

ORDINANCE NO. 73-4

AN ORDINANCE TO ESTABLISH THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR THE EMPLOYEES OF THE CITY OF BELLE MEADE, TO PROVIDE FOR PROMULGATION OF RULES AND REGULATIONS RELATIVE THERETO, TO DESIGNATE A DIRECTOR AND AUTHORIZE HIM TO ENGAGE NECESSARY PERSONNEL FOR THE IMPLEMENTATION OF SUCH PROGRAM AND TO DO ANY AND ALL OTHER ACTS AND THINGS NECESSARY TO COMPLY WITH THE PROVISIONS OF PUBLIC CHAPTER 561 OF THE GENERAL ASSEMBLY OF TENNESSEE FOR THE YEAR 1972

BE IT ORDAINED BY THE CITY OF BELLE MEADE AS FOLLOWS:

SECTION 1. There is hereby created a safety and health program for employees of the City of Belle Meade which shall be known as "The Occupational Safety and Health Program for the Employees of the City of Belle Meade".

SECTION 2. The City Manager is hereby authorized to designate himself, or such other person as he may consider competent to serve as the Director of the Occupational Safety and Health Program for the Employees of the City of Belle Meade. Said Director shall be authorized to establish a Safety and Health Program which shall comply in all respects with the requirements of the Tennessee Occupational Safety and Health Act of 1972, same being Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, and said Director is hereby authorized to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state law, rules and regulations. The plan shall be at least as effective as the federal or state standards relating to the same matters and shall include the following:

(a) The Director or his authorized representatives shall have the right to enter at any reasonable time any establishment, construction site, work place, environment or area where work is performed in the City of Belle Meade, and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials, and activities being conducted therein, and to question privately any supervisor or employee.

(b) The Director may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence under oath for the purpose of confirming or supplementing the findings of the Director.

(c) The Director shall provide for the education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same may be necessary in order to enable said employees to recognize and report safety and health problems as same are defined in the applicable standards.

(d) All employees of the city shall be informed of the policies and standards set forth by the Tennessee Occupational Safety and Health Act.

(e) All employees of the city shall be informed of safety hazards, the dangers of exposure to toxic or harmful materials, and of such other imminent danger situations as may occur in the course of their employment.

(f) The Director or his authorized representative shall, upon any allegation or report of imminent danger, immediately ascertain whether there is a reasonable basis for the allegation or complaint. He shall make a preliminary determination of the merit of the complaint and if he finds same to have merit he shall have authority to order the immediate cessation of the activity or the evacuation of the environment wherein he finds the imminent danger to be present.

(g) The Director shall provide that any employee may participate in an investigation or inspection which involves a safety and/or health hazard which exists or may exist in his work area.

(h) The Director shall establish a safety and health training program designed to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment.

(i) The Director shall inform the Commissioner of Labor of the State of Tennessee by telephone in the event of the death of an employee involved in a work-related accident. This notification shall be accomplished as soon after the fatality as possible but not later than twenty-four (24) hours following same.

(j) The Director shall establish a procedure for requesting variances from the Tennessee Department of Labor in the event an operation within the city does not meet the standards established by the Occupational Safety and Health Act and in the further event that immediate action to alleviate the discrepancy is not possible.

(k) The Director shall establish and maintain a system for collecting and reporting data concerning safety and health as is required under the Tennessee Occupational Safety and Health Act.

(l) The Director shall apply this program to all employees of the City of Belle Meade.

(m) The Director shall make an annual report to the Commissioner of Labor for the State of Tennessee showing the accomplishments and progress of the City of Belle Meade in its Occupational Safety and Health Program.

(n) The Director shall provide a means whereby any employee may submit a report concerning any activity or condition which he believes to be a health hazard to the Director without fear of jeopardizing said employee's job or opportunity for future promotion. All of said reports shall be preserved and the action thereon shall be noted and signed by the Director or his representative.

(o) In implementing the plan the Director shall adopt therein all the words and phrases designated as "definitions" in the Tennessee Occupational Safety and Health Act, and all regulations and standards promulgated thereunder.


(p) The Director shall submit said plan to the Tennessee Department of Labor for approval on or before July 1, 1973.

SECTION 3. BE IT FURTHER ORDAINED that said plan, upon its approval by the Tennessee Department of Labor shall become effective in the City

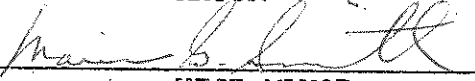
of Belle Meade and at that time shall become a part of this ordinance as fully and completely as if set out herein verbatim.

SECTION 4. BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause, phrase, word, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.


SECTION 5. BE IT FURTHER ORDAINED that this ordinance shall take effect from and after the date it shall have been passed upon third reading by the Board of Commissioners and recorded in the ordinance book of the City of Belle Meade.




 MAYOR



 VICE MAYOR



 COMMISSIONER



 CITY RECORDER

Passed Third Reading June 4, 1973
Passed Second Reading June 11, 1973
Passed Third Reading June 20, 1973