

## TITLE 1

ADMINISTRATION, OFFICERS AND PERSONNEL

## CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CITY ATTORNEY.
5. POLICE AND ARREST.
6. CITY COURT.
7. WORKHOUSE.
8. SOCIAL SECURITY.
9. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
10. PERSONNEL REGULATIONS.

## CHAPTER 1

BOARD OF MAYOR AND ALDERMEN<sup>1</sup><sup>1</sup>Selected charter references:

- Composition of board - Art. II, sec. 2.02(a).
- Definition - Art. I, sec. 2.01.
- Election - Art. II, sec. 2.01.
- Legislative procedure prescribed - Art. II, sec. 2.06.
- Mayor the presiding officer - Art. II, sec. 2.03.
- Meetings, regular and special - Art. II, sec. 2.02(b).
- Powers, duties, responsibilities.
  - Appointment of officers.
    - City attorney - Art. III, sec. 3.04.
    - Recorder - Art. III, sec. 3.03.
  - Budgetary.
    - Adoption - Art. IV, sec. 4.05.
    - Amendment and review - Art. IV, sec. 4.05.
    - Public hearing - Art. IV, sec. 4.04.
    - Restrictions - Art. IV, sec. 4.04.
  - Corporate, generally - Art. I, sec. 1.04.
- Departments and employees.
  - Appointments, promotions, termination, etc. - Art. III, sec. 3.07.
  - Appeals from mayor's and commissioner's personnel actions - Art. III, sec. 3.07.

(Footnote continued on next page)

## SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Policeman to be present at all meetings.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:30 P.M., central standard time, on the first Tuesday of each month at city hall. (1953 code, ch. 4, sec. 14)

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.

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(Footnote continued from preceding page)

Approval of office and positions - Art. III, sec. 3.06.

Bonds - Art. III, sec. 3.10.

Personnel rules - Art. III, sec. 3.08.

Salaries - Art. III, sec. 3.06.

Financial Control.

Annual audit - Art. IV, sec. 4.10.

Check control - Art. IV, sec. 4.18.

General - Art. IV, sec. 4.06.

Depository for city funds - Art. IV, sec. 4.19.

Taxation.

Collection delinquent taxes - Art. IV, sec. 4.16.

Due date - Art. IV, sec. 4.15.

Tax levy - Art. IV, sec. 4.14.

Quorum - Art. II, sec. 2.02(d).

Salaries - Art. II, sec. 2.02.

Vacancies in office - Art. II, sec. 2.05.

1-103. General rules of order. The rules of order and parliamentary procedure contained in Cushings Manual of Parliamentary Practice, 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. (1953 code, ch. 4, sec. 13, modified)

1-104. Policeman to be present at all meetings. The chief of police, or in his absence one of the policemen designated by him, shall be present at all meetings of the board of mayor and aldermen. (1953 code, ch. 4, sec. 17)

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

- 1-201. Chief executive officer and ceremonial head of city.  
 1-202. Executes municipal agreements.  
 1-203. Signs journal and ordinances.

1-201. Chief executive officer and ceremonial head of city. Pursuant to the city charter, the mayor shall generally supervise all municipal affairs and perform the ceremonial formations of the city, and may require from the officers and employees such reports as he deems necessary to carry out his executive and ceremonial responsibilities.

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<sup>1</sup>Selected charter references:

- Election and term - Art. II, § 2.01.  
 Powers, duties and responsibilities.  
 Accept service of powers - Art. II, sec. 2.03.  
 Appointment of commissioners of departments - Art. III, sec. 3.02.  
 Appointment, promotion and removal, etc. of city employees - Art. III, sec. 3.07.  
 Budgetary.  
 Annual budget submission to board - Art. IV, sec. 4.02.  
 Capital budget submission to board - Art. IV, sec. 4.03.  
 Chief municipal officer.  
 Executive head of city - Art. III, sec. 3.02.  
 Ceremonial head of city - Art. II, sec. 2.03.  
 Conduct of investigators and inquiries - Art. III, sec. 3.02.  
 Presiding officer of board - Art. II, sec. 2.03.  
 Sale of city property - Art. IV, sec. 4.09.  
 Signs, churches - Art. IV, sec. 4.18.  
 Votes in case of tie, Art. II, sec. 2.03.  
 Salary - Art. II, sec. 2.02.  
 Vacancy in office - Art. II, sec. 2.05.  
 Vice mayor.  
 Election - Art. II, sec. 2.04.  
 Duties - Art. II, sec. 2.02(d) and 2.04.

1-202. Executes municipal agreements. All deeds and leases of land sold or leased by the city, and all deeds, leases, agreements, indentures, assurances and contracts made and entered into by the city and authorized by the charter or ordinances, or by order of the board of mayor and aldermen shall be signed and executed by the mayor and countersigned and the seal of the city affixed thereto by the recorder, provided this shall not restrict the power of any department to make contracts for the purchase of supplies, material or equipment or for service conferred upon the department pursuant to charter or ordinances. (1953 code, ch. 4, sec. 4)

1-203. Signs journal and ordinances. The mayor shall sign the journal of the meetings of the board of mayor and aldermen and all ordinances immediately after their final passage. (1953 code, ch. 4, sec. 2)

## CHAPTER 3

CITY RECORDER<sup>1</sup>

## SECTION

- 1-301. Journal of meetings to be full and accurate record of board business.
- 1-302. Attests to journal of meetings and ordinances.
- 1-303. Endorses date of readings on ordinances.
- 1-304. Custody, registration and index of city records, etc.
- 1-305. To keep accurate financial records of city.
- 1-306. Required to audit accounts of any person having custody of city funds.
- 1-307. Custody of the city seal.

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<sup>1</sup>Selected charter references:

Appointment - Art. III, sec. 3.03.

Duties and powers.

Administrative.

Attends all meetings of board and keeps journal of meetings - Art. III, sec. 3.03(b).

Keeps city code up to date - Art. II, sec. 2.06(b).

Keeps all records and city seal - Art. III, sec. 3.03(a).

Prepares and certifies official record - Art. III, sec. 3.03(c).

Budgetary and Financial.

Budget to be filed with recorder - Art. III, sec. 3.01(a).

Disbursements by check - Art. IV, sec. 4.18.

Head of department of finance and budget - Art. III, sec. 3.01(g) and 3.03(d).

Receipts of court, including cash bail to be deposited with recorder - Art. III, sec. 3.05(c) and 3.05(d).

Personnel.

Appeal of mayor's or commissioner's personnel action to be filed with recorder - Art. III, sec. 3.07.

Taxation.

Addition of omitted property to tax rolls - Art. IV, sec. 4.12.

Use of county tax rolls by recorder - Art. IV, sec. 4.12.

1-301. Journal of meetings to be full and accurate record of board business. The journal of meetings required to be kept by the recorder pursuant to the charter shall be a full and accurate record of all business transacted by the board of mayor and aldermen and shall be preserved in a permanent book form. (1953 code, ch. 4, sec. 19, modified)

1-302. Attests to journal of meetings and ordinances. The recorder shall attest the signature of the mayor to the journal of meetings of the board and to all ordinances passed by the board. (1953 code, ch. 4, sec. 21)

1-303. Endorses date of readings on ordinances. The recorder shall endorse on each ordinance the dates of its passage on each reading. (1953 code, ch. 4, sec. 22)

1-304. Custody, registration and index of city records, etc. The city recorder shall have custody of and preserve in his office the public records, the original roll of ordinances, ordinance books, minutes of the board of mayor and aldermen, contracts, bonds, title deeds, certificates and papers, and all official indemnity or security bonds, except his own bond, which shall be in the custody of the mayor, and all other bonds, oaths, and applications; and all other bonds, vouchers, and all records, papers and documents not required by the charter or by ordinance to be deposited elsewhere, and register them by numbers, dates, and contents and keep an accurate and modern index thereof. (1953 code, ch. 4, sec. 43)

1-305. To keep accurate financial records of city. The recorder shall keep an accurate account of all taxes and assessments, all monies due to, and all receipts and disbursements by, the city, all its assets and liabilities, and all appropriations made by the board of mayor and aldermen pursuant to the requirements and restrictions imposed in the charter. (1953 code, ch. 4, sec. 42)

1-306. Required to audit accounts of any person having custody of city funds.<sup>1</sup> Upon the death, resignation, removal, or expiration of the term of any person or official of the city, the city recorder shall audit the accounts of such person having custody of funds belonging to the city.

If, upon an audit required in this section, such person or officer shall be found indebted to the city, the city recorder shall immediately give notice thereof to the mayor, and the city attorney.

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<sup>1</sup>see section 1-403 of this title.

The audits required under this section shall not be a substitute for, or replace, the periodic audits of the city's accounts required pursuant to the charter. (1953 code, ch. 4, sec. 45, 46 and 47, modified)

1-307. Custody of the city seal. The city recorder shall have custody of the city seal which shall be of the following description: a circle enclosing a concentric ring within which is the word "Seal," with a small geometric device above and below said word; between the inner and outer ring in the upper section of same, the words "City of Kenton," and in the middle or lower section the word "Tennessee." (1953 Code, ch. 3, sec. 10 and 11)



## CHAPTER 4

CITY ATTORNEY<sup>1</sup>

## SECTION

- 1-401. Appointment and term.  
 1-402. Document preparation and approval required.  
 1-403. Collection of officials' shortages.

1-401. Appointment and term. The board of mayor and aldermen shall appoint a city attorney who shall hold office at the pleasure of the board. (1953 code, ch. 4, sec. 31)

1-402. Document preparation and approval required. The city attorney shall prepare all contracts, bonds, and other written instruments with which the city is concerned, and shall endorse on each his approval of the form and correctness thereof. No contract with the city shall take effect until such approval is endorsed thereon. (1953 code, ch. 4, sec. 35)

1-403. Collection of officials' shortages.<sup>2</sup> Upon report to the city attorney by the city recorder of any indebtedness to the city, ascertained by the recorder upon his audit after the death, resignation, removal, or expiration of the term of any officer to exist on the part of such officer, the city attorney shall forthwith proceed to collect the same pursuant to law. (1953 code, ch. 4, sec. 36)

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<sup>1</sup>Selected charter references:

- Appointment - Art. III, sec. 3.04.
- Powers, duties and responsibilities.
  - Approves contracts, deeds, bonds, ordinances, resolutions, motions and other official city documents - Art. III, sec. 3.04.
  - Provides legal advice to board, mayor and other officers and employees of the city - Art. III, sec. 3.04.
  - Prosecutes cases in city court - Art. III, sec. 3.04.
  - Represents and defends city and performs other legal duties prescribed by board - Art. III, sec. 3.04.
  - Takes action as directed by board generally - Art. III, sec. 3.02.
  - Tax collection - Art. IV, sec. 4.16.

<sup>2</sup>See section 1-306 of this title.

## CHAPTER 5

POLICE AND ARREST<sup>1</sup>

## SECTION

- 1-501. Composition and appointment.
- 1-502. Duties of the chief.
- 1-503. Powers and duties of the police.
- 1-504. Policemen subject to chief's orders.
- 1-505. General conduct; oppression prohibited.
- 1-506. When policemen to make arrests.
- 1-507. Policemen may require assistance.
- 1-508. Disposition of persons arrested.
- 1-509. Police department records.

1-501. Composition and appointment. The police department shall be composed of a chief of police appointed by the board of mayor and aldermen and such officers, patrolmen and other employees as said board shall determine and appoint. (1953 code, ch. 16, sec. 1 and 2, modified)

1-502. Duties of the chief. The chief of police shall devote his full time to the maintenance and preservation of the peace, order, and cleanliness of the city. He shall aid, to the fullest extent of his ability, in the enforcement of city ordinances and all lawful orders of the board of mayor and aldermen relating to the business and duties of the police department. He shall also have charge of the city jail and any prisoners therein. (1953 code, ch. 16, sec. 3 and 4)

1-503. Powers and duties of the police. It shall be the duty of the police to prevent crime, to detect and arrest offenders, to suppress riots, to protect the rights of persons and property, to guard the public health, to see that nuisances are removed, to restrain disorderly, bawdy and gambling houses, to assist, advise and protect strangers and travelers of the streets or at passenger terminals, to enforce all laws and ordinances, to execute all and every manner of process, upon persons or property, to arrest, upon view, any person who shall be guilty of breach of the ordinances of the city, or a crime against the laws of Tennessee, to serve any process issued by the city court or any and all process issued by any other court, and to do all within their power to enforce the

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<sup>1</sup>selected charter references:

Police department established; police commissioner to be head - Art. III, sec. 3.01(b).

laws, and whatever else may be required of them by the board and the laws of the state. (1953 code, ch. 16, sec. 6)

1-504. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief shall issue.

1-505. General conduct; oppression prohibited. Policemen shall make arrests without using boisterous language, shall treat all persons humanely, shall avoid all violence in making arrests, unless absolutely necessary to use forceful measures, and shall deport themselves in keeping with their position.

No policeman shall use his office to oppress or annoy another person. (1953 code, ch. 16, sec. 7 and 9)

1-506. When policemen to make arrests.<sup>1</sup> 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. (1953 code, ch. 16, sec. 11)

1-507. 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. (1953 code, ch. 16, sec. 13, modified)

1-508. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available or the alleged offender does not post the required bond, he shall be confined.

1-509. Police department records. The police department shall keep a comprehensive detailed and accurate 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.

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

## CHAPTER 6

CITY COURT<sup>1</sup>

## SECTION

- 1-601. City judge.
- 1-602. Maintenance of docket.
- 1-603. Issuance of arrest warrants.
- 1-604. Issuance of summonses.
- 1-605. Issuance of subpoenas.
- 1-606. Trial and disposition of cases.
- 1-607. Appearance bonds authorized.
- 1-608. Imposition of fines, penalties, and costs.
- 1-609. Appeals.
- 1-610. Bond amounts, conditions, and forms.
- 1-611. Disposition and report of fines, penalties, and costs.
- 1-612. Disturbance of proceedings.

1-601. City judge. The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. (1953 code, ch. 8, sec. 1, modified)

1-602. Maintenance of docket.<sup>2</sup> The city 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.

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<sup>1</sup>selected charter references:

- Docket - Art. III, sec. 3.05(e).
- Election and term of judges - Art. II, sec. 2.01 and Art. III, sec. 3.05(a).
- Fines and costs - Art. III, sec. 3.05(d).
- Jurisdiction, powers and compensation of judges - Art. III, sec. 3.05(b).
- Separation of powers - Art. III, sec. 3.05(f).
- Setting bail - Art. III, sec. 3.05(c)

<sup>2</sup>selected charter reference: Art. III, sec. 3.05(e)

1-603. Issuance of arrest warrants.<sup>1</sup> The city judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances.

1-604. Issuance of summones. When a complaint of an alleged ordinance violation is made to the city 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 city 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 city 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.

1-605. Issuance of subpoenas. The city 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.

1-606. Trial and disposition of cases. Every person charged with violating a city ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge 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. (1953 code, ch. 8, sec. 4 and 6, modified)

1-607. Appearance bonds authorized. When the city 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 city 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. (1953 code, ch. 8, sec. 4, modified)

1-608. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court.

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<sup>1</sup>See Tennessee Code Annotated, title 40, chapter 5, for authority to issue search warrants.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>1</sup> for similar work in state cases.

1-609. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days<sup>2</sup> next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

1-610. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city 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.

1-611. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board 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.

1-612. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.

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<sup>1</sup>See Tennessee Code Annotated, section 8-21-401.

<sup>2</sup>See Tennessee Code Annotated, section 27-5-101.

## CHAPTER 7

WORKHOUSE

## SECTION

- 1-701. City jail to be used.  
1-702. Inmates to be worked.  
1-703. Compensation of inmates.

1-701. City jail to be used. The city jail is hereby designated as the municipal workhouse.

1-702. Inmates to be worked. All persons committed to the municipal workhouse shall, to the extent that their physical condition permits, be required to perform such public work or labor as may be lawfully prescribed under the direction of the chief of police. (1953 code, ch. 8, sec. 10, modified)

1-703. Compensation of inmates. Each municipal workhouse inmate shall be allowed five dollars (\$5.00) per day as credit towards payment of the fines assessed against him.<sup>1</sup> (1953 code, ch. 8, sec. 10, modified)

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<sup>1</sup>See Tennessee Code Annotated, section 40-24-104.

## CHAPTER 8

SOCIAL SECURITY--CITY PERSONNEL

## SECTION

- 1-801. Policy and purpose as to coverage.
- 1-802. Necessary agreements to be executed.
- 1-803. Withholdings from salaries or wages.
- 1-804. Appropriations for employer's contributions.
- 1-805. Records and reports.

1-801. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (ord. no. 10-1)

1-802. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the 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. There is hereby excluded from this chapter any authority to make any agreement with respect to emergency, part-time and fee basis employees, or elective, legislative, executive and judicial officials, 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 said city, or any employee or official not authorized to be covered by applicable federal or state laws or regulations. The mayor is directed to amend the social security agreement of January 1, 1955, so as to extend the benefits of the system of federal old age and survivors insurance to include emergency, part-time and fee basis employees, and elective executive and judicial officials as of April 1, 1962. (ord. no. 10-1, as amended by ord. passed March 15, 1982)

1-803. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts 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. no. 10-1)

1-804. 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 the same shall be paid over to the state or federal agency designated by said laws or regulations. (ord. no. 10-1)

1-805. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (ord. no. 10-1)

## CHAPTER 9

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

## SECTION

- 1-901. Title.
- 1-902. Purpose.
- 1-903. Definitions.
- 1-904. Coverage.
- 1-905. Employer's rights and duties.
- 1-906. Employee's rights and duties.
- 1-907. Standards authorized.
- 1-908. Variances from standards authorized.
- 1-909. Imminent danger.
- 1-910. Inspection.
- 1-911. Citation and hearing.
- 1-912. Penalties.
- 1-913. Recordkeeping and reporting.
- 1-914. Administration.
- 1-915. Confidentiality of trade secrets or privileged information.

1-901. Title. This chapter shall be known as "The Occupational Safety and Health program for the Employees of the City of Kenton." (ord. passed May 7, 1974, § 1)

1-902. Purpose. The City of Kenton, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

(1) Provide a safe and healthful place and condition of employment.

(2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees, with the exception of articles of personal protective equipment which are required by regulation to be purchased by employees, as soon as the city can investigate the availability and the most economical cost of the aforesaid.

(3) Make, keep, preserve and make available to the State Commissioner of Labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, including the director of the Office of Occupational Safety and Health, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required. However, these provisions shall not take effect until and after the city has received and reviewed record keeping forms, procedures and

guidelines provided by the state, and thereafter these provisions shall not take effect until after the city has had a reasonable period of time to set up and provide for the orderly implementation and use of such records and procedures.

(4) Consult with the State Commissioner of Labor or his designated representative, with regard to the adequacy of the form and content of records.

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

(6) Make an annual report to the State Commissioner of Labor to show accomplishments and progress of the total occupational safety and health program as soon as reasonably possible after the city has implemented the provisions of paragraph (3) hereinabove set forth.

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

(8) 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 as soon as reasonably possible after this chapter has been enacted. (ord. passed May 7, 1974, sec. 1)

1-903. Definitions. For the purpose of this program:

(1) "Commissioner of Labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor.

(2) "Commissioner of Public Health" means the chief executive officer of the Tennessee Department of Public Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Public Health.

(3) "Employer" means the City of Kenton, and shall include each administrative department, commission, board, division or other agency of the town.

(4) "Mayor" means the chief executive officer designated by the City of Kenton to perform duties or to exercise powers as assigned so as to plan, develop, and administer the Town's Occupational Safety and Health Program.

(5) "Compliance Inspector(s)" means the individual(s) appointed and designated by the mayor to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, the inspections shall be conducted by the mayor.

(6) "Appointing Authority" means any city official or group of officials having legally designated powers of appointment, employment, or removal for a specific department, commission, board, division or other agency of the city.

(7) "Employee" means any person performing services for the City of Kenton and listed on city payrolls either as part time, seasonal, permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(8) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any organized group of persons.

(9) "Standard" means an occupational safety and health standard promulgated by the Tennessee State Commissioner of Labor or the State Commissioner of Public Health which requires conditions or the adoption or the use of one or more practices, means, methods, operations or processes reasonably necessary or appropriate to provide safe and healthful employment and places of employment.

(10) "Imminent Danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal enforcement procedures; provided, however, that this definition shall not include hazardous operations which are undertaken for the public's safety and well-being.

(11) "Serious Physical Harm" means that type of harm that would cause permanent or prolonged impairment of the body in that (a) a part of the body would be permanently removed (e.g., amputation of an arm, leg, finger; 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 (b) a part of an internal bodily system would be inhibited in its normal performance 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, breaks, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

(12) "Establishment" or workplace means a single physical location where business is conducted or where services or industrial operations are performed. (ord. passed May 7, 1974, sec. 1)

1-904. Coverage. The provisions of this program shall apply to employees of each administrative department, commission, board, division or other agency of the City of Kenton. (ord passed May 7, 1974, sec. 1)

1-905. Employer's rights and duties. Rights and duties of the employer shall include, but are not limited to the following provisions:

(1) Employer shall furnish to each of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees; provided, however, that employer shall have a reasonable period of time to correct any such hazards.

(2) Employer shall comply with occupational safety and health standards or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

(3) Employer shall assist the State Commissioner of labor and State Commissioner of Public Health, upon reasonable notice from the said commissioners, in the performance of their inspection duties by supplying necessary information to the commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

(5) Employer is entitled to request an order granting a variance from an Occupational Safety and Health Standard.

(6) Employer is entitled to protection of his trade secrets and other legally privileged communications.

(7) Employer shall inspect all installations, departments, bureaus, and offices to insure the provisions of this program are complied with and carried out as soon as reasonably possible after this chapter has been fully implemented.

(8) 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, of corrective action being taken by the city.

(9) Employer shall notify all employees of their rights and duties under the program. (ord. passed May 7, 1974, sec. 1)

1-906. Employee's rights and duties. Rights and duties of employees shall include, but are not limited to the following provisions:

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

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

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

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the mayor.

(5) 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 the corrective action being taken as soon as reasonably possible after this chapter has been fully implemented.

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

(7) 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.

(8) Any employee who believes that he or she has been discriminated against or discharged in violation of any of these sections may, within thirty (30) days after such violation occurs, file a complaint with the mayor of the City of Kenton.

(9) Nothing in this section or any other provision of this program shall be deemed to authorize or require 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 of others, and except when such medical examination is reasonably required for performance of a specified job.

(10) Any employee may bring to the attention of the director any violation or suspected violation of the standards or any other health or safety hazards.

(11) Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the director within twenty four (24) hours after the occurrence. (ord. passed May 27, 1974, sec. 1)

1-907. Standards authorized. The standards adopted under this program are the applicable standards developed and promulgated under section 6 of the Tennessee Occupational Safety and Health Act of 1972 or which may in the future, be developed and promulgated. Additional standards may be promulgated by the board of mayor and aldermen of this employer as the board may deem necessary for the safety and health of employees. (ord. passed May 7, 1974, sec. 1)

1-908. Variances from standards authorized. The City of Kenton may, upon written application to the State Commissioner of Labor or the State Commissioner of Public health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the

employer shall notify or serve notice to employees or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the town, shall be deemed sufficient notice to employees. (Ord. passed May 7, 1974, sec. 1.)

1-909. Imminent danger. (1) Any allegation of imminent danger received shall be handled in accordance with the following procedures:

(a) The mayor or the compliance inspector shall immediately ascertain whether there is a reasonable basis for the complaint.

(b) If the imminent danger complaint appears to have merit, the mayor or the compliance inspector shall cause an immediate inspection of the alleged imminent danger location.

(c) As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the mayor or the compliance inspector shall attempt to have the danger corrected through voluntary compliance. If any employees appear to be in immediate danger, they should be informed of the danger, and the supervisory personnel in charge should be requested to remove them from the area of immediate danger.

(d) The administrative head of the workplace or his authorized representative is responsible for determining the manner in which he will abate the dangerous condition.

(e) The imminent danger shall be deemed abated if the imminence of the danger has been eliminated by removing the employees from the area of danger or the conditions or practices which resulted in the imminent danger have been eliminated.

(f) A written report shall be made to the mayor describing in detail the imminent danger and its abatement.

(2) The following procedures shall be followed in the event of a refusal to abate:

(a) If abatement is refused, the compliance inspector shall immediately notify the mayor for assistance in obtaining voluntary compliance.

(b) The mayor shall take whatever steps are necessary to comply with the abatement procedures set forth in subparagraph (1)(e) above.

1-910. Inspection. (1) In order to carry out the purposes of this program, the mayor or, if one is appointed, the compliance inspector is authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, work place, or environment where work is performed by an employee of the City of Kenton; and,

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent or employee working therein.

(2) If an imminent danger situation is alleged or brought to the attention of the mayor or a compliance inspector during a routine inspection, he shall immediately inspect the imminent danger situation before inspecting the remaining portions of the workplace.

(3) An administrative representative of the city and a representative authorized by the employees may be given an opportunity to consult with or to accompany the compliance inspector or mayor during the physical inspection of any workplace for the purpose of aiding such inspection.

(4) The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

(5) The inspection shall be such as to preclude unreasonable disruptions of the operations of the workplace or establishment.

(6) Interviews of employees during the course of the inspection, when accompanied by an employee representative, may be made when such interviews are essential to the investigation techniques.

(7) Inspections shall be accomplished without advance notice, but the mayor may authorize the giving to any supervisor or employee advance notice of an inspection.

(8) Inspections will be conducted on a random basis at intervals not to exceed thirty (30) calendar days. (ord. passed May 7, 1974, sec. 1)

1-911. Citation and hearing. (1) If, upon an inspection or investigation, the mayor, or his compliance inspector(s), should one be appointed, finds that any workplace is not in compliance with any standard, rule, regulation or order, and said official is unable to effect a voluntary agreement to bring the workplace into compliance, he shall, with reasonable promptness, issue to the administrative officer responsible for the workplace a written citation that states the nature and location of the violation; the standard, rule, regulation or order violated; the abatement and correction requirements; and a period of time during which the workplace must accomplish such abatement and correction. A copy of each citation shall immediately be posted at or near each location referred to in the citation and remain posted until the alleged violation has been corrected or vacated.

(2) At any time within ten (10) days after receipt of such citation, anyone affected may advise the mayor of objections to the terms and conditions of the citation. Upon receipt of such objections a hearing shall be held, and the



mayor shall thereafter issue an order affirming, modifying, or vacating the citation and such order shall be final.

(3) The mayor may issue subpoenas, pursuant to his duties as set forth herein, to require the attendance and testimony of witnesses and the production of evidence under oath at such hearings. (ord. passed May 7, 1974, sec. 1)

1-912. Penalties. (1) The City of Kenton shall not issue any civil or criminal penalties against any public official, employee, or any other person, administrative department, commission, board, division or other agency of the City of Kenton for failure to comply with the safety and health standards.

(2) Any employee who willfully and repeatedly violates or causes to be violated a safety standard, rule, regulation, or order shall be subject to disciplinary action by the appointing authority. The appointing authority has the power to administer discipline and it shall be his duty to take action in one of the following ways:

- (a) Oral reprimand.
- (b) Written reprimand.
- (c) Suspension.
- (d) Termination.

(3) The employee being disciplined shall have the right of appeal to the mayor within ten days after receiving notice of the disciplinary action; and a hearing shall be held as set forth in section 1-911 (2) and (3) above. (ord. passed May 7, 1974, sec. 1)

1-913. Recordkeeping and reporting. (1) The City of Kenton shall establish and maintain a system for collecting, maintaining and reporting safety and health data as soon as reasonably possible after implementing the provisions of section 1-902 of this chapter entitled, "Purpose".

(2) All occupational injuries and illnesses shall be reported to the mayor or the compliance inspector on the OSHA forms provided by the State Department of Labor, except that Workmen's Compensation Form 6A may be used in lieu of the Supplementary Record of Occupational Injury/Illness, Form OSHA No. 101.

(3) The mayor or the compliance inspector shall maintain a continuous log of occupational injuries and illnesses compiled from the reports set forth above and recorded on Form OSHA No. 100.

(4) Such occupational safety and health records shall be maintained for a period of five (5) years following the end of the year to which they relate.

(5) After this chapter has been enacted, the City of Kenton shall report within forty-eight (48) hours, either orally or in writing, to the Commissioner of Labor any accident which is fatal to one or more employees or which results in the hospitalization of five (5) or more employees.

(6) The City of Kenton shall make an annual report, after this chapter has been fully implemented, to the Commissioner of Labor showing the statistical data required by section 50-550-106 (annual summary) of the State OSHA Regulations for Recordkeeping and Reporting. (ord. passed May 7, 1974, sec. 1)

1-914. Administration. For the purposes of this chapter, the mayor is hereby designated as the chief executive officer to perform duties or to exercise powers assigned so as to plan, develop, and administer the city's Occupational Safety and Health Program.

(1) Upon authorization from the board of aldermen, the mayor may designate, appoint, or employ persons as he deems necessary to carry out his powers, duties and responsibilities under the program.

(2) The mayor, to the extent possible, shall recommend the employment of measures to coordinate the activities of the city departments to promote efficiency and to minimize inconvenience under the program.

(3) The mayor may delegate the power to make inspections to the compliance inspector(s), provided that the procedures employed are as effective as those employed by the director.

(4) The mayor shall develop a plan, pursuant to the city's Occupational Safety and health program, and such a plan shall be submitted for approval and adopted by the mayor and the board of aldermen. Any subsequent changes or modifications in the plan shall also be submitted to the mayor and the board of aldermen for approval and adoption.

(5) The city recorder shall upon adoption of this chapter, immediately register the city's Occupational Safety and Health program with the State Commissioner of labor, by sending to the Commissioner of labor by certified mail a written statement which includes:

(a) a statement that the City of Kenton has elected to develop its own program of compliance;

(b) a statement that such program has been developed and has been reduced to writing;

(c) a statement of where such writing may be inspected;

(d) a statement that city employees have been informed of the program and have access to such writing;

(e) an assurance that the city's program incorporates standards developed pursuant to the State Occupational Safety and Health Act;

(f) a description of the methods of inspection provided for herein and an assurance that such program includes provisions for inspection and recordkeeping as effective as the provisions of the Tennessee Occupational Safety and Health Act of 1972.

(g) The director shall in the eventuality that there is a fatality or an accident resulting in the hospitalization of five (5) or more employees, insure that the

Commissioner of Labor receives notification of the occurrence within forty-eight (48) hours. (ord. passed May 7, 1974, sec. 1)

1-915. Confidentiality of trade secrets or privileged information. (1) Compliance with any other law, statute or ordinance which regulates safety and health in employment and places of employment shall not excuse the City of Kenton or any city employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provisions of this program or any standard or regulation promulgated pursuant to this program shall not excuse the City of Kenton or any city's employee, or any other person from compliance with any state law or city ordinance regulating and promoting safety and health unless such law or resolution is specifically repealed. (ord. passed May 7, 1974, sec. 1)

## CHAPTER 10

MISCELLANEOUS REGULATIONS--CITY PERSONNEL

## SECTION

- 1-1001. Business dealings.
- 1-1002. Acceptance of gratuities.
- 1-1003. Outside employment.
- 1-1004. Political activity.
- 1-1005. Use of municipal time, facilities, etc.
- 1-1006. Use of position.
- 1-1007. Strikes and unions.

1-1001. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any city officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the city.

1-1002. Acceptance of gratuities. No city officer or employee shall accept any money or other consideration or favor from anyone other than the city for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business. (1953 code, ch. 4, sec. 24, modified)

1-1003. Outside employment. No full-time officer or employee of the city shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his city employment, or is likely to cast discredit upon or create embarrassment for the city.

1-1004. Political activity. City officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no city officer or employee shall solicit political campaign contributions or engage in or actively participate in any city political campaign. These restrictions shall not apply to elective officials.

1-1005. Use of city time, facilities, etc. No city officer or employee shall use or authorize the use of city time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the city is paid at such rates as are normally charged by private sources for comparable services.

1-1006. Use of position. No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

1-1007. Strikes and unions. No city officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other city officer or employee to join any labor union which authorizes the use of strikes by government employees. (1953 code, ch. 4, sec. 26)

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