

TITLE 7**FIRE PROTECTION AND FIREWORKS****CHAPTER**

1. FIRE CODE.
2. FIRE DEPARTMENT.
3. OPEN BURNING.

CHAPTER 1**FIRE CODE****SECTION**

- 7-101. Fire code adopted.
7-102. Available in recorder's office.
7-103. Violations and penalty.

7-101. Fire code adopted. The *NFPA-1 Uniform Fire Code*,¹ 2018 edition, is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. One (1) copy of the fire prevention code has been filed with the recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #215-6, June 2015, modified)

7-102. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

7-103. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

¹Copies of this code (and any amendments) may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

CHAPTER 2

FIRE DEPARTMENT

SECTION

- 7-201. Establish fire department.
- 7-202. Operations.
- 7-203. Objectives.
- 7-204. Organization.
- 7-205. Annual budget.
- 7-206. Suspend or dismiss.
- 7-207. Training.
- 7-208. Fire chief is assistant to state commissioner of commerce.
- 7-209. Personnel and/or equipment outside city limits.

7-201. Establish fire department. There is hereby established a fire department, to be supported and equipped from appropriations by the city commissioners and from other contributions. All apparatus, equipment, and supplies of the 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. The fire department shall be composed of a chief appointed by the city commissioners, and such number of subordinate officers and firemen as may be recommended by the fire chief. The fire department shall consist of volunteers in addition to the fire chief and all officers. (Ord. #206-1, May 2006)

7-202. Operations. The city commissioners shall provide for the operations of the fire department in its annual budget. Any funds raised by the fire department auxiliary, or by any individual or group of volunteer firefighters may be accepted by the city commissioners 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 Baneberry. The city commissioners may reject any gift or contribution it deems not to be in the best interest of the City of Baneberry. (Ord. #206-1, May 2006)

7-203. Objectives. The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.
- (7) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable.

(8) To provide code enforcement and building inspections as directed by the city within adopted codes and ordinances.

(9) To assist emergency management agency of the city.

(10) 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.

(11) To work with the water department to insure that adequate water supplies for fire protection are available.

(12) To provide public fire education materials and information to the citizens in order that they may protect themselves from harm. (Ord. #206-1, May 2006, as amended by Ord. #216-1, Feb. 2016)

7-204. Organization. The chief of the City of Baneberry Fire Department shall, under the direction of the city commissioners, set up the organization of the department, make work assignments to individuals, based on input, suggestions and recommendations from the members of the volunteer fire department, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (Ord. #206-1, May 2006)

7-205. Annual budget. The chief of the City of Baneberry Fire Department shall prepare the annual departmental budget to be approved by the city commissioners, keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports to the mayor as the mayor requires. The mayor shall submit such written reports to the city commissioners as the city commissioners requires. (Ord. #206-1, May 2006)

7-206. Suspend or dismiss. The chief of the City of Baneberry Fire Department shall have the authority to suspend or dismiss any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the city manager. However, only the city commissions shall dismiss the fire chief. (Ord. #206-1, May 2006)

7-207. Training. The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the city commissioners. Each volunteer firefighter and/or officer shall receive no less than forty (40) hours of in-service firefighter training annually, after an initial training period consisting of no less than sixteen (16) hours of basic firefighter training during the first ninety (90) days of his membership in the fire department. Paid firefighters shall be trained in accordance with the standards of the *Firefighting Personnel Standards and Education Commission*. (Ord. #206-1, May 2006, modified)

7-208. Fire chief is assistant to state commissioner of commerce.

Pursuant to requirement 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. (Ord. #206-1, May 2006)

7-209. Personnel and/or equipment outside city limits. Personnel and/or equipment of the City of Baneberry 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; or

(2) The city commissioners have developed policies for providing emergency services outside the city limits or entered into a contract or mutual aid agreement pursuant to the authority of:

(a) The Local Government Emergency Assistance Act of 1987, as amended, codified in *Tennessee Code Annotated*, § 58-2-601 *et seq.*;

(b) *Tennessee Code Annotated*, § 12-9-101, *et seq.*; or

(c) *Tennessee Code Annotated*, § 6-54-601. (Ord. #206-1, May 2006)

CHAPTER 3

OPEN BURNING

SECTION

- 7-301. Permits required.
- 7-302. State forestry permit required.
- 7-303. Time and conditions of burning.
- 7-304. Disallowed items.
- 7-305. Attendance at burning.
- 7-306. Alternatives.
- 7-307. Violations and penalty.

7-301. Permits required. (1) Any party desiring to burn any authorized item outside and away from any structure on their real property shall be required to obtain a burning permit from the city manager before burning is to commence.

(2) Burning below the one thousand and two (1,002) (elevation in feet above sea level) on lakeside lots is not exempt from the burn permit requirements of this chapter. While land below the one thousand and two (1,002) is "outside" of the city limits, the Tennessee Department of Forestry requires burn permits for any burning anywhere between Oct. 15 and May 15.

(3) Lakeside land owners desiring to burn any authorized item below the one thousand and two (1,002) level shall obtain a burn permit from the city throughout the year and the additional Tennessee Department of Forestry burn permit when burning between Oct. 15 and May 15.

(4) Said city permit shall state what items are to be burned, where, by whom, and when the burn is to begin.

(5) There shall be no cost for obtaining said burning permits.

(6) Permits are not required for burning in containers such as a metal barrel or a recreational "burn pit" covered with a one-half inch (1/2") mesh screen cover. (Ord. #217-05, Nov. 2016)

7-302. State forestry permit required. An additional burning permit from the Tennessee Department of Forestry is required for outdoor burning of authorized items during the period between Oct. 15 and May 15.

(1) Anyone starting an open-air fire within five hundred feet (500') of a forest, grassland, or woodland must by law obtain a burning permit from the division of forestry.

(2) Permits are not required for burning in containers such as a metal barrel or a recreational "burn pit" covered with a one-half inch (1/2") mesh screen cover.

(3) Permits from the division of forestry are free of charge and may be obtained by calling the division of forestry phone number for the county where the burning will be done (Jefferson - 865-475-3467). Burning permits by phone

are available Monday through Friday from 8:00 A.M. to 4:30 P.M., except on holidays. Permits may be obtained in advance for weekends and holidays. Permits issued by the Division of Forestry are also available online any day of the week from 8:00 A.M. to 11:00 P.M. central time:

<https://agriculture.tn.gov/OnlineBurnPermitPublic/default.aspx>

(Ord. #217-05, Nov. 2016)

7-303. Time and conditions of burning. (1) All open burning shall be allowed on any day of the week in accordance with the approved dates on the burn permit.

(2) All open burning shall commence at any time after dawn and shall be completely extinguished before the sun sets for that evening.

(3) The city manager or fire chief of the Baneberry Fire Department, or any of his agents, shall be empowered to suspend the permit granted by the city manager and by the Tennessee Department of Forestry in the event that high winds, or any other unsafe weather condition exist on the day of burning or after the burning has commenced.

(4) If a permit is suspended the holder of the permit shall notify the city manager who shall set a new date.

(5) If, after the burning has commenced, an unexpected wind or other unsafe weather conditions arise which may cause the burning to be unsafe, the permit holder shall immediately take measures to extinguish the burning by themselves.

(6) If at any time a permit holder allows a burn to get out of control and it becomes necessary to have a fire department extinguish the fire, the permit holder shall be responsible for all costs incurred by the city as a result of the permit holder's action. (Ord. #217-05, Nov. 2016)

7-304. Disallowed items. No permit holder shall be allowed to burn any of the following items:

- (1) Tires and other rubber products.
- (2) Vinyl siding and vinyl shingles.
- (3) Plastics and other synthetic materials.
- (4) Paper products, cardboard and newspaper.
- (5) Asphalt shingles, and other asphalt roofing materials and demolition debris.
- (6) Asbestos-containing materials.
- (7) Paints, household and agricultural chemicals or chemical compounds.
- (8) Aerosol cans and food cans.
- (9) Containers containing butane or any other gas compounds.
- (10) Building material and construction debris.
- (11) Buildings and mobile homes.
- (12) Coated wire.
- (13) Household trash.

- (14) Most vegetation not grown on site.
- (15) Any compound which may cause a noxious odor or is deemed to be environmentally unsafe.
- (16) Any other item, element or compound deemed non-burnable by any federal or state law or regulation.
- (17) Glass or products containing glass.
- (18) Any item defined as hazardous or toxic pursuant to *Tennessee Code Annotated*, § 68-131, *et seq.* (Ord. #217-05, Nov. 2016)

7-305. Attendance at burning. All permit holders shall be responsible for having an individual at the site tending the fire at all times the burning is taking place. (Ord. #217-05, Nov. 2016)

7-306. Alternatives. Tennessee states that open burning is "harmful to the air we breathe; unhealthy for our neighbors - near and far; unsafe; and often unnecessary. While it may be okay to burn leaves, branches, tree limbs, twigs, lawn clippings, woody vegetation, yard trimmings, clean unpainted, uncoated wood or untreated lumber," the State of Tennessee encourages its citizens to consider alternatives including recycling and composting. (Ord. #217-05, Nov. 2016)

7-307. Violations and penalty. Any individual who violates any provision of this chapter shall be summoned to the Baneberry City Court and shall be subjected to a fine of not more than fifty dollars (\$50.00) plus any costs incurred by the city. (Ord. #217-05, Nov. 2016)