in planning and implementing activities at or through the Center.
- (3) Purpose new services and activities to be undertaken by the Center.
- (4) Assist staff in evaluating the effectiveness of activities undertaken at or through the center.
- (5) Develop fundraising strategies that help meet the financial needs of the Center, and assist with their implementation.
- (6) Review annual budgets proposed to the board of mayor and aldermen, and make recommendations to the town board, if appropriate.
- (7) Look for ways to increase membership and participation in center activities.
- (8) Communicate the activities and the needs of the senior center to the general public.
- (9) Serve as a conduit to the area seniors helping communicate and address concerns, and increasing understanding and cooperation of town staff, elected officials and center participants. [Ord. of July 11, 1978; ord. of Feb. 12, 1980, as replaced by Ord. #2015-2, March 2015 *Ch12_04-09-18*]

1-703. Composition. The senior center advisory committee shall consist of nine (9) members which shall be selected by the mayor and confirmed by the board of mayor and aldermen. The composition of the advisory committee shall reflect the following requirements:

(1) One (1) member shall be a member of the board of mayor and aldermen, or be a designee of the town board.

(2) One (1) member shall be a member of the Washington County Commission, or be a designee of the county commission.

(3) Two (2) members shall be eligible for participation in the Jonesborough Senior Center program.

(4) At least five (5) members need to live, own property or own or operate a business within the town limits of Jonesborough.

(5) The senior center director shall serve in an ex-officio member of the advisory committee.

Selections by the mayor should also take into account to the extent possible, minority representation, representation from the area of Washington County served by the center, possible social service agency participation, and possible representation from any major donor to the senior center program. [Ord. of Feb. 12, 1980, § 2, modified, as replaced by Ord. #2015-2, March 2015 *Ch12_04-09-18*]

1-704. Re-organization of existing members. Because of the reorganization of the senior center advisory committee, terms of all current members of the existing senior center advisory board will immediately expire upon second and final reading of this ordinance. Existing members may either be reselected or replaced by the mayor with the approval of the board of mayor and aldermen in order to meet the new advisory committee requirements established in this chapter. [Ord. of Feb. 12 1980, § 3, as amended by Ord. #2000-18, Dec. 2000, and replaced by Ord. #2015-2, March 2015 *Ch12_04-09-18*]

1-705. Terms. Members of the senior center advisory committee shall serve three (3) year terms, however, for the initial appointment only of the re-established Advisory Board, three (3) members shall be appointed for three (3) years, two (2) members for two (2) years, and two (2) members for one (1) year, and the representatives from the town board and county commission shall serve terms coterminous with the terms of the elected office they represent. Members shall serve until they are reappointed or replaced. Members serve at the pleasure of the Jonesborough Board of Mayor and Aldermen, and may be replaced for any reason by majority vote of the town board. Vacancies shall be filled for the unexpired term by selection of the mayor and approval by the board of mayor and aldermen. [Ord. of Feb. 12, 1980, § 4, as replaced by Ord. #2015-2, March 2015 *Ch12_04-09-18*]

1-706. Compensation. All members shall serve without compensation except for any compensation for designated committee participation that may be afforded to town board or county commission members through the governing bodies. [as added by Ord. #2015-2, March 2015 *Ch12_04-09-18*]

1-707. Organization and rules. The advisory committee shall elect from its appointed members a chairman, and may select a vice-chairman and/or secretary. Officers shall serve one (1) year terms but shall serve until they are re-elected or replaced. The chairman shall appoint all necessary subcommittees, and the senior center director shall be notified of and may be present at all subcommittee meetings. The advisory committee shall adopt its own rules of procedure with meetings operating under Robert's Rules of Order. [as added by Ord. #2015-2, March 2015 *Ch12_04-09-18*]

1-708. Meetings. The senior center advisory committee shall normally meet monthly, establish a meeting schedule for the calendar year and shall properly advertise said schedule as required. Meetings will normally be held at the Jonesborough Senior Center; however, meetings may be held at the location and time established by the chairman or advisory committee upon proper public notice. [as added by Ord. #2015-2, March 2015 *Ch12_04-09-18*]

1-709. Fundraising. The advisory committee is authorized to raise funds and donations on behalf of the senior center. Revenue received must be accounted for through policies established by the board of mayor and aldermen or the town recorder. Funds expended must also be spent under policies established by the town board or town recorder and must be spent for the enhancement of facilities and/or programs of the senior center. The advisory committee may not obligate any budgeted center funding or initiate any contract without the prior consent of the board of mayor and aldermen. [as added by Ord. #2015-2, March 2015 *Ch12_04-09-18*]

CHAPTER 8

TOURISM DEVELOPMENT ADVISORY COMMITTEE

SECTION

- 1-801. Composition, appointment, membership, and terms.
- 1-802. Compensation and vacancies.
- 1-803. Organization.
- 1-804. Rules and staff.
- 1-805. Meetings.
- 1-806. Duties and finances.

1-801. Composition, appointment, membership and terms. The tourism development advisory committee shall be made up of not more than twenty (20) members who have been interviewed by the director of tourism development and who have been recommended to the board of mayor and aldermen. The tourism development advisory committee shall be composed of a wide representation from Jonesborough's civic, cultural, business and professional community, and shall include the director of tourism, visitor center director and a representative from the board of mayor and aldermen. At the initial appointment, the board of mayor and aldermen shall divide the appointees into three (3) groups containing as near equal numbers as possible. The first group shall serve for four (4) years, the second group for three (3) years, and the third group for two (2) years, and thereafter the term of office for members shall be four (4) years. Members may not serve more than two (2) consecutive terms. [Ord. of Feb. 13, 1979, § 1, as replaced by Ord. #97-19, § 1, Oct. 1997]

1-802. Compensation and vacancies. The members of the tourism development advisory committee shall serve without compensation or remuneration in the event a vacancy occurs, said vacancy shall be filled from an appointment by the mayor, in consult with the tourism director, with the approval of the board of mayor and aldermen. [Ord. of Feb. 13, 1979, § 2, as replaced by Ord. #93-07, June 1993 and further replaced by Ord. #97-19, § 1, Oct. 1997]

1-803. Organization. The tourism development advisory committee shall elect from its appointed members a chairman, vice-chairman and secretary. The terms shall be for one (1) year with eligibility for re-election. The director of tourism development shall perform the duties of secretary and shall be present at all committee and sub-committee meetings. The chairman shall appoint all necessary sub-committees from the tourism development advisory committee. [Ord. of Feb. 13, 1979, § 3, as replaced by Ord. #93-07, June 1993; and further replaced by Ord. #97-19, § 1, Oct. 1997]

1-804. Rules and staff. The committee shall adopt rules and regulations for the orderly discharge of its duties subject to the approval of the board of mayor and aldermen. The director of tourism and development and the visitor center director shall serve as staff to the tourism development advisory committee. Other town employees shall serve as staff to the committee as deemed appropriate by the town administrator. [Ord. of Feb. 13, 1979 § 4, as replaced by Ord. #93-07, June 1993; and further replaced by Ord. #97-19, § 1, Oct. 1997]

1-805. Meetings. The tourism development advisory committee shall meet not less than six (6) times per year and at other such times as deemed necessary by the director of tourism by the committee chair. The time and place of such meetings shall be established by the members of the committee. [Ord. of Feb. 13, 1979, § 5 as replaced by Ord. #93-07, June 1993; and further replaced by Ord. #97-19, § 1, Oct. 1997]

1-806. Duties and finances. The tourism development advisory committee shall make suggestions and recommendations on funding, activities and other such matters to enhance, encourage and promote the continual development of tourism, both on the cultural, historic and economic levels. The tourism development advisory committee on behalf of the Town of Jonesborough may accept gifts, grants, money, or any personal and real property shall be used for and/or applied to/for the purpose of this chapter and shall be promptly reported to and any money received deposited with the town recorder. The acceptance of any gifts, grants, money, or any personal and real property given to the tourism development advisory committee shall be subject to the approval of the board of mayor and aldermen. [Ord. of Feb. 13, 1979, § 6, as replaced by Ord. #93-07, June 1993; and further replaced by Ord. #97-19, § 1, Oct. 1997]

CHAPTER 9

POLICE AND ARREST¹

SECTION

- 1-901. Policemen subject to chief's orders.
- 1-902. Policemen to preserve law and order, etc.
- 1-903. Policemen to wear uniforms and be armed.
- 1-904. When policemen may make arrest.
- 1-905. Policemen may require assistance.
- 1-906. Deposition of persons arrested.
- 1-907. Police department records.
- 1-908. Police personnel enhancement program--establishment and organization.
- 1-909. Selection.
- 1-910. Training program.
- 1-911. Utilization and assignment.
- 1-912. Status and restrictions.
- 1-913. Evaluation and separations.
- 1-914. Canine program.

1-901. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. [Code of 1982, as replaced by Ord. #94-01, § 1, Jan. 1994, and further replaced by Ord. #96-08, Sept. 1996]

1-902. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the town. They shall patrol the town and shall assist the town court during the trial of cases. Policemen shall also promptly serve any legal process issued by the town court. [Code of 1982, as replaced by Ord. #94-01, § 2, Jan. 1994, and further replaced by Ord. #96-08, Sept. 1996]

1-903. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. [Code of 1982, as replaced by Ord. #94-01, § 3, Jan. 1994, and further replaced by Ord. #96-08, Sept. 1996]

¹For provisions relating to traffic citations, etc., see title 9, chapter 6, in this code.

1-904. When policemen may make arrest. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman 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. [Code of 1982, as replaced by Ord. #94-01, § 4, Jan. 1994, and further replaced by Ord. #96-08, Sept. 1996]

1-905. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary. [Code of 1982, as replaced by Ord. #94-01, § 5, Jan. 1994, and further replaced by Ord. #96-08, Sept. 1996]

1-906. Disposition of persons arrested. (1) 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 town recorder, or, if the town recorder is not available, with the ranking police officer on duty. 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) 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. [Code of 1982, as replaced by Ord. #94-01, § 6, Jan. 1994, and further replaced by Ord. #96-08, Sept. 1996]

1-907. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing:

(1) All known or reported offenses and/or crimes committed within the corporate limits.

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. [as added by Ord. #96-08, Sept. 1996]

1-908. Police personnel enhancement program-establishment and organization. (1) Police personnel enhancement program established. A Jonesborough Police Personnel Enhancement Program is hereby established under the following guidelines to provide assistance to the full-time officers carrying out their duties within the Town of Jonesborough.

(2) Background. The department's police personnel enhancement program encompasses the concept that law enforcement is the responsibility of every citizen and that opportunities should be provided to concerned individuals to serve the community.

In adopting the police personnel enhancement program, the department wishes to establish a two-part system of personnel to enhance the sworn officers currently employed.

Individuals appointed to assist full time personnel may apply as Patrolman I or Patrolman II. Those officers applying as Patrolman II must have completed the basic eight (8) week police recruit academy.

Individuals applying for Patrolman I are those individuals who have attended the basic police recruit school. These individuals shall ride with a full time sworn officer at all times and shall take no enforcement action unless directed to do so by a full time sworn officer.

(3) Police personnel enhancement program coordinator. The Captain or Lieutenant as designated by the chief of police functions as coordinator and is responsible for the following:

(a) Coordination: Control and coordinate duty assignments of Patrolman I and Patrolman II personnel.

(b) Records: Maintain evaluations and other pertinent records relative to each patrolman.

(c) Training: Coordinate training for each officer.

(d) Recruiting: Coordinate recruiting programs through Walter's State Community College and screening of applicants as needed. [as added by Ord. #96-07, July 1996]

1-909. Selection. (1) General. All candidates shall comply with eligibility requirements established for regular police officers in TCA 38-8-106 which is as follows:

(a) Be at least twenty-one (21) years of age.

(b) Be a citizen of the United States.

(c) Be a high school graduate or possess equivalency.

(d) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or town ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances.

(e) Not have been released or discharged under any other than honorable discharge from any of the armed forces of the United States.

(f) Have passed a physical examination by a licensed physician, including drug screen.

(g) Have a good moral character as determined by a thorough investigation conducted by the employing agency.

(h) Be free of all apparent mental disorders as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM-III) of the American Psychiatric Association. Applicants must be certified as meeting these criteria by a qualified professional in the psychiatric or psychological fields.

(i) Upon selection, the participant shall begin a probationary status for a minimum of twelve (12) months.

(2) Eligibility. (a) Departmental employees: Nonsworn employees of the department may participate in the police personnel enhancement program provided the request receives concurrence through the chief of police.

(b) Age: Candidates must be at least twenty-one (21) years of age at the time the application is submitted and in accordance with TCA 38-8-106.

(c) Ineligibility for program: To preclude a conflict of interest, persons within the following categories are ineligible to participate in the program:

(i) Persons currently employed as a guard, private detective, security patrolman, or in a similar occupation.

(ii) Members of other police agencies.

(iii) Non departmental members of the criminal justice system, e.g., correctional personnel prosecutors, and public defenders.

(iv) Judges, clerks, attorneys in private practice, persons prohibited by law from being police officers, and other persons, who at the discretion of the chief of police, would face an immediate or potential conflict of interest due to the nature of the person's full time employment.

(d) Separating law enforcement officers: Personnel who are law enforcement officers pursuant to TCA 38-8-106 and who are separating from the department under favorable conditions may concurrently apply for appointment in the police personnel enhancement program upon separation provided that eligibility requirements enumerated in (1) and (2) above are met.

(3) Selection process: This process shall be coordinated through the chief of police and the program coordinator. The selection procedure shall follow the same process as that of a full time officer but does not require the approval of the board of mayor and aldermen. However, the town administrator is given the final authority to approve or reject an officer for participation in this program. [as added by Ord. #96-07, July 1996]

1-910. Training program. (1) General. State minimum standards which are established by the Peace Officers Standards and Training Commission (POST) must be attained by Patrolman II candidates prior to submitting an application. Candidates applying for Patrolman I are not required to possess any prior training.

(2) Police academy training. As stated earlier, Patrolman II candidates must have the basic police recruit academy prior to submitting an application. Patrolman I candidates shall receive departmental training upon their appointment.

(a) Training program: Patrolman I. (i) Patrolman I candidates will train for a period of not less than six (6) months.

(ii) Training will be coordinated by the chief of police.

(iii) Instruction will include at a minimum: firearms qualification, patrol techniques and procedures, radio procedures, arrest procedures, report writing, court testimony, legal aspects of law enforcement, and policies and procedures.

(iv) Attendance:

(A) Trainees shall attend all classes.

(B) If circumstances cause a student to be absent, the class instructor must be notified prior to the start of class.

(C) Instructional hours missed may be made up when approved and scheduled by class instructor.

(D) A trainee who misses ten (10) percent of departmentally prescribed training shall be dismissed.

(v) Individual training records are maintained by the program coordinator.

(b) Training program: Patrolman II. (i) Patrolman II candidates shall train with a full time sworn officer for a period of two (2) months.

(ii) The program coordinator will coordinate training with full time officers designated to train and evaluate Patrolman II candidates.

(iii) Instruction will consist of familiarization with the departments general operating procedures, personnel manual, geographic area, and firearms qualification.

(iv) Individual training records are maintained by the chief of police.

(v) Registration with POST will be accomplished in accordance with TCA 38-8-106 and will remain on file with the chief of police.

(3) Field training and evaluation program. The field training officer under the direct supervision of the chief of police or program coordinator shall administer the field training and evaluation program. The program provides

candidates an opportunity to apply training under the supervision of field training officers.

(a) Patrolman I. (i) Concept: The candidate will begin a forty-hour in-service before entering the Field Training Officer Program. Upon completion of the in-service, the candidate will begin the Field Training Officer Program.

(ii) Phases: The Field Training Officer Program is comprised of two phases consisting of sixteen (16) eight-hour riding assignments. Phase one of the program consists of riding with a full time officer as an observer only. Phase two of the program consists of riding with a full time officer and applying practical skills in the presence of the full time officer.

(iii) Evaluations: The candidate shall receive a daily evaluation while participating in the Field Training Officer Program. The candidate will then receive a monthly evaluation while on probationary status followed by semi-annual evaluations.

(iv) Documentation: Upon successful completion of the Field Training Officer Program and probationary period, all evaluations are forwarded through respective command channels to the chief of police. The chief of police shall review the complete file and, upon confirming successful completion of the Field Training Officer Program, a congratulatory letter from the chief of police is forwarded to the candidate and a copy of such shall remain on file with the department.

(b) Patrolman II: (i) Concept: Upon completion of the basic police recruit school, the candidate will begin the Field Training Officer Program.

(ii) Phasing: The Field Training Officer Program is comprised of two (2) phases consisting of eight (8) eight-hour riding assignments. Phase one of the program consists of riding with a full time officer and observation. Phase two consists of a full time officer riding with the candidate.

(iii) Evaluations: The candidate shall receive a daily evaluation while participating in the Field Training Officer Program. The candidate will then receive a monthly evaluation while on probationary status followed by semi-annual evaluations.

(iv) Documentation: Upon successful completion of the Field Training Officer Program, all evaluations are forwarded through respective command channels to the chief of police. The chief of police shall review the complete file and upon confirming successful completion of the Field Training Officer Program, a congratulatory letter from the chief of police is forwarded to the candidate and a copy of such shall remain on file within the department.

(4) In-service training. Periodic in-service training is developed and implemented relative to the candidates assignment. Patrolman I candidates shall attend scheduled in-service training as deemed necessary by the chief of police. Patrolman II candidates shall attend a POST approved forty-hour in-service annually. This training will consist of a minimum of forty-hours annually.

(a) Required attendance: Candidates will attend all mandatory in-service training as required by the chief of police as part of scheduled duty.

(i) The individual candidate is scheduled for in-service training by the chief of police.

(ii) In the event a participant misses scheduled training due to an excused absence, training assistance may be obtained from the chief of police or departmental instructors.

(b) Unexcused absences: The chief of police shall obtain attendance reports and render appropriate counseling or disciplinary action to the candidate with unexcused absences. Unexcused absences shall be reported through the chain of command to the chief of police.

(c) State supplement: Patrolman I and Patrolman II Police Personnel Enhancement Program participants are not eligible to receive the annual state in-service supplement pay. [as added by Ord. #96-07, July 1994]

1-911. Utilization and assignment. (1) General. The goal of the police personnel enhancement program is to provide an additional cadre of trained uniformed personnel employing full police powers to Patrolman II candidates to further the efforts of the Jonesborough Police Department. When on duty, the participants are subject to the same policies, rules, and procedures pertaining to full time sworn police personnel, except as limited by this chapter.

(2) Duty assignments and responsibilities. (a) Assignment: Upon successful completion of probation, Patrolman II candidates shall schedule tours of duty prior to monthly schedules being posted. Candidates will remain under the general supervision of the chief of police and immediate supervision of the departmental chain of command. In the event a supervisor is not available, police personnel enhancement program participants shall be supervised by full time sworn officers. In no event shall a participant, (Patrolman I or II), be scheduled to work alone on a shift.

(i) The total number of participants shall be determined by the chief of police with such factors to consider as personnel needs, budgetary constraints, etc.

(b) Police personnel enhancement program participant responsibilities: The on duty Patrolman II participant functions as a regular police officer but remains under the supervision of a regular

police officer at all times. The on duty Patrolman I participant functions as an assistant to full time sworn personnel and shall accompany a full time officer at all times. Patrolman I participants shall not be authorized to drive departmental vehicles. Additional responsibilities are as follows:

(i) Patrolman I participants shall work a minimum of 16 hours per month. Patrolman II participants shall work a minimum of 32 hours per month. Failure to meet this obligation for three consecutive months is considered abandonment of position. The chief of police may issue a letter of termination from the program.

(ii) Coordinate duty hours and days with the chief of police.

(iii) Advise the chief when a situation dictates absence from a scheduled tour of duty.

(iv) Maintain the uniform and all issued equipment as required by departmental policies.

(v) Perform all duties in such a manner as to enhance the department's image in the community.

(vi) Follow court attendance procedures in accordance with personnel policies.

(vii) Appearance must be as described in existing departmental procedures.

(c) Supervisory responsibilities: Supervisors must ensure that personnel under their command are aware of the benefits of the police personnel enhancement program and provide for:

(i) Adequate supervision to facilitate evaluation.

(ii) Disciplinary action when necessary.

(iii) Issuance of appropriate departmental publications.

(iv) Completion of monthly work commitment.

(v) Return of town issued equipment upon separation of the participant.

(d) Program administrator: The captain or lieutenant as designated by the chief of police functions as coordinator and is responsible for the following:

(i) Maintain direct liaison with participants and the chief.

(ii) Assist in preparation of work schedule.

(iii) Apprise the chief of police as to individual participant's duty performance.

(iv) Forward a copy of performance evaluations and other pertinent information to the chief on a monthly basis. [as added by Ord. #96-07, July 1994]

1-912. Status and restrictions. (1) General: Patrolman II participants are authorized to function as regular police officers only during specific tours of duty. All laws, ordinances, policies, rules, and procedures, including bond and liability protection applicable to regular police officers are applicable to police personnel enhancement program participants while they are on duty. When off duty, the police personnel enhancement program participant may act only in the capacity of a private citizen; does not revert to on duty status if involved in activity which might be police related; and is not entitled to worker's compensation or any other city or departmental benefits. The same applies to Patrolman I participants, however, Patrolman I participants are granted limited enforcement authority and only in the presence of a full time sworn officer.

(2) Leave of absence: Police Personnel Enhancement Program participants may be granted a leave of absence, not to exceed one (1) year.

(a) Request: Justification and request for leave of absence will be submitted in writing to the chief of police through the chain of command for review and approval.

(b) Town property: All town owned property shall be returned prior to the leave of absence.

(3) Credentials, uniform, and authorized firearm:

(a) Firearms: Police personnel enhancement program participants will be provided firearms by the Jonesborough Police Department. Participants shall carry this firearm during their scheduled tour of duty.

(b) Off duty firearm: A Patrolman II participant may be authorized to carry their duty weapon while off duty at the discretion of the chief. Patrolman I participants in an off duty status shall not carry their duty weapon; however, in times of emergencies where personal protection is needed, the Patrolman I participant may carry his firearm off-duty if authorized by the chief of police.

(c) Off duty credentials: The authorized badge and commission card may be carried while off duty. Off duty Patrolman II participants carrying their duty weapons must have their departmental badge and credentials with them at all times.

(d) Uniform: Police personnel enhancement program participants shall wear the same uniform designated by the chief of police.

(4) Compensation: Compensation may be paid during special events such as, Historic Jonesborough Days, Storytelling Festival, etc. Rate of pay will be set by the board of mayor and aldermen and shall not be less than the current minimum wage standard.

(5) Insurance coverage: When on duty, police personnel enhancement program participants are entitled to death and injury benefits afforded full time officers.

(6) Lateral entry: The department does not offer any lateral transfer of police personnel enhancement program participants into full time positions. police personnel enhancement program participants may apply for full time positions; however, they are subject to the same hiring procedures as all other applicants. Police personnel enhancement program participation does not guarantee the participant a full time position and should not be construed as such. [as added by Ord. #96-07, July 1994]

1-913. Evaluation and separations. (1) General. The police personnel enhancement program participant functions as a police officer while on duty and will be held accountable for acts of misconduct.

(2) Evaluation. Upon completion of the field training officer program and probation, police personnel enhancement program participants shall be evaluated the same as full time officers. Police personnel enhancement program participants who demonstrate performance deficiencies may be evaluated on a monthly basis.

(3) Separations. (a) Termination: Terminations are final upon approval of the chief of police, and shall not be subject to further appeal. Reserve/auxiliary officers are not subject to the same termination procedures as those of sworn full time personnel. The process of termination shall be as follows:

(i) The program coordinator or chief of police shall issue a letter notifying the personnel enhancement program participant of his termination. The letter of termination shall also include instruction for the return of town owned equipment.

(ii) If the personnel enhancement program participant chooses to appeal his termination, he shall have three (3) working days after he receives his letter of termination to provide a written response to the letter of termination. After reviewing the response, the chief of police then may approve or reject the participant's termination.

(b) Resignation: When a participant resigns, the program coordinator shall prepare a memorandum to the chief of police. This program coordinator will attach to this memorandum any written notification of resignation received from the participant. The program coordinator shall ensure the return of town owned property upon the participant's resignation.

(4) Personnel files. Personnel files shall remain on file in the town recorder's office for an indefinite period upon termination of a participant. [as added by Ord. #96-07, July 1994]

1-914. Canine Program. (1) Program established. - There is hereby established the Jonesborough Police Department Canine Program authorizing

under certain circumstances the use of a canine for police duties under the authority and direction of the chief of police.

(2) Authorized use. - The use of the canine will be authorized in the following situations:

- (a) Maintaining an effective deployment program.
 - (b) Conducting building intrusion searches.
 - (c) Conducting searches for lost children or missing adults.
 - (d) Conducting suspect and/or evidence searches.
 - (e) Conducting preventative burglary and street robbery patrols.
 - (f) Providing for timely response to crimes in progress and officer assistance calls.
 - (g) Rendering assistance to foreign jurisdictions on approval of a commanding officer or the canine service detail supervisor or commander.
 - (h) Search disaster scenes for victims.
 - (i) Protecting police officers and citizens from acts of violence.
- [as added by Ord. #96-07, July 1994]

CHAPTER 10

TOWN COURT

SECTION

- 1-1001. Municipal judge.
- 1-1002. Maintenance of docket.
- 1-1003. Issuance of arrest warrants.
- 1-1004. Issuance of summonses.
- 1-1005. Issuance of subpoenas.
- 1-1006. Trial and disposition of cases.
- 1-1007. Appearance bonds authorized.
- 1-1008. Imposition of fines, penalties, and costs.
- 1-1009. Appeals.
- 1-1010. Bond amounts, conditions, and forms.
- 1-1011. Disposition and report of fines, penalties, and costs.
- 1-1012. Disturbance of proceedings.
- 1-1013. Litigation tax levied.

1-1001. Municipal judge. (1) Position of municipal judge established. The position of municipal or city judge is hereby established under the authority of Private Chapter No. 35, House Bill No. 1589 of the State of Tennessee Private Acts of 1993.

(2) Municipal jurisdiction. The municipal judge shall be vested with the judicial power and judicial functions as established for the judge or recorder in the town charter and shall be subject to the provisions of law governing the municipal court. The judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed fifty dollars (\$50.00) per offense or such other maximum civil penalty that may allowed under state law and approved by ordinance by the board of mayor and aldermen, and any court costs that may be prescribed by the board of mayor and aldermen by ordinance.

(3) The municipal judge shall be at least thirty (30) years old.

(4) The municipal judge shall be a resident of the Washington County for at least one (1) year and a resident of the State of Tennessee for at least five (5) years immediately preceding his or her appointment.

(5) The municipal judge shall have a law degree, a Doctor of Jurisprudence (JD) or equivalent degree and be licensed to practice law in the State of Tennessee.

(6) The oath of office for municipal judge shall be the same oath prescribed for the members of the board of mayor and aldermen.

(7) The term of the municipal judge shall be eight (8) years and shall end on June 30 during or at the end of the eighth year.

(8) Nominations to fill the office of municipal judge shall be made by the mayor with the approval of the majority of the board of mayor and aldermen.

(9) An incumbent municipal judge may be re-nominated by the mayor and re-appointed by the approval of the majority of the board of mayor and aldermen.

(10) There shall be no limitation as to the number of service terms that any municipal judge may serve.

(11) Any vacancy in the office which occurs by resignation, death, incompetency or removal for cause by the board of mayor and aldermen shall be filled for the unexpired term by the nomination of the person by the mayor and the appointment by the majority of the board of mayor and aldermen. In absence of action to fill a vacancy in the judge's position by the mayor or board, the position shall be filled by the recorder.

(12) If the municipal judge is unable to perform his or her duties for any reason, sickness, vacation, incompetency, conflict of interest, or recuses himself/herself for any reason, the mayor may appoint a temporary replacement who shall be learned in the law and possess the same qualifications of the regular municipal judge. Said appointment shall be in writing and the temporary judge shall take the same oath of office as the regular judge. In the event a vacancy occurs in the position of municipal judge as described above and the mayor fails to appoint a temporary judge, the position will be filled by the recorder.

(13) The person appointed by the board of mayor and aldermen to serve as municipal judge shall, before entering into or upon the duties of his or her office, take the prescribed oath of office.

(14) The salary of the municipal judge shall be fixed by the board of mayor and aldermen in the annual budget and shall not be altered during the budget year.

(15) The recorder is relieved of all duties powers and jurisdictions hereby conferred upon the municipal judge in this section and to that extent all ordinances; in parts thereof in conflict herewith are repealed, providing, however the recorder may sit as the municipal judge under this section as prescribed in (11) and (12).

(16) The position of assistant municipal or city judge is also hereby established. The assistant municipal judge shall be vested with the same judicial powers and judicial functions as the municipal judge, must meet the same qualifications, and must take the same oath of office. The term and salary of the assistant municipal judge will be determined by the board of mayor and aldermen, but the term may not exceed four (4) years and the salary shall be fixed in the annual budget and not changed during the budget year. Nominations to fill the office of assistant municipal judge shall be made by the mayor with the approval of the board of mayor and aldermen. Any vacancy in the assistant's position may be filled under the same guidelines as the municipal judge.

The assistant municipal judge would only serve in the absence of the municipal judge, or at any other such time directed by the board of mayor and aldermen. (Code of 1982, as replaced by Ord. #94-11, Oct. 1994, and Ord. #2002-02, Feb. 2002; and amended by Ord. #2003-07, April 2003)

1-1002. Maintenance of docket. The town judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. [Code of 1982]

1-1003. Issuance of arrest warrants.¹ The town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. In absence of the town judge, the mayor and the aldermen shall have the power to issue arrest warrants. [Code of 1982]

1-1004. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the town court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the town court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. Failure to appear before the municipal court as commanded in a summons or citation lawfully served shall hereby be a violation of The Jonesborough Municipal Code and be deemed a separate violation subject to a fine not to exceed \$50.00 plus costs. (Code of 1982, as amended by Ord. #2003-08, April 2003)

1-1005. Issuance of subpoenas. The town judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. [Code of 1982]

1-1006. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the town court is in session or the town judge

¹See the Tennessee Code Annotated, title 40, chapter 5, for authority to issue search warrants.

is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. [Code of 1982]

1-1007. Appearance bonds authorized. When the town judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the town judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. [Code of 1982]

1-1008. Imposition of fines, penalties, and costs. All fines, penalties and costs shall be imposed and recorded by the municipal judge on the municipal court docket in open court.

- (1) Court cost for violations are as follows:
Traffic related violations - \$25.00
Non-traffic related municipal code violators - \$50.00
- (2) Litigation tax shall be as levied as determined in § 1-1013.
- (3) Typical traffic related fines are hereby established with not to exceed figures as follows:

POLICE FINES
PRIMARY OFFENSES

COST BREAKDOWN

<u>Offense</u>	<u>Fine</u>	<u>Total</u>	<u>Cost</u>	<u>Litigation</u>	<u>State</u>
Speeding 1-15 MPH	\$27.50	\$80.00	\$25.00	\$13.75	\$13.75
Speeding 16 Plus MPH	\$42.50	\$95.00	\$25.00	\$13.75	\$13.75
Reckless Driving	\$42.75	\$98.25	\$25.00	\$13.75	\$13.75
No Driver's License	\$23.50	\$76.00	\$25.00	\$13.75	\$13.75
Violation of Registration	\$33.75	\$86.25	\$25.00	\$13.75	\$13.75
Muffler Violation	\$23.50	\$76.00	\$25.00	\$13.75	\$13.75
Failure to Yield	\$27.50	\$80.00	\$25.00	\$13.75	\$13.75
Stop Sign	\$27.50	\$80.00	\$25.00	\$13.75	\$13.75
Traffic Regulatory Sign	\$27.50	\$80.00	\$25.00	\$13.75	\$13.75
Traffic Control Sign	\$27.50	\$80.00	\$25.00	\$13.75	\$13.75

Failure to Signal	\$27.50	\$80.00	\$25.00	\$13.75	\$13.75
Light Violation	\$27.50	\$80.00	\$25.00	\$13.75	\$13.75
Improper Passing	\$27.50	\$80.00	\$25.00	\$13.75	\$13.75
Following Too Closely	\$27.50	\$80.00	\$25.00	\$13.75	\$13.75
Child Restraint 1 st Offense	\$10.00	\$62.50	\$25.00	\$13.75	\$13.75
Child Restraint 2 nd Offense	\$20.00	\$72.50	\$25.00	\$13.75	\$13.75
Seat Belt Violation 1 st Offense	\$10.00	\$62.50	\$25.00	\$13.75	\$13.75
Seat Belt Violation 2 nd Offense	\$20.00	\$72.50	\$25.00	\$13.75	\$13.75
Failure to Yield/Blue Lights/Siren	\$27.50	\$80.00	\$25.00	\$13.75	\$13.75
Public Intoxication	\$50.00	\$102.00	\$25.00	\$13.75	\$13.75
Handicap Parking	\$50.00	\$50.00	\$0.00	\$0.00	\$0.00
Illegal Parking	\$20.00	\$20.00	\$0.00	\$0.00	\$0.00
Fire Hydrant/Fire Zone	\$25.00	\$25.00	\$0.00	\$0.00	\$0.00
Open Intoxicant	\$41.25	\$55.00	\$0.00	\$13.75	\$0.00
Financial Responsibility	\$50.00	\$102.00	\$25.00	\$13.75	\$13.75

(4) Typical traffic related fines of multiple violations heard in the same court hearing are hereby established with not to exceed figures as follows:

MULTIPLE OFFENSES
POLICE FINES FOR ADDITIONAL OFFENSES
ADDED TO PRIMARY OFFENSE

<u>Offense</u>	<u>COST BREAKDOWN</u>			
	<u>Fine</u>	<u>Total</u>	<u>Litigation</u>	<u>State</u>
Speeding 1-15 MPH	\$27.50	\$55.00	\$13.75	\$13.75
Speeding 16 Plus MPH	\$42.50	\$70.00	\$13.75	\$13.75
Reckless Driving	\$45.75	\$73.25	\$13.75	\$13.75
No Driver's License	\$23.50	\$51.00	\$13.75	\$13.75
Violation of Registration	\$33.75	\$61.25	\$13.75	\$13.75
Muffler Violation	\$23.50	\$51.00	\$13.75	\$13.75

Failure to Yield	\$27.50	\$55.00	\$13.75	\$13.75
Stop Sign	\$27.50	\$55.00	\$13.75	\$13.75
Traffic Regulatory Sign	\$27.50	\$55.00	\$13.75	\$13.75
Traffic Control Sign	\$27.50	\$55.00	\$13.75	\$13.75
Failure to Signal	\$27.50	\$55.00	\$13.75	\$13.75
Light Violation	\$27.50	\$55.00	\$13.75	\$13.75
Improper Passing	\$27.50	\$55.00	\$13.75	\$13.75
Following Too Closely	\$27.50	\$55.00	\$13.75	\$13.75
Child Restraint 1 st Offense	\$10.00	\$37.50	\$13.75	\$13.75
Child Restraint 2 nd Offense	\$20.00	\$47.50	\$13.75	\$13.75
Seat Belt Violation 1 st Offense	\$10.00	\$37.50	\$13.75	\$13.75
Seat Belt Violation 2 nd Offense	\$20.00	\$47.50	\$13.75	\$13.75
Failure to Yield/Blue Lights/Siren	\$27.50	\$55.00	\$13.75	\$13.75
Public Intoxication	\$50.00	\$77.50	\$13.75	\$13.75
Handicap Parking	\$50.00	\$50.00	\$0.00	\$0.00
Illegal Parking	\$20.00	\$20.00	\$0.00	\$0.00
Fire Hydrant/Fire Zone	\$25.00	\$25.00	\$0.00	\$0.00
Open Intoxicant	\$41.25	\$55.00	\$13.75	\$0.00
Financial Responsibility	\$50.00	\$77.50	\$13.75	\$13.75

(5) Other fines not listed shall be determined by the municipal judge within the limits established by the State of Tennessee, and any other appropriate costs shall be taxed by the municipal judge in the bill of costs at an amount not to exceed the costs for the same items allowed in general sessions court for similar work in state cases.

(6) Failure to appear fine shall be \$50.00. (Ord. 24A of April 16, 1906, as replaced by Ord. #2003-08, April 2003)

1-1009. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. [Code of 1982]

1-1010. Bond amounts, conditions, and forms. An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable. [Code of 1982]

1-1011. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the Board of Mayor and Aldermen a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. [Code of 1982]

1-1012. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. [Code of 1982]

1-1013. Litigation tax levied. (1) Effective on the first day of the month following the passage of this ordinance,² the town litigation taxes in effect in the Jonesborough city court shall be as follows:

On cases in city court there is hereby levied a city litigation tax to match the state litigation tax of thirteen dollars and seventy-five cents (\$13.75).

(2) The litigation taxes levied pursuant to this section shall be paid to the town recorder and these taxes shall be combined with any state litigation tax dollars received to be used for obtaining equipment, facility improvements,

¹See § 27-501, Tennessee Code Annotated.

²These provisions were taken from Ord. #92-12, which passed third reading August 17, 1992.

or other such use to support the police department as deemed necessary by the board of mayor and aldermen. (as added by Ord. #92-12, Aug. 1992, and amended by Ord. #2005-11, June 2005)

CHAPTER 11

WORKHOUSE

SECTION

1-1101. County workhouse to be used.

1-1102. Inmates to be worked.

1-1103. Compensation of inmates.

1-1101. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. [Code of 1982]

1-1102. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition permits, shall be required to perform such public work or labor as may be lawfully prescribed for county prisoners. [Code of 1982]

1-1103. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines assessed against him.¹ [Code of 1982]

¹See § 40-24104 Tennessee Code Annotated.

CHAPTER 12

SOCIAL SECURITY--TOWN PERSONNEL

SECTION

- 1-1201. Policy and purpose as to coverage.
- 1-1202. Necessary agreements to be executed.
- 1-1203. Withholdings from salaries or wages.
- 1-1204. Appropriations for employer's contributions.
- 1-1205. Records to be kept and reports made.
- 1-1206. Exclusions.

1-1201. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Jonesborough, Tennessee, to extend, at the earliest date, to the employees and officials thereof, not excluded by law or ordinance, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old-age and survivors insurance as authorized by the federal social security act and amendments thereto. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state or federal laws or regulations. [Ord. of Jan. 19, 1954, § 1, modified]

1-1202. Necessary agreements to be executed. The mayor of the Town of Jonesborough, Tennessee, is hereby authorized and directed to execute all necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. [Ord. of Jan. 19, 1954, § 2]

1-1203. Withholdings from salaries or wages. Withholdings from salaries or wages of employees and officials for the purpose provided in § 1-1201 are hereby authorized to be made in the amount and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. [Ord. of Jan. 19, 1954, § 3]

1-1204. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions and shall be paid over to the state or federal agency designated by said laws or regulations. [Ord. of Jan. 19, 1954, § 4]

1-1205. Records to be kept and reports made. The town shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. [Ord. of Jan. 19, 1954, § 5]

1-1206. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town. [Ord. of Jan. 19, 1954, § 6]

CHAPTER 13

PURCHASING AGENT

SECTION

- 1-1301. Established office of purchasing agent.
- 1-1302. Responsibilities of purchasing agent.
- 1-1303. Changes or revisions to purchasing provisions.
- 1-1304. Compliance to Title VI of the Civil Rights Act.

1-1301. Established office of purchasing agent¹. The office of purchasing agent is hereby created and the town recorder shall faithfully discharge the duties of the said office or appoint an individual to make purchases for the town. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto. [Ord. of April 8, 1985]

1-1302. Responsibilities of purchasing agent. The purchasing agent, or designated representative, as provided herein, shall purchase materials, supplies, service and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with Purchasing Procedures approved by the governing body and filed with the town recorder. [Ord. of April 8, 1985]

1-1303. Changes or revisions to purchasing provisions. After initial approval by resolution of the governing body of this town, changes or revisions to the Purchasing Procedures shall be made only by resolution. [Ord. of April 8, 1985, modified]

1-1304. Compliance to Title VI of the Civil Rights Act. It is the policy of the Town of Jonesborough, Tennessee to ensure compliance with Title VI of the Civil Rights Act of 1964; 49 CFR, Part 21. No person shall be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance on the grounds on the grounds of race, color, sex, age, disability, or national origin. [as added by Ord. #2002-16, Dec. 2002]

¹This provision is in accordance with TCA 6-56-301.

CHAPTER 14

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 1-1401. Title.
- 1-1402. Purpose
- 1-1403. Coverage.
- 1-1404. Standards authorized.
- 1-1405. Variances from standards authorized.
- 1-1406. Administration.
- 1-1407. Funding the program plan.
- 1-1408. Severability.
- 1-1409. Plan of operation for the occupational safety and health program for the employees of Town of Jonesborough.

1-1401. Title. This section shall be known as "the occupational safety and health program plan" for the employees of the Town of Jonesborough. (as added by Ord. #98-03, April 1998, and replaced by Ord. #2013-06, June 2013)

1-1402. Purpose. The Town of Jonesborough, in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
 - (a) Top management commitment and employee involvement;
 - (b) Continually analyze the worksite to identify all hazards and potential hazards;
 - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
 - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

(6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (as added by Ord. #98-03, April 1998, and replaced by Ord. #2003-11, June 2003, and Ord. #2013-06, June 2013)

1-1403. Coverage. The provisions of the occupational safety and health program plan for the employees of the Town of Jonesborough, shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (as added by Ord. #98-03, April 1998, and replaced by Ord. #2013-06, June 2013)

1-1404. Standards authorized. The occupational safety and health standards adopted by the Town of Jonesborough are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972.¹ (as added by Ord. #98-03, April 1998, and replaced by Ord. #2013-06, June 2013)

1-1405. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (as added by Ord. #98-03, April 1998, and replaced by Ord. #2013-06, June 2013)

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

1-1406. Administration. For the purposes of this chapter, the Safety Officer for the Town of Jonesborough is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer the occupational safety and health program for the employees of the Town of Jonesborough. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by Tennessee Code Annotated, title 50. Said plan shall become a part of the Jonesborough Personnel Policy upon its adoption. (as added by Ord. #98-03, April 1998, and replaced by Ord. #2003-11, June 2003, and Ord. #2013-06, June 2013)

1-1407. Funding the program plan. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the board of mayor and aldermen. (as added by Ord. #98-03, April 1998, and replaced by Ord. #2013-06, June 2013)

1-1408. Severability. If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. (as added by Ord. #2013-06, June 2013)

1-1409. Plan of operation for the occupational safety and health program plan for the employees of Town of Jonesborough.¹

I. PURPOSE AND COVERAGE:

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of the Town of Jonesborough.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The Town of Jonesborough, in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees,

- a. Provide a safe and healthful place and condition of employment.

¹The plan of operation for the occupational safety and health program is added as originally formatted in Ord. #2013-06 dated June 10, 2013.

- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees safety and health.

II. DEFINITIONS:

For the purposes of this Program Plan, the following definitions apply:

- a. Commissioner Of Labor and Workforce Development means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or

deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.

- b. Employer means the Town of Jonesborough, and includes each administrative department, board, commission, division, or other agency of the Town.
- c. Safety Director means the person designated by the establishing ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program Plan for the employees of the Town of Jonesborough.
- d. Inspector(s) means the individual(s) appointed or designated by the Safety Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Safety Director of Occupational Safety and Health.
- e. Appointing Authority means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.
- f. Employee means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. Person means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. Standard means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. Imminent Danger means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably

be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

- j. Establishment or Worksite means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. Serious Injury or Harm means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. Act or TOSH Act shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. Governing Body means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. Chief Executive Officer means the chief administrative official, County Judge, County Chairman, County Mayor, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYERS RIGHTS AND DUTIES:

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment recognizing any inherent dangers, and to the extent possible a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this Program Plan are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this Program Plan.

IV. EMPLOYEES RIGHTS AND DUTIES:

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this Program Plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this Program Plan may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance. The employee may request to remain anonymous as set forth in section I (h) of this plan.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Safety Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Safety Director any violation or suspected violations of the standards or any other health or safety hazards. The employee may remain anonymous by not signing or identifying their self as set forth in section I (h) of this plan.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this Program Plan.

- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Safety Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- k. Nothing in this or any other provisions of this Program Plan shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety or others or when a medical examination may be reasonably required for performance of a specific job.
- l. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Safety Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION:

- a. The Safety Director of Occupational Safety and Health/Safety is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program Plan.
 1. The Safety Director may get assistance in making inspections, and the BMA may approve a designee to carry out the duties in absence of the Safety Director.
 2. The Safety Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.
 3. The Safety Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this Program Plan.
 4. The Safety Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 5. The Safety Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where

employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.

6. The Safety Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 7. The Safety Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 8. The Safety Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.
1. The administrative or operational head shall follow the directions of the Safety Director on all issues involving occupational safety and health of employees as set forth in this plan. Safety related appeals can be directed to the Operations Manager or Town Administrator.
 2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Safety Director within the abatement period.
 3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
 4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Safety

Director along with his findings and/or recommendations in accordance with APPENDIX IV of this plan.

VI. STANDARDS AUTHORIZED:

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, CHAPTER 0800-01-1 through CHAPTER 0800-01-11 are the standards and rules invoked.

VII. VARIANCE PROCEDURE:

The Safety Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Safety Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.

5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
 - c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 1. The employer
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has as effective Program Plan for coming into compliance with the standard as quickly as possible.
 2. The employee is engaged in an experimental Program Plan as described in subsection (b), section 13 of the Act.
 - d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
 - e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.

- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING:

Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to www.osha.gov and click on Recordkeeping Forms located on the home page.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the record-keeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by T.C.A., Title 50.

IX. EMPLOYEE COMPLAINT PROCEDURE:

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Safety Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Safety Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Safety Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably

expected to be seen by the complainant for a period of three (3) working days.

- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Operations Manager, Town Administrator or the Mayor explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Operations Manager or Town Administrator will evaluate the complaint, begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions if deemed appropriate or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Director and the Operations Manager, Town Administrator or Mayor.
- f. Copies of all complaint and answers thereto will be filed by the Safety Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING:

- a. Safety Director and/or Compliance Inspector(s):
 - 1. Arrangements will be made for the Safety Director and/or Safety Officer(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained.
 - 2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical

reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established.

This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle or use poisons, acids, caustics, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, person hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocution; Struck by/Caught In; Trench Cave In; Heat Stress and Drowning.
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4) in depth such as pits, tubs, vaults, and vessels.

- ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
- iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES:

It is the intention of the governing body and responsible officials to have an Occupational Safety and Health Program Plan that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this Ordinance, the Safety Director and/or Compliance Inspector(s), if appointed, is authorized:
 - 1. To enter at any reasonable time, any Town establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the Town and;
 - 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of Town employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any Town supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Director or Inspector during a routine

inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

- c. The Safety Director may have supervisory staff and/or other Town employees accompany the Safety Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
 - 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
 - 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- h. The Safety Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Director.
 - 2. Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the Safety Director.

- i. The Safety Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES:

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 1. The Safety Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
 2. If the alleged imminent danger situation is determined to have merit by the Safety Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
 3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Safety Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Safety Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
 5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

6. A written report shall be made by or to the Safety Director describing in detail the imminent danger and its abatement. This report will be maintained by the Safety Director in accordance with subsection (i) of Section XI of this plan.
- b. Refusal to Abate.
1. Any refusal to abate an imminent danger situation shall be reported to the Safety Director and Operations Manager or Town Administrator immediately.
 2. The Safety Director and/or Operations Manager or Town Administrator shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS FOR NON-IMMINENT DANGER:

- a. Whenever, as a result of an inspection or investigation, the Safety Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Safety Director shall:
1. Issue an abatement order to the head of the worksite.
 2. Copy the Operations Manager and Town Administrator with the abatement order.
 3. Post or cause to be posted a copy of the abatement order at or near each location referred to in the Abatement Order.
- b. Abatement orders shall contain the following information:
1. The standard, rule, or regulation which was found to violated.
 2. A description of the nature and location of the violation.
 3. A description of what is required to abate or correct the violation.
 4. A reasonable period of time during which the violation must be abated or corrected.

- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Safety Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Safety Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Safety Director shall, within three (3) working days, issue a followup abatement order and such subsequent order shall be binding unless appealed to the Operations Manager or Town Administrator.

XIV. PENALTIES:

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this Program Plan.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the Town. It shall be the duty of Town Supervisory Staff to administer discipline by taking action as outlined in the Town personnel policies.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION:

All information obtained by or reported to the Safety Director pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this Occupational Safety and Health Program Plan which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this Program Plan or when relevant in any proceeding under this Program Plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS:

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann. § 50-3-409 can file a

complaint with their agency/safety Safety Director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED:

- a. Compliance with any other law, statute, ordinance, or executive order, which regulates safety and health in employment and places of employment, shall not excuse the employer, the employee, or any other person from compliance with the provisions of this Program Plan.
- b. Compliance with any provisions of this Program Plan or any standard, rule, regulation, or order issued pursuant to this Program Plan shall not excuse the employer, the employee, or any other person from compliance with the law, statute, ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed.

XVIII. ACCIDENT REPORTING PROCEDURES:

Employees shall report all accidents, injuries, or illnesses directly to the Safety Director as soon as possible, but not later than twenty-four (24) hours after the occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Safety Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.

Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after the occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Safety Director and/or record keeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.

Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after the occurrence. The supervisor will provide the Safety Director and/or record keeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the record-keeper.

Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Safety Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since Workers Compensation Form 6A or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.

5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 4 listed under PROGRAM PLAN in Section V. ADMINISTRATION, Part b of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

The four (4) procedures listed above are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. Note also that the specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.

The Town of Jonesborough has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

APPENDIX I - NOTICE TO ALL EMPLOYEES

NOTICE TO ALL EMPLOYEES OF THE TOWN OF JONESBOROUGH

The Tennessee Occupational Safety and Health Act of 1972 provide job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Program Plan which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this Program Plan may file a petition with the Safety Director or Operations Manager.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before _____? _____ for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of THE TOWN OF JONESBOROUGH is available for inspection by any employee at TOWN HALL during regular office hours.

 MAYOR

 DATE

APPENDIX II -WORK LOCATIONS

TOWN HALL

General/Water Administration	15 Employees
Police Department	21 Employees
Fire Department	7 Employees
Recreation Department	4 Employees
123 Boone Street	
Jonesborough, TN 37659	
423-753-1030 - Town Hall	
423-753-1053 - Police/Fire	
423-753-0485 - Recreation Dept.	

WETLANDS WATER PARK

Persimmon Ridge Park	1 Employee (Full-time)
1523 Persimmon Ridge Road	(Seasonal Workers - May - Sept.)
Jonesborough, TN 37659	
(423) 753-1561	

SENIOR CENTER

1521 Persimmon Ridge Road	5 Employees
Jonesborough, TN 37659	
(423) 753-1084	

VISITOR CENTER

117 Boone Street 8 Employees
 Jonesborough, TN 37659
 (423) 753-1010

CITY GARAGE

Street Dept. 6 Employees
 Inventory/Purchasing 1 Employee
 Fleet Maintenance Dept. 3 Employees
 Meter Reader Dept. 5 Employees
 Water Distribution Dept. 17 Employees
 122 North Lincoln Ave
 Jonesborough, TN 37659

423-753-1000- Inventory
 423-753-1004- Street Dept.
 423-753-1002- Fleet Maintenance
 423-753-1003-Water Distribution
 423-753-1005- Meter Reader Dept.

SOLID WASTE

101 Britt Drive 8 Employees
 Jonesborough, TN 37659
 (423) 753-1006

WASTEWATER DEPT.

101 Britt Drive 14 Employees
 Jonesborough, TN 37659
 (423) 753-1022

WATER TREATMENT PLANT

301 Arnold Road 9 Employees
 Jonesborough, TN 37659
 (423) 753-1099

TOTAL NUMBER OF EMPLOYEES: 124

(as added by Ord. #2013-06, June 2013)

CHAPTER 15

ROUNDTABLE ADVISORY COMMITTEE

SECTION

- 1-1501. Roundtable created.
- 1-1502. Compositions, appointment, membership and terms.
- 1-1503. Compensation and vacancies.
- 1-1504. Election of officers, rules and staff.
- 1-1505. Meetings.
- 1-1506. Duties and responsibilities.

1-1501. Roundtable created. The roundtable is created as an advisory committee which will promote communication and cooperation among businesses, the Town of Jonesborough, and other planning and economic development professionals in order to sustain a health overall economy, continued business development, and a high quality of life within the Jonesborough area. [as added by Ord. #98-04, § 2, April 1998]

1-1502. Compositions, appointment, membership and terms. The business roundtable shall be composed of twenty-five appointed members in designated classifications. The town administrator shall designate the specific business classifications. Terms of the members shall be two years. No appointed member shall serve consecutive terms on the roundtable. If however, the appointee is the only person who operates a business in a particular classification, he or she shall serve two years initially and may have consecutive terms. If following a full two-year term, another individual who operates a business under that classification is available to serve, then that classification must be offered for rotation. Upon the expiration of an appointee's term, a former member may be re-appointed to the roundtable if a suitable classification is available after one year from his or her expired term. The appointee may hold the same or a different classification, but must be an owner or operator of an organization that fits the specific classification. Appointed members shall be selected by the mayor and confirmed by the board of mayor and aldermen. In order to establish a rotating membership, twelve of the members shall be appointed initially to have a term of one year, the other thirteen shall serve two years. If a member misses three or more consecutive meetings, his membership position will automatically be vacated.

Ex-officio members shall include, the Chairman of the Jonesborough Regional Planning Commission or his appointee; the mayor or an alderman designated by the mayor; a staff representative of the Washington County-Johnson City-Jonesborough Economic Development Board; an appointed member of the Jonesborough Industrial Development Board, and a

representative of the State of Tennessee Department of Economic and Community Development. [as added by Ord. #98-04, § 2, April 1998]

1-1503. Compensation and vacancies. The members of the roundtable shall serve without compensation. In the event a vacancy occurs among appointed members, such vacancy shall be filled for the unexpired term from an appointment by the mayor with the approval of the board of mayor and aldermen. [as added by Ord. #98-04, § 2, April 1998]

1-1504. Election of officers rules and staff. The roundtable shall elect from its appointed members a chairman, vice-chairman, and a secretary. These elected officers shall constitute the executive committee of the roundtable. The term in any office shall be one year without eligibility for consecutive terms. The roundtable shall hold an organizational meeting in January of each year and it shall adopt its own rules of procedure. At least twelve members shall constitute a quorum for the transaction of business. All town officers, departments, boards and commissions appointed by the board of mayor and aldermen shall render reasonable and necessary assistance to the roundtable. [as added by Ord. #98-04, § 2, April 1998]

1-1505. Meetings. The executive committee shall meet and confer with town staff at least monthly. The time and the place of regular meetings shall be determined by vote of the entire roundtable membership. The chairman or a majority of the entire membership may call special sessions of the roundtable whenever deemed necessary and expedient. [as added by Ord. #98-04, § 2, April 1998]

1-1506. Duties and responsibilities. Appointed members shall devote time to promoting the development of Jonesborough's economy and attend scheduled meetings. The roundtable and its members shall work toward generating new ideas to promote Jonesborough's economy and welfare; and develop short and long-term economic development goals that are in the best interest of the Town of Jonesborough. The roundtable shall work to establish and support goals and priorities set by the group in coordination with the various departments and commissions of the Town of Jonesborough. In particular, the roundtable or its designated members should visit prospective businesses and investors with the town planner/economic development director and staff; and support existing and potential businesses. The roundtable shall exist to promote a positive, professional, pro-business image for the Town of Jonesborough. [as added by Ord. #98-04, § 2, April 1998]

CHAPTER 16

THE JONESBOROUGH TREE AND
AND TOWNSCAPE BOARD

SECTION

- 1-1601. Establishment.
- 1-1602. Purpose and duties.
- 1-1603. Approval required.
- 1-1604. Composition, appointment, membership and terms.
- 1-1605. Compensation.
- 1-1606. Rules and staff.
- 1-1607. Meetings.
- 1-1608. Rules of procedure.
- 1-1609. Technical assistance.

1-1601. Establishment. The Jonesborough Tree and Townscape Board is hereby established. [as added by Ord. #2001-14, Sept. 2001]

1-1602. Purpose and duties. The purpose of the tree and townscape board is to develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. (Comprehensive Tree Plan) The tree and townscape board shall develop and recommend a Jonesborough Tree Ordinance. In addition, landscape, townscape, and accessory plans will be developed, administered, and continually updated directing the beautification and landscaping of public parks, open spaces, streets, and ways within the town limits. The tree and townscape board will serve in an advisory and consultant capacity in working with developments within the town limits, and assist the related enforcement officer to meet obligations detailed in the Jonesborough Landscape Ordinance. The board shall consider, investigate, make finding, report and recommend upon any special matter of question or activity requested by the board of mayor and aldermen. [as added by Ord. #2001-14, Sept. 2001]

1-1603. Approval required. The comprehensive tree plan developed by the tree and townscape board shall be presented to the board of mayor and aldermen for approval, and when and if accepted shall constitute the official Comprehensive Tree Plan for the Town of Jonesborough. The tree and townscape board shall review and make recommendations for improvements to the comprehensive tree plan from time to time, as needed, and present these improvements and amendments to the board of mayor and aldermen for its review and acceptance. Formal landscape and beautification plans of public parks and open spaces developed under the direction of the tree and townscape board shall come to the board of mayor and aldermen for approval. The tree and

townscape board shall establish standards and guidelines that govern large and small projects. These standard and guidelines, when approved by the board of mayor and aldermen shall govern activities in public parks, open spaces, streets and ways that do not necessitate formal landscape plans. [as added by Ord. #2001-14, Sept. 2001]

1-1604. Composition, appointment, membership and terms. The tree and townscape board shall be composed of thirteen (13) members determined as follows:

One member shall be a member of the board of mayor and aldermen, submitted by the mayor, and confirmed by the board. The term of the board member shall be contiguous with his or her term on the board of mayor and aldermen. The remaining members shall be appointed by the mayor and confirmed by the board. The terms of the members shall be three-year terms. For the initial appointment only and to allow for staggered terms, four members shall serve a three-year term, four members shall serve a two-year term, and four members shall serve a one-year term. Any vacancy in the membership shall be filled for the unexpired term by the mayor with confirmation by the town board. The board of mayor and aldermen shall have the power to remove any member at anytime with or without cause. [as added by Ord. #2001-14, Sept. 2001]

1-1605. Compensation. Members of the tree and townscape board shall serve without compensation. [as added by Ord. #2001-14, Sept. 2001]

1-1606. Rules and staff. The board shall adopt rules and regulations for the orderly discharge of its duties subject to the approval of the board of mayor and aldermen. Meetings shall normally be held at least monthly and minutes of proceedings shall be recorded and submitted for review by the board of mayor and aldermen at its regular meetings. The director of parks and recreation shall serve as the official staff person, and the director of public works shall act as support staff on an as-needed basis. Other town employees shall serve as staff to the tree and townscape board as deemed appropriate by the director of parks and recreation with the approval of the town administrator. [as added by Ord. #2001-14, Sept. 2001]

1-1607. Meetings. Upon creation by the board of mayor and aldermen, the tree and townscape board shall hold an organizational meeting to elect officers and establish a schedule for regular meetings for the upcoming year. With reasonable notice, special meetings of the committee may be called by the tree and townscape board chairman or the director of parks and recreation. All meetings are open to the public and shall be posted on the community bulletin board at town hall. Beginning in 2002, the tree and townscape board shall hold an annual organizational meeting in November or December each year to elect

officers and set the meeting schedule for the subsequent year. [as added by Ord. #2001-14, Sept. 2001]

1-1608. Rules of procedure. The tree and townscape board shall elect a chair (can be co-chair), vice-chair and secretary from among its members. The term of the chair, vice-chair, and secretary shall be one (1) year with eligibility for re-election, however, officers elected in the first year shall serve initially through December of 2002. Rules and procedures may be modified each year at the organizational meeting, however, changes are subject to the approval of the board of mayor and aldermen. [as added by Ord. #2001-14, Sept. 2001]

1-1609. Technical assistance. The tree and townscape board may obtain persons with expertise in various fields to provide uncompensated technical assistance as needed. Such technical advisors, such as the University of Tennessee/Washington County Extension Agent, and the U.S. Soil Conservationist for Washington County may serve in an ex-officio capacity on the board. [as added by Ord. #2001-14, Sept. 2001]

CHAPTER 17

THE MCKINNEY CENTER ADVISORY COMMITTEE

SECTION

- 1-1701. Establishment.
- 1-1702. Purpose and duties.
- 1-1703. Composition, appointment, membership and terms.
- 1-1704. Compensation.
- 1-1705. Rules and staff.
- 1-1706. Meetings and subcommittees.
- 1-1707. Officers.
- 1-1708. Technical advisors.
- 1-1709. Donations, revenues, expenditures.

1-1701. Establishment. The McKinney Center Advisory Center is hereby established. (as added by Ord. #2003-12, June 2003, and replaced by Ord. #2007-08, Aug. 2007, and Ord. #2014-06, May 2014)

1-1702. Purpose and duties. The purpose of the McKinney Center Advisory Committee is to provide a mechanism for residents and town staff to plan, support, implement, evaluate and otherwise promote various artistic endeavors in Jonesborough in an effort to enhance the quality of life for its citizens. The McKinney Center Advisory Committee shall support, advise and expand Jonesborough's Mary B. Martin Program For The Arts, and shall assist in the development of activities that use the arts and the facility to build relationships and build community. The McKinney Center will also look at effective ways to interpret the history of Booker T. Washington School and the people who attended the facility, while focusing on the McKinney family and their large contribution in making Jonesborough a better place to live and work. The McKinney Center Advisory Committee will assist in developing effective ways of establishing a comprehensive education program in which activities can be carried out in various town facilities. The advisory committee will also assist in generating effective ways of promoting the activities taking place through the McKinney Center and Mary B. Martin programs. The advisory committee is charged with assisting in fundraising and revenue generating that is supporting the operation and sustainability of the various programs. (as added by Ord. #2003-12, June 2003, and replaced by Ord. #2007-08, Aug. 2007, and Ord. #2014-06, May 2014)

1-1703. Composition, appointment, membership and terms. The McKinney Center Advisory Committee shall be composed of nine (9) members determined as follows:

One (1) member shall be a member of the board of mayor and aldermen, or a designee of the mayor, submitted by the mayor and confirmed by the board. The term of the board member shall be contiguous with his or her term on the board of mayor and aldermen, or if the approved designee of the mayor, contiguous with the term of the mayor. The remaining eight (8) positions on the board will be made up of members of the community that are interested in carrying out the purpose and duties of the McKinney Center Advisory Committee as established by the town board. All positions shall be appointed by the mayor and confirmed by the board of mayor and aldermen. The terms of the eight (8) appointed members shall be three (3) year terms. For the initial appointment only, and to allow for staggered terms, three (3) appointed members shall serve three (3) year terms, three (3) appointed members shall serve two (2) year terms, and two (2) members shall serve a one (1) year term. Any vacancy in the appointed membership shall be filled for the unexpired term by the mayor with the confirmation from the board of mayor and aldermen. The board of mayor and aldermen shall have the power to remove any member at any time with or without cause. (as added by Ord. #2003-12, June 2003, and replaced by Ord. #2007-08, Aug. 2007, and Ord. #2014-06, May 2014)

1-1704. Compensation. Members of the McKinney Center Advisory Committee shall serve without compensation, however, a town board member representing the board of mayor and aldermen on the advisory committee may possibly be compensated through a program specifically established for members of the town board. Members of the McKinney Center Advisory Committee may be compensated for any service related to the operation of the Center or provided directly to the advisory committee that is outside the normal duties of an advisory committee member and deemed compensable by the committee or staff. (as added by Ord. #2003-12, June 2003, and replaced by Ord. #2007-08, Aug. 2007, and Ord. #2014-06, May 2014)

1-1705. Rules and staff. The McKinney Center Advisory Committee shall adopt rules and regulations for the orderly discharge of its duties subject to revision by the Jonesborough Board of Mayor and Aldermen. Rules can be amended at any meeting provided that any change is clearly communicated in a notice sent out to members at least one (1) week prior to the meeting in which the change will be addressed. All changes in rules are subject to being further amended by the Jonesborough Board of Mayor and Aldermen. The McKinney Center staff and Jonesborough Parks and Recreation staff shall provide support staff for the committee under the direction of the McKinney Center Director and director of parks and recreation. Other town employees shall serve as staff to the McKinney Center Advisory Committee as deemed appropriate by the town administrator. The McKinney Center Director may request individuals to attend meetings regularly in an ex-officio capacity when it is felt those individuals can provide important information to the advisory committee, and help achieve the

goals of the McKinney Center. (as added by Ord. #2003-12, June 2003, and replaced by Ord. #2007-08, Aug. 2007, and Ord. #2014-06, May 2014)

1-1706. Meetings and subcommittees. Upon its establishment by the Jonesborough Board of Mayor and Aldermen, the McKinney Center Advisory Board will hold an organizational meeting to elect officers and establish a schedule for regular meetings the remainder of the upcoming year. Meetings shall normally be held monthly, however, the McKinney Center Advisory Committee can establish a different meeting schedule as long as that schedule is established for the remainder of the calendar year and properly advertised. Minutes shall be taken of the proceeding of all meetings and submitted to the board of mayor and aldermen for their review at regular meetings. With reasonable notice, special meetings of the McKinney Center Advisory Committee may be called by the committee chairman, the committee itself, the McKinney Center Director or the town administrator. All meetings are open to the public and shall be posted on the community bulletin board at town hall. After the initial meeting of the newly formed McKinney Center Advisory Committee, the advisory committee shall hold an organizational meeting each year to elect officers and establish a meeting schedule for the coming year. In absence of such meeting, the current officers shall serve until they are replaced or until their term ends. (as added by Ord. #2003-12, June 2003, and replaced by Ord. #2007-08, Aug. 2007, and Ord. #2014-06, May 2014)

1-1707. Officers. The McKinney Center Advisory Committee shall elect a chair or co-chair, a vice-chair, and secretary. Terms shall be one (1) year with eligibility for re-election. Officers shall serve until an organizational meeting is scheduled each year, and in absence of a schedule organizational meeting shall serve until they are replaced or their term ends. (as added by Ord. #2003-12, June 2003, and replaced by Ord. #2007-08, Aug. 2007, and Ord. #2014-06, May 2014)

1-1708. Technical advisors. The McKinney Center Advisory Committee may request uncompensated technical assistance from anyone the committee feels can provide needed impact to achieve the mission and goals of the McKinney Center and Jonesborough's Mary B. Martin Program. (as added by Ord. #2003-12, June 2003, and replaced by Ord. #2007-08, Aug. 2007, and Ord. #2014-06, May 2014)

1-1709. Donations, revenues, expenditures. The McKinney Center Advisory Committee may solicit donations, apply for grants, oversee fundraisers and promotions, and otherwise collect revenues under the procedures established by the town recorder. Revenues generated directly from the activities McKinney Center Advisory Committee may be deposited in a McKinney Center Fund or reserved in the Mary B. Martin Fund, and the

advisory committee may advise staff and the board of mayor and aldermen on the use of any funds raised by the advisory committee. The McKinney Center Advisory Committee is not authorized to obligate any funding or mitigate any contract without the possible review and oversight of the Jonesborough Board of Mayor and Aldermen. (as added by Ord. #2003-12, June 2003, and replaced by Ord. #2007-08, Aug. 2007, and Ord. #2014-06, May 2014)

CHAPTER 18

THE KEEP JONESBOROUGH BEAUTIFUL ADVISORY COUNCIL

SECTION

- 1-1801. Establishment.
- 1-1802. Purpose and duties.
- 1-1803. Composition, appointment, membership and terms.
- 1-1804. Compensation.
- 1-1805. Rules and staff.
- 1-1806. Meetings.

1-1801. Establishment. The Keep Jonesborough Beautiful Advisory Council is hereby established. (as added by Ord. #2012-17, Dec. 2012)

1-1802. Purpose and duties. The purpose of the Keep Jonesborough Beautiful Advisory Council is to create a mechanism to provide community input into Jonesborough's participation as an affiliate with the Keep America Beautiful national program. This program focuses on preservation of natural resources the recycling of reusable products and materials, the enhancement of landscaping and beautification efforts not only in public open spaces, and parks, but also with commercial and residential development, and the improvements in water quality in Jonesborough's waterways. In addition, the Keep Jonesborough Beautiful Advisory Council will replace the Jonesborough Recycling and Composting Council taking on the initiatives to increase education in the importance of recycling and the use of composting as well as enhancing community participation in these activities. The Keep Jonesborough Beautiful Advisory Council will also serve as the town's environmental committee referenced in the town's public outreach plan that focuses on educating the general public on activities associated with local efforts to improve stormwater management and water quality. (as added by Ord. #2012-17, Dec. 2012)

1-1803. Composition, appointment, membership and terms. The Keep Jonesborough Beautiful Advisory Council shall be made up initially of five (5) members that will serve as the pre-certification team. These five (5) members shall consist of one (1) member of the board of mayor and aldermen, submitted by the mayor, and confirmed by the board. The term of the board member shall be contiguous with his or her term on the board of mayor and aldermen. The remaining four (4) members of the initial council and pre-certification team shall be appointed by the mayor and confirmed by the board. The terms of the members shall be three (3) year terms. For the initial appointment only and to allow for staggered terms, two (2) members shall serve three (3) year terms, one

(1) member shall serve a two (2) year term, and one (1) member shall serve a one (1) year term.

After the Keep Jonesborough Beautiful program becomes an official certified affiliate of Keep America Beautiful, the Keep Jonesborough Beautiful Advisory Council shall be expanded from five (5) members to nine members. The additional four (4) members shall be appointed by the mayor and confirmed by the board. The terms of these additional members shall also be three (3) years, however, for the initial appointment only and to allow for staggered terms, one (1) member shall have a three (3) year term, two (2) members shall have a two (2) year term, and one (1) member shall have a one (1) year term. Any vacancy in the membership shall be filled for the unexpired term by the mayor with confirmation by the town board. The board of mayor and aldermen shall have the power to remove any member at any time with or without cause. (as added by Ord. #2012-17, Dec. 2012)

1-1804. Compensation. Members of the Keep Jonesborough Beautiful Advisory Council shall serve without compensation. (as added by Ord. #2012-17, Dec. 2012)

1-1805. Rules and staff. The council shall adopt rules and regulations for the orderly discharge of its duties subject to the approval of the board of mayor and aldermen. Meetings shall normally be held at least monthly and minutes of proceedings shall be recorded and submitted for review by the board of mayor and aldermen. A schedule of meetings less often than once a month may be established by the council provided that the meeting schedule for the entire calendar year is established and advertised. The director of solid waste shall serve as the director of the Keep Jonesborough Beautiful Program and serve as staff to the advisory council. Other town employees shall serve as staff to the Keep Jonesborough Beautiful Advisory Council on an as-needed basis or as assigned by the operations manager or town administrator. (as added by Ord. #2012-17, Dec. 2012)

1-1806. Meetings. Upon creation by the board of mayor and aldermen, the Keep Jonesborough Beautiful Advisory Council serving as the pre-certification team shall hold an organizational meeting and elect an interim chairman to direct the council through the certification process. Upon receiving certification as an official certified affiliate, the council shall be expanded to nine (9) members, and an additional organizational meeting shall be held to elect officers and make any changes in the regular meeting schedule. With reasonable notice, special or called meetings of the committee may be called by the council chairman or the director of solid waste. All meetings are open to the public and shall be posted on the community bulletin board at town hall. (as added by Ord. #2012-17, Dec. 2012)

CHAPTER 19

COMMUNITY RESOURCE MEMBERS

SECTION

- 1-1901. Community resource member status created.
- 1-1902. Committees defined.
- 1-1903. Number of community resource members per committee.
- 1-1904. Appointment.
- 1-1905. Background requirements.
- 1-1906. Responsibilities.
- 1-1907. Voting authority.
- 1-1908. Committee communications.
- 1-1909. Terms.
- 1-1910. Serve without compensation.

1-1901. Community resource member status created. The designation of a community resource member is hereby established that can serve on any town committee, commission, board or council made up of volunteer community members. [as added by Ord. #2015-6, June 2015 *Ch12_04-09-18*]

1-1902. Committees defined. Committees defined in this chapter includes all Jonesborough Advisory Committees, Boards, Commissions and Councils made up of volunteer community members with the exception of the planning commission/board of zoning appeals and historic zoning commission whose responsibilities and make up are determined by state legislation. [as added by Ord. #2015-6, June 2015 *Ch12_04-09-18*]

1-1903. Number of community resource members per committee. Up to two (2) people can be designated as community resource members for each Jonesborough committee. [as added by Ord. #2015-6, June 2015 *Ch12_04-09-18*]

1-1904. Appointment. Community resource members shall be submitted by the mayor and approved by the Jonesborough Board of Mayor and Aldermen. [as added by Ord. #2015-6, June 2015 *Ch12_04-09-18*]

1-1905. Background requirements. Community resource members shall be selected based on their expertise, experience and interest in the duties of the committee or the management and leadership skills necessary to carry out the responsibilities of the committee. [as added by Ord. #2015-6, June 2015 *Ch12_04-09-18*]

1-1906. Responsibilities. Committee resource members are encouraged to attend all meetings of the Jonesborough committee on which they are placed,

actively participate in the business of the committee, and to provide input and advice on any agenda item addressed by the committee. [as added by Ord. #2015-6, June 2015 *Ch12_04-09-18*]

1-1907. Voting authority. A community resource member has the authority to vote on any issue before the committee on which they are placed when any regular member of the committee is absent, and their presence when voting shall be counted as a regular member when determining the number of members present to constitute a quorum of the committee. [as added by Ord. #2015-6, June 2015 *Ch12_04-09-18*]

1-1908. Committee communications. Community resource members shall receive all meeting notifications and materials sent out to regular committee members. [as added by Ord. #2015-6, June 2015 *Ch12_04-09-18*]

1-1909. Terms. Community resource members shall serve terms established by the town board at their appointment approval, shall serve at the pleasure of the mayor and board of aldermen, and can be replaced at any time by the town board.

1-1910. Serve without compensation. Generally, like regular committee members, community resource members of committees shall serve without compensation unless determined otherwise by the town board. [as added by Ord. #2015-6, June 2015 *Ch12_04-09-18*]

CHAPTER 20

CHUCKEY DEPOT MUSEUM ADVISORY BOARD

SECTION

- 1-2001. Establishment.
- 1-2002. Composition, appointment, membership.
- 1-2003. Terms.
- 1-2004. Vacancies.
- 1-2005. Organization, rules, staff.
- 1-2006. Meetings.
- 1-2007. Powers and duties.
- 1-2008. Compensation.

1-2001. Establishment. The Chuckey Depot Museum Advisory Board is hereby established as a community advisory body to guide the development and operation of the Town of Jonesborough's Chuckey Depot Museum at Jonesborough currently located off Second Avenue, and under the oversight of the Jonesborough Department of Parks and Recreation. [as added by Ord. #2016-07, July 2016 *Ch12_04-09-18*]

1-2002. Composition, appointment, membership. The Chuckey Depot Museum Advisory Board, hereinafter called the "advisory board" shall be composed of seven (7) to nine (9) members. The initial advisory board shall be made up of seven (7) members, however, the board of mayor and aldermen may add up to two (2) additional members when deemed necessary. Three (3) of the members shall be the following:

(1) The mayor or his/her designee approved by the Jonesborough Board of Mayor and Aldermen.

(2) The president of the Watauga Valley Railroad Historical Society and Museum (WVRHSM), or a designee appointed by the WVRHSM board of directors.

(3) The president of the Heritage Alliance of Northeast Tennessee and Southwest Virginia (Heritage Alliance), or a designee appointed by the Heritage Alliance Board of Directors.

Four (4) members shall be appointed members and shall be selected by the Mayor and confirmed by the Jonesborough Board of Mayor and Aldermen.

The members of the advisory board shall have one (1) vote each at all advisory board meetings, and shall serve at the pleasure of the board of mayor and aldermen. Members appointed by the board of mayor and aldermen should be dedicated to the successful development and operation of the Chuckey Depot Museum at Jonesborough and its positive impact on Jonesborough. Appointed members may continue to serve until they are re-appointed or replaced. [as added by Ord. #2016-07, July 2016 *Ch12_04-09-18*]

1-2003. Terms. The term on the advisory board of the mayor or his/her designee shall be coterminous with the mayor's term on the board of mayor and aldermen.

The terms of the representatives from the Watauga Valley Railroad Historical Society and Museum, and the Heritage Alliance shall be "at the will" of the board of directors of these respective organizations.

The terms of the four (4) members appointed by the mayor and confirmed by the board of mayor and aldermen shall be four (4) years. For the initial appointments to the advisory board only, the term of one (1) member will be four (4) years, one (1) member will be three (3) years, one (1) member will be two (2) years, and one (1) member will have an initial term for one (1) year. The mayor shall have the authority to remove any of the four (4) appointed members. If the town board appoints up to two (2) additional members making the total nine (9) members, the terms of the additional members shall be four (4) years. [as added by Ord. #2016-07, July 2016 *Ch12_04-09-18*]

1-2004. Vacancies. A vacancy in membership of one (1) of the three (3) direct representatives of the town, WVRHSM and Heritage Alliance shall be filled by the organization with a vacant representative.

Any vacancy in the four (4) appointed members shall be filled for the unexpired term by the mayor with confirmation of the board of mayor and aldermen. [as added by Ord. #2016-07, July 2016 *Ch12_04-09-18*]

1-2005. Organization, rules, staff. The advisory board shall elect from its membership a chairman, vice-chairman, secretary and treasurer. The terms shall be for one (1) year with eligibility for re-election, and officers may continue to serve until an election takes place. The offices of secretary and treasurer may be combined at the discretion of the advisory board. The chairman shall appoint all necessary subcommittees from the advisory board, and the advisory board may adopt its own rules of procedure. [as added by Ord. #2016-07, July 2016 *Ch12_04-09-18*]

1-2006. Meetings. The advisory board normally shall meet in regular session at least once every month. The time and place of regular meetings shall be determined by a majority vote of the advisory board members. All meetings shall be advertised and open to the public. The advisory board may determine to not hold a regular monthly meeting by majority vote in advance. Called meetings of the advisory board shall be determined by the chairman or by majority vote of the entire membership. Called meetings must be properly advertised and open to the public. Four (4) members of the advisory board shall constitute a quorum for conducting business at a properly convened meeting of the board. [as added by Ord. #2016-07, July 2016 *Ch12_04-09-18*]

1-2007. Powers and duties. The duties of the advisory board shall include the development and operation of the Chuckey Depot Museum at Jonesborough program including the following:

- (1) Setting programmatic goals and direction for the museum.
- (2) Establishing policy to govern the operations of the program.
- (3) Seeking artifacts and information that can enhance the interpretation program.
- (4) Approving the acceptance of artifacts and interpretive materials, and making decisions on what artifacts and interpretive elements are displayed or exhibited in the Chuckey Depot Museum.
- (5) Developing fundraising activities and the soliciting of donations to support the operation and development of the museum.
- (6) Determining how revenue raised for or donated to the museum is used in support of the museum operation and development subject to proper accounting principles established by the town recorder.
- (7) Documenting meetings and advisory board decisions making minutes and reports available to the board of mayor and aldermen and partnering organizations on a monthly basis.
- (8) Making recommendations to the board of mayor and aldermen on staffing, funding, building maintenance, and support activities that may be generated or undertaken by the town.
- (9) Periodically evaluating the progress and development of the various museum programs and interpretive activities, and provide a report on program successes and areas for improvement to the town and partnering organizations.
- (10) Assisting in efforts to obtain volunteer support needed in the museum from organizations and individuals in the region.
- (11) Determining any fees and charges for participation in museum activities, with said fees and charges being subject to possible review by the board of mayor and aldermen.
- (12) Performing such other duties as may be determined by the board of mayor and aldermen from time to time.
- (13) Establishing and appointing any subcommittees needed for fundraising, marketing, interpretation, etc.

Except as designated above, the advisory board shall act in an advisory capacity only, and shall have no authority to bind or financially obligate the board of mayor and aldermen or the Town of Jonesborough in any way except as the board of mayor and aldermen may approve or direct. [as added by Ord. #2016-07, July 2016 *Ch12_04-09-18*]

1-2008. Compensation. The members of the Chuckey Depot Advisory Board shall serve without compensation. [as added by Ord. #2016-07, July 2016 *Ch12_04-09-18*]

CHAPTER 21

AMERICANS WITH DISABILITIES ACT (ADA)
COMPLIANCE AND ADVISORY COMMITTEE

SECTION

- 1-2101. Establishment.
- 1-2102. Purpose.
- 1-2103. ADA Coordinator.
- 1-2104. Committee membership.
- 1-2105. Meetings.

1-2101. Establishment. The Jonesborough ADA Compliance and Advisory Committee is hereby established. [as added by Ord. #2016-11, Oct. 2016 *Ch12_04-09-18*]

1-2102. Purpose. The committee shall evaluate public services, programs and facilities and assist in determining Jonesborough's compliance to provisions of the American's with Disabilities Act. The committee will undertake the following:

- (1) Review ADA requirements that govern ADA access to local programs, services and facilities.
- (2) Review Jonesborough's level of compliance to ADA provisions.
- (3) Assist in self-evaluation of ADA compliance and the development of a transition plan that is designed to identify areas of needed improvements for handicapped accessibility, a priority list for corrective actions, a projected schedule for implementation of improvements needed, and estimates of costs for budgeting purposes.
- (4) Develop public notification of the existence and purpose of the ADA Compliance and Advisory Committee.
- (5) Act as a grievance committee for ADA related concerns, and establish grievance procedures that will hear and address any citizen complaints about the lack of appropriate ADA access to public services, programs and facilities within the Town of Jonesborough.
- (6) Monitor the progress of ADA related improvements, and provide feedback and recommendations to town staff and the Jonesborough Board of Mayor and Aldermen to improve handicapped accessibility in town. [as added by Ord. #2016-11, Oct. 2016 *Ch12_04-09-18*]

1-2103. ADA Coordinator. An ADA Coordinator will be appointed by the Board of Mayor and Aldermen that will chair the ADA Compliance and Advisory Committee. The ADA Coordinator will be recommended by the mayor and approved by the town board. The ADA Coordinator will serve at the pleasure

of the Mayor and will remain in the position until replaced. [as added by Ord. #2016-11, Oct. 2016 *Ch12_04-09-18*]

1-2104. Committee membership. The committee shall consist of five (5) members; including the ADA Coordinator who will serve as chairman. Members will be nominated by the mayor and approved by the town board. Members will serve at the pleasure of the mayor and will remain on the committee until replaced. Recommended members include the town building inspector, consulting engineer knowledgeable of ADA access requirements, and two (2) members of the community with an interest in ADA compliance issues, with the preference that one (1) of the two (2) community members is handicapped. Committee members shall serve without compensation. [as added by Ord. #2016-11, Oct. 2016 *Ch12_04-09-18*]

1-2105. Meetings. The committee shall establish a meeting schedule and location, but shall meet at least on a quarterly basis during the calendar year. The committee shall hold a meeting to hear any ADA related grievance within forty-five (45) days of the submission of the grievance. [as added by Ord. #2016-11, Oct. 2016 *Ch12_04-09-18*]

CHAPTER 22

QUALIFYING COMMITTEES

SECTION

1-2201. Qualifying committees.

1-2202. Meeting attendance requirements to receive compensation.

1-2201. Qualifying committees. The town charter requires the board of mayor and aldermen to establish a qualifying list of committees in which any board of mayor and aldermen member receiving the level of compensation established in the charter must attend in order to receive any compensation. The qualifying list of committees approved is as follows:

- (1) Jonesborough Planning Commission.
- (2) Jonesborough Historic Zoning Commission.
- (3) Jonesborough Senior Citizens Advisory Committee.
- (4) Tree and Townscape Board.
- (5) Traffic Advisory Committee.
- (6) Jonesborough Recreation Advisory Committee.
- (7) McKinney Center Advisory Committee.
- (8) Chuckey Depot Advisory Committee.
- (9) Jonesborough Repertory Theatre Board of Directors.
- (10) Emergency Management Services Board of Directors.
- (11) Northeast TN Regional Economic Partnership.
- (12) BrightRidge Board of Directors.
- (13) Main Street Jonesborough Board of Directors.
- (14) Heritage Alliance Board of Directors.
- (15) Any additional committee formed by ordinance of the Jonesborough

Board of Mayor and Aldermen that has a town designated committee member position filled by a town board member that has been confirmed by vote of the board of mayor and aldermen; or any county or regional committee membership position designated for the town that is filled by a BMA member that has been confirmed by vote of the board of mayor and aldermen. [as added by Ord. #2019-5, March 2019 *Ch13_03-08-21*]

1-2202. Meeting attendance requirements to receive compensation. In order to meet town charter requirements associated with receiving compensation, a member of the board of mayor and aldermen must attend a meeting of the board of mayor and aldermen and a meeting of a qualified committee of which they are a designated member to receive a one hundred dollar (\$100.00) level of compensation per month; in order to receive two hundred dollars (\$200.00) in compensation each month the town board member must attend a regular meeting of the board of mayor and aldermen, a qualified committee meeting of which they are a designated member of the committee,

and a seconded qualified committee meeting in which they are either a designated member or are attending as just a "spectator". [as added by Ord. #2019-5, March 2019 *Ch13_03-08-21*]