



**TITLE #: 6**

**Ordinance #: 03-06-13-039**

**Date: 03-06-2013**

## **Ordinance for the Adoption and Implementation of the Town of Cheswold Safety Manual**

**DESCRIPTION:** This ordinance shall be known as the “Town of Cheswold Safety Manual”, as it establishes safety standards of behaviors and processes and procedures for employees, contractors and volunteers while they perform duties for the Town of Cheswold. The associated document and ordinance are herein referred to as the Safety Manual and shall apply to all persons as previously stated while performing work within the corporate limits of the Town of Cheswold, Delaware, Kent County, State of Delaware.

### **Section 1. PURPOSE**

The purpose and intent of this Ordinance and Safety Manual is to establish awareness and an understanding of the potential and possible tragic effects that unsafe work practices have on the safety, health and welfare of all employees, contractors and volunteers and the potential negative impact on the finances of the Town.

### **Section 2. APPLICABILITY**

The provisions of this Ordinance and Safety Manual shall apply to all employees, (whether full time, part time or temporary), contractors and volunteers.

### **Section 3. DEFINITIONS**

As used in this Ordinance and Safety Manual, the following terms shall have the specified meaning:

- 3.1 DFIT** – shall mean the DeLea Founders Insurance Trust of which the Town of Cheswold is a founding member.
- 3.2 Human Resources Department** – shall mean those persons of the Town of Cheswold holding the titles of Town Clerk and Secretary/Treasurer, until such time as the development of the Town requires the hiring and/or appointment of employees sufficient to hold the specific titles and perform the specific duties of a Human Resources Department.

**Section 3. DEFINITIONS** *“continued”*

- 3.3 Human Resources Manager** – shall mean the employee of the Town of Cheswold holding the title of Town Clerk, until such time as the development of the Town requires the hiring and/or appointment of an employee to hold the specific title and perform the specific duties of a Human Resources Manager.
- 3.4 Mayor** – shall mean the duly elected official of the Town of Cheswold, by the Town Council as specified by the Town Charter – Section 6.2.1.
- 3.5 Police Chief** – shall mean the employee of Town of Cheswold empowered with the duties and responsibilities associated with maintaining the peace and order of the Town as specified in the Town Charter – Section 16.
- 3.6 Public Safety Coordinator** – shall mean the Secretary/Treasurer of the Town of Cheswold, until such time as the development of the Town requires the hiring and/or appointment of an employee to hold the specific title and perform the specific duties of a Public Safety Coordinator.
- 3.7 Safety Committee** – shall mean the employees serving as the Directors/Managers or Chiefs of all the Departments of the Town of Cheswold.
- 3.8 Safety Committee Chairperson** – shall mean the Police Chief of the Town of Cheswold.
- 3.9 Town Council** – shall mean the duly elected collective body of six, (6), officials of the Town and empowered with the duties as specified in the Town Charter – Section 4.2.

**Note:** *All other applicable definitions to this Ordinance and the Safety Manual may be found within the Safety Manual.*

**Section 4. DESCRIPTION OF SAFETY ACTIONS/ACTIVITIES**

The specific details and explanations related to enforcing the actions and activities of implementing and maintaining safety practices and procedures in and for the Town of Cheswold are recorded in the Town of Cheswold Safety Manual.

**Section 5. AUTHORITY TO ACT**

The authority to adopt and implement a Safety Manual for the Town of Cheswold is dictated by Section 4.2.25; 4.2.48; 6.8.2 and 6.8.2a of the Town of Cheswold Charter, which vests the Town Council with the authority to enact ordinances or resolutions relating to any subject within the powers and functions of the Town or relating to the government of the Town, its peace and order; its sanitation, beauty, health, safety convenience and property.....

**Section 6. DETERMINATION OF SAFETY ACTIONS/ACTIVITIES**

The specific details and explanations related to enforcing the determination of safe and unsafe acts and activities in and for the Town of Cheswold are recorded in the Town of Cheswold Safety Manual.

**Section 7 - DESCRIPTION of PROCESSES REQUIRED to ENFORCE ORDINANCE**

The specific details and explanations related to enforcing the actions and activities of safe and unsafe acts in and for the Town of Cheswold are recorded in the Town of Cheswold Safety Manual.

**Section 8 – REWARDS for ADHERING to SAFETY MANUAL REQUIREMENTS**

It shall be the responsibility of the Safety Committee to devise and determine a means and method for displaying appreciation and consideration for and to employees, contractors or volunteers, as applicable, for safe acts that have been deemed worthy of such recognition.

**Section 9 - PENALTY/PENALTIES for VIOLATIONS**

It shall be the responsibility of the Safety Committee to devise and determine a means and method for determining sufficient penalty or penalties, as deemed applicable, including but not exclusive to suspensions and/or terminations.

**Section 10. SEVERABILITY**

If any provision of this Ordinance or Safety Manual or any application of either to any particular entity or circumstance shall be deemed invalid, such invalidity shall not affect any other provision or application of this Ordinance or Safety Manual, which may otherwise be given effect and to this end the provisions of this Ordinance and Safety Manual are hereby declared to severable.

**Section 11 - EFFECTIVE DATE**

This ordinance and the rules, regulations, provisions, requirements, orders, administration and management and matters established and adopted hereby shall take effect and be in full force and effect on May 7, 2013 from and after the date of its final passage and adoption.

Ordinance No. 03-06-13-039, entitled, Safety Manual, was duly adopted by a majority vote of the Cheswold Town Council at the Council meeting held on Monday, May 6, 2013, at which a quorum was present.

I, Donald F. Tinari, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of the Act passed by affirmative vote of all elected Members of the Cheswold Town Council at a regularly scheduled Town Council Meeting, held on Monday, May 6, 2013, at which a quorum was present and voting throughout, and that the same is still in force and effect.



Certified:   
Mayor Donald F. Tinari

Date: May 6, 2013

ATTEST:   
Secretary/Treasurer Theon E. Callender

Date: May 6, 2013

Agreed:   
Vice-Mayor Robert W. Sine

Date: May 6, 2013

Agreed:   
Councilperson Justin Curley

Date: May 6, 2013

Agreed:   
Councilperson Mildred Johnson

Date: May 6, 2013

Agreed:   
Councilperson Sherry Lamberton

Date: May 6, 2013

NOTARIZED:   
Town Clerk Shadina Jones

Date: May 6, 2013

Sponsored by: Theon E. Callender – Councilperson

Introduction: March 19, 2013