ORDINANCE NUMBER 298

ORDINANCE TO ESTABLISH AN OCCUPATIONAL SAFETY AND HEALTH PROGRAM, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A DIRECTOR AND THE IMPLEMENTION OF SUCH PROGRAM

WHEREAS, in compliance with Public Chapter 561 of the General Assembly in the State of Tennessee for the year 1972, the City of Lakewood hereby establishes the "Occupational Safety and Health Program for the employees of the City of Lakewood".

NOW THEREFORE

SECTION 1. BE IT ORDAINED BY THE City of Lakewood that there be and is hereby created an occupational safety and health program for the employees of the City of Lakewood as follows:

TITLE:

This section shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the City of Lakewood.

PURPOSE:

The City of Lakewood, 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) Make, keep, preserve, and make available to the Commissioner of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
(3) 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.

COVERAGE:

The provisions of the Occupational Safety and Health Program for the employees of the City of Lakewood shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Lakewood whether part-time or full-time, seasonal or permanent.

STANDARDS AUTHORIZED:

The occupational safety and health standards adopted by the City of Lakewood are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with

Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 5).

VARIANCES FROM STANDARDS AUTHORIZED:

The City of Lakewood may, upon written application to the Commissioner of Labor of the State of Tennessee, request an order granting a temporary variance from any approved standards. Application for variances shall be in accordance with "Rules of Tennessee Department of Labor, Occupational Safety, Chapter 0800-1-2, as authorized by T.C.A., Title 5. Prior to requesting such temporary variance, the City of Lakewood shall notify or serve notice to employees, their designated representatives, 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 of Lakewood shall be deemed sufficient notice to employees.

ADMINISTRATION:

For the purposes of this ordinance, City Manager, then delegated to Safety Director is designated as the Director of Occupational Safety and Health to perform duties and to exercise powers assigned so as to plan, develop, and administer Ordinance #298. The Director shall develop a plan of operation for the program and said plan shall become a part of this ordinance when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan.

FUNDING THE PROGRAM:

Sufficient funds for administering and staffing the program pursuant to this ordinance shall be made available as authorized by the City of Lakewood.

SEVERABILITY:

SECTION 2. BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

AMENDMENTS, ETC.:

SECTION 3. BE IT FURTHER ORDAINED that this ordinance shall take effect from and after the date it shall have been passed by the City of Lakewood, properly signed, certified, and has met all other legal requirements of the City of Lakewood, and as otherwise provided by law, the general welfare of the City of Lakewood requiring it.

Thomas H. Fauck
MAYOR

Victor Ellis
ATTEST: (Recorder)

Louise Ellis
City Atty.

March 14, 2002

PASSED FIRST READING

April 11, 2002

PASSED SECOND READING