

**ORDINANCE \_\_\_\_\_-2012**

**AN ORDINANCE RE-ESTABLISHING A FIRE DEPARTMENT FOR THE CITY OF MT. JULIET, TENNESSEE.**

WHEREAS, the Board of Commissioners of the City of Mt. Juliet, Tennessee desire to protect the health, safety and welfare of the citizens of Mt. Juliet by providing for the prevention and extinguishment of fires, rescue services, emergency medical care, and emergency management; at the highest level that the equipment and training of the personnel makes practicable and

WHEREAS, Tennessee Code Annotated § 6-21-701 of the State of Tennessee authorizes the City of Mt. Juliet to provide for fire protection by ordinance;

NOW THEREFORE, be it ordained by the Board of Commissioners of the City of Mt. Juliet, Tennessee that:

SECTION 1. There is hereby re-established a Mt. Juliet Fire Department to be supported and equipped from appropriations by the Board of Commissioners and from other contributions. All apparatus, equipment, and supplies of the Mt. Juliet Fire Department shall be purchased with the approval of the Fire Chief in accordance with municipal purchasing requirements and shall be and remain the property of the City of Mt. Juliet. Mt. Juliet Fire Department shall be composed of a Chief appointed by the City Manager, and subordinate officers and firefighters. In addition to the Fire Chief, the Mt. Juliet Fire Department shall consist of career (paid) and volunteer firefighters and fire officers and such paid firefighters shall be provided for in the annual operating budget of the city.

SECTION 2. The Board of Commissioners of the City of Mt. Juliet shall provide for the operations of the Mt. Juliet Fire Department in its annual budget. Any funds raised by any individual or group may be accepted by the Board of Commissioners of the City of Mt. Juliet and may be used for purposes designated by the respective contributors. All equipment, materials, supplies, etc. purchased with contributed funds shall become the property of the City of Mt. Juliet. The Board of Commissioners may reject any gift or contribution it deems not to be in the best interest of the City of Mt. Juliet.

SECTION 3. The Mt. Juliet Fire Department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life because of fires.
- (3) To prevent the loss of property because of fires.
- (4) To confine fires to their places of origin.
- (5) To extinguish uncontrolled fires.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.
- (7) To provide first response emergency medical care at the highest level that the equipment and training of the personnel makes practicable.
- (8) To protect the health and safety of the citizens from the transportation, storage, or manufacture of hazardous materials to the extent possible that the level of equipment and training will allow.
- (9) To work with the local water utility to insure that adequate water supplies for fire protection are available.
- (10) To provide public fire education materials and information to the citizens in order that they may protect themselves from harm.

SECTION 4. The Chief of the City of Mt. Juliet Fire Department shall, under the direction of the City Manager, set up the organization of the department, make work assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the Mt. Juliet Fire Department.

SECTION 5. The Chief of the Mt. Juliet Fire Department shall prepare the annual departmental budget to be approved by the City Manager, keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports to the City Manager as the City Manager requires. The City Manager shall submit such written reports to the board of commissioners as the board of commissioners requires.

SECTION 6. The Chief of the Mt. Juliet Fire Department shall be fully responsible for the training of the firefighters and for maintenance of all property and equipment of the Mt. Juliet Fire Department, under the direction and subject to the requirements of the City Manager. Paid and volunteer firefighters shall be trained in accordance with the standards of the Tennessee Commission on Firefighter Standards and Education.

SECTION 7. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the Fire Chief is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

SECTION 8. Personnel and/or equipment of the City of Mt. Juliet Fire Department may be used for fighting any fire outside the city limits if:

- (1) in the opinion of the Fire Chief, the fire is in such hazardous proximity to property owned or located within the city as to endanger the city property;
- (2) the board of commissioners has developed policies for providing emergency services outside of the city limits or entered into a contract, mutual aid or automatic aid agreement pursuant to the authority of (1) The Local Government Emergency Assistance Act of 1987, as amended, codified in Tennessee Code Annotated, § 58-2-601 et seq., (2) Tennessee Code Annotated, § 12-9-101 et seq. or (3) Tennessee Code Annotated, § 6-54-601.

SECTION 9. Each section, subsection, paragraph, sentence and clause of this ordinance is hereby declared to be separable and severable. The validity of any section, subsection, paragraph, sentence, or clause shall not be affected by the invalidity of any other portion of this ordinance, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted herefrom.

SECTION 10. Chapter 12 Section 21 is hereby repealed.

SECTION 11. This ordinance shall take effect on the earliest date allowed by law.

PASSED:

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Ed Hagerty, Mayor

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

ATTEST:

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Sheila S. Lockett, CMC

City Recorder

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Kenneth Martin, City Manager

APPROVED AS TO FORM:

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Gino Marchetti