

TITLE 20

MISCELLANEOUS

CHAPTER

1. TELEPHONE SERVICE.
2. EMERGENCY ASSISTANCE.

CHAPTER 1

TELEPHONE SERVICE

SECTION

20-101. To be furnished under franchise.

20-101. To be furnished under franchise. Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.¹ The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

¹See Ord. #85-18, Feb. 1986, available in the office of the recorder, which grants a franchise to Tennessee Telephone Company, Inc.

CHAPTER 2

EMERGENCY ASSISTANCE

SECTION

20-201. General policy statement.

20-202. Definitions.

20-203. Requesting assistance.

20-204. Responding to a request for emergency assistance.

20-205. Use of fire apparatus outside corporate limits.

20-206. Limiting condition.

20-201. General policy statement. The governing body of the Town of Bruceton (the "town") has deemed it to be in the best interest of the general health and welfare of the citizens of said town to provide an emergency assistance program under the provisions of the Local Government Emergency Assistance Act of 1987 of the State of Tennessee.

(1) The purpose of this document is to establish the policy and procedures that will govern the Town of Bruceton, Tennessee, and its department, agencies or activities in the process of requesting emergency assistance from another local governmental entity, or in responding to the request of another local governmental entity, either within or without the corporate limits of the town.

(2) The following sections establish the guidelines under which decisions and their extent of implementation will be made regarding emergency assistance. (Ord. #92-01, June 1992)

20-202. Definitions. (1) "Emergency assistance" as defined in the Local Government Emergency Assistance Act of 1987 (the "Act") shall mean fire fighting assistance, law enforcement assistance, public works assistance, emergency medical assistance, civil defense/emergency management assistance, or other emergency assistance provided by local government or any combination or all of these services requested by a local government in an emergency situation in which the resources of the requesting local government are not adequate to handle the emergency.

(2) "Local government" shall mean any incorporated city or town, metropolitan government, county, county utility district, metropolitan airport authority, or other regional district or authority.

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

(4) "Responding party" means a local government which responds to a request for emergency assistance.

(5) "Appropriate senior officer" shall mean the mayor, the chief of police, the fire chief, the superintendent of public utilities, the superintendent

of public works, or their designees, depending on the emergency response required. (Ord. #92-01, June 1992)

20-203. Requesting assistance. All request for emergency assistance made on behalf of the town shall be made or authorized by the mayor or his authorized representative. The town, through its appropriate senior officer, in accordance with the provisions of the act will be in full command of its emergency as to strategy, tactics and overall direction of the operation and shall direct the actions of the responding party by relaying orders to the senior officer in command of the responding party.

(1) The town accepts liability for damages or injuries, as defined in Tennessee Code Annotated, § 29-20-101 et seq., caused by the negligence of its employees or the employees (including authorized volunteers) of a responding party while under the command of the senior officer of the town; however; the town does not accept liability for damages to the equipment or personnel (including authorized volunteers) of a responding party, nor is the town liable for any damages caused by the negligence of the personnel of the responding party, while en route to or returning from the scene of the emergency.

(2) The town acknowledges that any party from whom assistance is requested has no duty to respond nor does it have any duty to stay at the scene of the emergency and may depart at its discretion. (Ord. #92-01, June 1992)

20-204. Responding to a request for emergency assistance. The town will respond to calls for emergency assistance only upon request for such assistance made by the appropriate senior officer on duty for the requesting governmental entity. All request for emergency assistance shall be made to the mayor, chief of police, fire chief, superintendent of public utilities, the superintendent of public works, or their principal assistants, as applicable, and, where possible, shall receive prior approval of the mayor.

(1) Upon the receipt of a request for aid as provided for in the preceding paragraph the town is authorized to respond as follows:

(a) The town is authorized to provide at least one (1) piece of equipment and one (1) person or crew from that particular service area from which emergency assistance is requested.

(b) The greatest response that the town will provide is fifty percent (50%) of the personnel and resources of that particular service for which emergency assistance is requested. The town's response shall be determined by the severity of the emergency in the requesting party's jurisdiction as reported by the senior officer of the requesting government.

(2) The town has no duty to respond to a request and will reject a request for emergency assistance or will depart from the scene of the emergency based upon the discretionary judgment of the appropriate senior officer in

command at the scene of the emergency or of the appropriate senior officer (department head) of that service for the town, or of the mayor.

(3) In cases where two or more request for emergency assistance are made at the same time, the appropriate senior officer of the town shall determine, based upon a reasonable appraisal of the emergencies of the requesting jurisdictions, how best to respond to the request. The appropriate senior officer may determine to send all available, allowable resources to the jurisdiction with the most dire emergency, or may send some resources to each requesting jurisdiction.

(4) The town accepts full liability, as defined in Tennessee Code Annotated, § 29-20-101 et seq., for any damages to its equipment and personnel in responding to a request for emergency assistance and of damages caused by its equipment or personnel while en route to or returning from the scene of the emergency; however, the town shall not be liable for any property damage or bodily injury at the actual scene of any emergency due to actions which are performed in responding to a request for emergency assistance.

(5) The personnel of the town shall have extended to them to any geographic area necessary as a result of a request for emergency assistance the same jurisdiction, authority, rights, privileges, and immunities, including coverage under the Worker's Compensation Laws, which they have in the town. (Ord. #92-01, June 1992)

20-205. Use of fire apparatus outside corporate limits. Provisions concerning the response of the town's fire apparatus to request from private parties (non-governmental entities) outside the corporate limits are contained in Bruceton Municipal Code, § 7-204. (Ord. #92-01, June 1992)

20-206. Limiting condition. Emergency assistance request or responses will be made only with those local governmental entities that have also adopted policies and procedures that govern their actions during such requests or responses. (Ord. #92-01, June 1992)