

TITLE 1

ADMINISTRATION, OFFICERS, AND PERSONNEL¹

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CHAPTER 1

GENERAL

SECTION

- 1-101. City elections.
1-102. Official newspaper

1-101. City elections.² Regular city elections for city commissioners shall be called by the county election commission and held on the first Tuesday of June in each odd numbered year.

1-102. Official newspaper. "The Community News," a newspaper published in Davidson County, Tennessee, is hereby designated as the official newspaper for the city. (ord. 1)

¹For other provisions relating to administration, officers, and personnel, see the charter and/or the appropriate related title in this code. For example, for provisions relating to the building, plumbing, electrical, and gas inspectors, see title 4; for provisions relating to the administration of utilities, see title 13.

²See also the charter, particularly title 6, chapter 19, part 1.

CHAPTER 2

BOARD OF COMMISSIONERS¹

SECTION

- 1-201. Time and place of regular meetings.
- 1-202. Order of business.
- 1-203. General rules of order.
- 1-204. Compensation.
- 1-205. Adoption of ordinances.

1-201. Time and place of regular meetings. The board of commissioners shall hold regular monthly meetings at 7:30 p.m. on the first and third Thursdays of each month at the city hall. (ord. 21)

1-202. Order of business. At each meeting of the board of commissioners, 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 city manager.
- (6) Reports from commissioners and other officers and committees.
- (7) Old business.
- (8) New business.
- (9) Adjournment.

1-203. 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 commissioners 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.

1-204. Compensation. Each member of the board of commissioners shall receive a salary of one hundred and fifty dollars (\$150) per month.

1-205. Adoption of ordinances. All ordinances of the city shall be adopted in accordance with the requirements of the city's charter, particularly sections

¹See also the charter, particularly title 6, chapter 20.

6-20-213 through 6-20-218 of the Tennessee Code Annotated, except that hereafter only the captions must be read on first and second readings. Each ordinance shall be read in its entirety on the third reading. Copies of each ordinance shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second and third readings.

CHAPTER 3

(RESERVED FOR FUTURE USE)

CHAPTER 4

POLICE AND ARREST¹

SECTION

- 1-401. Policemen subject to chief's orders.
- 1-402. Policemen to preserve law and order, etc.
- 1-403. Policemen to wear uniforms and be armed.
- 1-404. When policemen to make arrests.
- 1-405. Policemen may require assistance.
- 1-406. Disposition of persons arrested.
- 1-407. Police department records.

1-401. 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.

1-402. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court.

1-403. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the governing body 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.

1-404. When policemen to make arrests.² 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.

¹See also the charter, particularly title 6, chapter 21, part 6.

²For provisions relating to traffic citations, etc., see title 9, chapter 6, in this code.

1-405. 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

1-406. 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.

1-407. 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.

CHAPTER 5

CITY COURT¹

SECTION

1-501. Absence of judge.

1-501. Absence of judge. The city recorder shall act as the city judge in the absence or illness of the city judge appointed by the board of commissioners. (ord. 62, sec. 2)

¹See also the charter, particularly title 6, chapter 21, part 5.

CHAPTER 6

(RESERVED FOR FUTURE USE)

CHAPTER 7

SOCIAL SECURITY--CITY PERSONNEL

SECTION

- 1-701. Policy and purpose as to coverage.
- 1-702. Necessary agreements to be executed.
- 1-703. Withholdings from salaries or wages.
- 1-704. Appropriations for employer's contributions.
- 1-705. Records and reports to be made.
- 1-706. Exclusions.

1-701. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Lakewood, Tennessee, to extend as of the date hereinafter set forth, to the employees and officials thereof, not excluded by law or this chapter, 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, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the City of Lakewood shall take such action as may be required by applicable state or federal laws or regulations.

It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this chapter shall be in full force from and after its passage, approval and publication as required by law, and shall be effective October 1, 1963. (Ord. 27, secs. 1 and 7)

1-702. 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. (ord. 27, sec. 2)

1-703. Withholdings from salaries or wages. Withholding 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. 27, sec.3)

1-704. 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. 27, sec. 4)

1-705. Records and reports to be made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (ord. 27, sec. 5)

1-706. 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 or resolution creating any retirement system for any employee or official of the said city, or any employee, official or position not authorized to be covered under applicable state or federal laws or regulations. (ord. 27, sec. 6)

CHAPTER 8

VACATIONS AND SICK LEAVE--CITY PERSONNEL

SECTION

- 1-801. Applicability of chapter.
- 1-802. Vacation leave.
- 1-803. Sick leave.
- 1-804. Leave records.

1-801. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission.

1-802. Vacation leave. All officers and employees shall be allowed two (2) weeks of annual vacation leave with pay after one year of employment. Such vacation leave shall be taken at a time approved by the city manager or such other officer as the manager may designate. At no time shall a person's total credit for accrued vacation leave exceed four (4) weeks.

1-803. Sick leave. All officers and employees shall be given a credit of one (1) working day of sick leave with pay for each month of employment hereafter served. Sick leave shall be taken only when approved by the city manager or by such other officer as the manager may designate. Sick leave, up to the number of days accrued, shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, exposure to contagious disease, or death in the immediate family of the officer or employee. However, the city manager may, in his or her discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable as sick leave. The maximum credit for accrued sick leave under the provisions of this section shall be ninety (90) days.

1-804. Leave records. The city manager shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken under this chapter.

CHAPTER 9

MISCELLANEOUS REGULATIONS--CITY PERSONNEL¹

SECTION

- 1-901. Business dealings.
- 1-902. Acceptance of gratuities.
- 1-903. Outside employment.
- 1-904. Political activity.
- 1-905. Use of city time, facilities, etc.
- 1-906. Use of position.
- 1-907. Strikes and unions.
- 1-908. Employment of relatives.

1-901. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his city 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.

1-902. 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 or she would be required or expected to perform in the regular course of his or her 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 or her actions with respect to city business.

1-903. Outside employment. No full-time officer or employee of the city shall accept any outside employment without written authorization from the city manager. The manager 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 or her municipal employment, or is likely to cast discredit upon or create embarrassment for the city.

1-904. 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.

¹See also the charter, particularly title 6, chapter 21.

1-905. 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 commissioners 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.

1-906. 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.

1-907. 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.

1-908. Employment of relatives. It is hereby declared to be illegal and unlawful for the city manager to employ employees of city commissioners or other city officials to work for the city in a full time capacity. (ord. 61)

CHAPTER 10

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 1-1001. Creation.
- 1-1002. Authority.
- 1-1003. Purpose.
- 1-1004. Definitions.
- 1-1005. Coverage.
- 1-1006. Employer's rights and duties.
- 1-1007. Employee's rights and duties.
- 1-1008. Standards authorized.
- 1-1009. Variances from standards authorized.
- 1-1010. Abatement.
- 1-1011. Inspections.
- 1-1012. Administration.
- 1-1013. Funding the program.
- 1-1014. Relationship to other laws and ordinances.

1-1001. Creation. There is hereby created a safety and health program for the employees of the City of Lakewood, Tennessee as follows. (ord. 64)

1-1002. Authority. This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of Lakewood, Tennessee. (ord. 64)

1-1003. Purpose. The City of Lakewood, Tennessee, 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.
- (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, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required.
- (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.

(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. (ord. 64)

1-1004. Definitions. For the purpose of the program established pursuant to this chapter:

(1) "Commissioner of labor" means the chief executive officer of the 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, and shall include each administrative department, commission, board, division or other agency of the city.

(4) "Director of safety and health" means the chief executive officer designated by the city to perform duties or to exercise powers assigned so as to plan, develop, and administer the city's safety and health program.

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

(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 and listed on city payrolls either as part-time, seasonal, or 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 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.

(11) "Establishment" or workplace means a single physical location where business is conducted or where services or industrial operations are performed. (ord. 64)

1-1005. Coverage. The provisions of the program shall apply to employees of each administrative department, commission, board, division, or other agency of the city. (ord. 64)

1-1006. 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.

(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 in the performance of their monitoring 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 shall inspect all installations, departments, bureaus, and offices to insure the provisions of this program are complied with and carried out.

(7) 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. (ord. 64)

1-1007. 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 may bring to the attention of the person in charge of the program any violation of the standards or other health or safety hazard.

(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.

(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. Any such charges of discrimination are subject to investigation by the commissioner of labor.

(8) 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. (ord. 64)

1-1008. Standards authorized. The standards adopted by the City of Lakewood are the State of Tennessee Safety and Health standards developed under section 6 of the State Occupational Safety and Health Act of 1972. (ord. 64)

1-1009. Variances from standards authorized. The City of Lakewood 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 city, shall be deemed sufficient notice to employees. (ord. 64)

1-1010. Abatement. The program will provide for administrative procedures for abating hazards. (ord. 64)

1-1011. Inspections. (1) In order to carry out the purposes of this program, the safety and health inspectors are authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, workplace, or environment where work is performed by an employee of the City of Lakewood 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) The City of Lakewood shall establish and maintain a system for collecting, maintaining, and reporting safety and health data.

(3) The program shall comply with the record keeping regulations pursuant to the Tennessee Occupational and Safety Act of 1972.

(4) After this chapter has been enacted, the City of Lakewood 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. (ord. 64)

1-1012. Administration. For the purposes of this chapter, the city manager has the authority to designate the director of the safety and health program to perform duties or to exercise powers assigned so as to plan, develop, and administer the city's occupational safety and health program.(ord. 64, modified)

1-1013. Funding the program. Sufficient funds for administering the program pursuant to this chapter shall be made available as authorized by the budgeting authority. (ord. 64)

1-1014. Relationship to other laws and ordinances. (1) Compliance with any other law, statute, or city ordinance which regulates safety and health in employment and places of employment shall not excuse the city or any city employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provisions of the program pursuant to this chapter or any standard or regulation promulgated pursuant to this program shall not excuse the city or any city employee, or any other person from compliance with any state law or city ordinance regulating and promoting safety and health unless such law or ordinance is specifically repealed. (ord 64)