

**TITLE 7**

**FIRE PROTECTION AND FIREWORKS**<sup>1</sup>

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

**CHAPTER 1**

**FIRE DISTRICT**

**SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be and include all the property within the corporate limits which is zoned for business use.

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

Fires in streets: § 16-112.

## CHAPTER 2

### FIRE CODE<sup>1</sup>

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Available in recorder's office.
- 7-203. Enforcement.
- 7-204. Definition of "municipality."
- 7-205. Storage of explosives, flammable liquids, etc.
- 7-206. Gasoline trucks.
- 7-207. Variances.
- 7-208. Violations and penalties.
- 7-209. Burning permits required.
- 7-210. Key lock box system.
- 7-211. Required keys for the lock box key system.
- 7-212. Penalties for failure to comply with key lock box system code.

**7-201. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the International Fire Code,<sup>2</sup> 2006 edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Said international fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

**7-202. 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.

**7-203. Enforcement.** The fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1987 Code, § 7-102)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

**7-204. Definition of "municipality."** Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the City of Baxter, Tennessee. (1987 Code, § 7-103)

**7-205. Storage of explosives, flammable liquids, etc.** (1) The limits referred to in the fire code, in which storage of explosive materials is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

(2) The limits referred to in the fire code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

(3) The limits referred to in the fire code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

(4) The limits referred to in the fire code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire district as set out in § 7-101 of this code. (1987 Code, § 7-104, modified)

**7-206. Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1987 Code, § 7-105)

**7-207. Variances.** The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1987 Code, § 7-106)

**7-208. Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the fire code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1987 Code, § 7-107)

**7-209. Burning permits required.** Burning permits will be issued on a daily basis only under the following conditions:

- (1) Wind speed cannot be projected at ten miles per hour (10 mph), or at more than ten miles per hour (10 mph);
- (2) The burning will be under constant supervision;
- (3) Fire must be extinguished by dusk and a water hose able to reach the fire at all times;
- (4) Fire could not be less than fifty feet (50') from any unclear land;
- (5) Fire could not be any closer than fifty feet (50') from any structure;
- (6) Only one (1) fire is allowed at a time;
- (7) The fire must be on the property that is owned or rented by the person requesting the permit;
- (8) Burning shall not hinder with attainment or maintenance of air quality standards;
- (9) The burning of paper and rubbish shall be done only in an approved incinerator;
- (10) Fire should not contain any chemically treated lumber;
- (11) Use of fires to clear land consisting solely of vegetation grown on that land;
- (12) No rubber or other material that creates an offensive odor will be burned and
- (13) Under Tennessee law the only items that may be burned are wood products and vegetation. (Ord. #2007-18, Feb. 2008)

**7-210. Key lock box system.** (1) The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the fire chief:

- (a) All commercial or industrial structures;
  - (b) Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units;
  - (c) Governmental structures, medical facilities, and nursing care/retirement facilities;
  - (d) Multi-occupancies located within the same building;
  - (e) Multi-tenant commercial within the same structure but with different address;
  - (f) Occupancies that store or use reportable hazardous materials.
- (2) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of occupancy permit. All structures in existence shall conform with this ordinance when a change in ownership or occupancy occurs.

(3) The fire chief shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures to use the designated system.

(4) The owner or operator of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the structure.

(5) The fire chief shall be authorized to implement rules and regulations for the installation and use of the lock box system, including the right to review the plans of all structures subject to this section.

(6) Any person who owns or operates a structure subject to this section shall be subject to the penalties set forth in § 7-212 of this code for any violation of this section or section. (Ord. #2008-5, March 2008)

**7-211. Required keys for the lock box key system.** The following keys are required for the lock box key system:

(1) The main door entrance. Mixed occupancies and strip shopping centers keys shall be provided for all business.

(2) Alarm room.

(3) Mechanical rooms and sprinkler control rooms.

(4) Fire alarm control panel.

(5) Any room where a sprinkler head or smoke detector is located.

(6) Electrical rooms.

(7) Special keys to rest pull-stations or other fire protection devices.

(8) Elevator keys if not required by state law to be mounted beside elevators.

(9) All other rooms as specified during the plans review process. (Ord. #2008-5, March 2008)

**7-212. Penalties for failure to comply with key lock box system code.** The penalties for failure to have a key lock box system and required keys that are listed in §§ 7-210 and 7-211 will be a minimum fine of fifty dollars (\$50.00) for conviction of a violation. (Ord. #2008-5, March 2008)

## CHAPTER 3

### VOLUNTEER FIRE DEPARTMENT

#### SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Tenure and compensation of members.

7-306. Chief responsible for training and maintenance.

7-307. Chief to be assistant to state officer.

7-308. Substance abuse policy.

**7-301. Establishment, equipment, and membership.** There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen. Any funds raised by the volunteer fire department as a whole, or by any individual or group of volunteer firemen in the name of the volunteer fire department, shall be turned over to and become the property of, the city and the city shall use such funds in the equipping of the fire department. Any and all gifts to the volunteer fire department shall be turned over to, and become the property of, the city. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the city and shall be and remain the property of the city. The volunteer fire department shall be composed of a chief appointed by the board of mayor and aldermen, and such number of physically-fit subordinate officers and firemen as the fire chief shall appoint. (1987 Code, § 7-201)

**7-302. Objectives.** The volunteer 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. (1987 Code, § 7-202)

**7-303. Organization, rules, and regulations.** The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department. (1987 Code, § 7-203)

**7-304. Records and reports.** The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on these matters to the mayor as the mayor requires. The mayor shall submit reports to the board of mayor and aldermen, as the board of mayor and aldermen requires. (1987 Code, § 7-204)

**7-305. Tenure and compensation of members.** The fire chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The fire chief may be suspended up to thirty (30) days by the mayor, but may be dismissed only by the board of mayor and aldermen.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1987 Code, § 7-205)

**7-306. Chief responsible for training and maintenance.** 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 board of mayor and aldermen. (1987 Code, § 7-206)

**7-307. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department 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 fire prevention commissioner in the execution of the provisions thereof. (1987 Code, § 7-207, modified)

**7-308. Substance abuse policy.** The City of Baxter adopts by reference as if fully set out herein a substance abuse policy for fire department volunteers.

A copy of this policy (and any amendments) is available in the recorder's office. (Ord. #2010-17, Oct. 2010)

## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-401. Restrictions on fire service outside city limits.

**7-401. Restrictions on fire service outside city limits.**<sup>1</sup> No personnel or equipment of the fire department shall be used for fighting any fire outside the city limits unless the fire is on city property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within

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<sup>1</sup>State law reference

The Local Government Emergency Assistance Act of 1987, Chapter 155, Public Acts of 1987 authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

This act does not require written agreements between the requesting or responding local governments. However, it does require that each local government establish policies and procedures to be followed in requesting and responding to requests for emergency assistance. The policies and procedures must be approved by the boards of mayor and aldermen before they go into effect. The policies and procedures may cover only one service, several services, or all of the services named in the Act. They may also include a provision for compensation for emergency assistance.

The Act provides that the senior officer of the requesting party will be in command at the scene of the emergency.

The Act outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its employees shall be liable for any property damage or bodily injury at the actual scene of any emergency due to actions performed in responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.



the city as to endanger the city property, or unless the board of mayor and aldermen has developed policies for providing emergency services outside of the city limits or entered into a contract or mutual aid agreement pursuant to the authority of:

- (1) Tennessee Code Annotated, § 12-9-101, et seq.<sup>1</sup>
- (2) Tennessee Code Annotated, § 6-54-601. (1987 Code, § 7-301)<sup>2</sup>

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2      <sup>1</sup>State law reference

Tennessee Code Annotated, § 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with individual fire departments to furnish one another with fire fighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide the latter with firefighting assistance. (3) Provide fire protection outside their city limits to either areas or citizens on an individual contractual basis whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided.

<sup>2</sup>Tennessee Code Annotated, § 12-9-101, et seq. is the Interlocal Governmental Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

## CHAPTER 5

### FIREWORKS

#### SECTION

- 7-501. Rules and regulations of state to apply.
- 7-502. Districts where permissible.
- 7-503. Definitions of fireworks sales.
- 7-504. General rules and regulations.
- 7-505. Permits required and procedures.
- 7-506. Fees.
- 7-507. Discharge of fireworks.

**7-501. Rules and regulations of state to apply.** Tennessee Code Annotated, §§ 66-222-101 through 66-222-116, grants to the Tennessee Department of Commerce and Insurance, Division of Fire Prevention, the statutory authority to regulate the sale of fireworks within the State of Tennessee. Said rules and regulations shall apply to the sale of fireworks in the City of Baxter, proof of compliance with these rules and regulations shall be furnished to the Fire Chief of the City of Baxter (or designated representative) upon request. (Ord. #2002-3, March 2002)

**7-502. Districts where permissible.** The sale of fireworks shall be permitted only between Main and Broad Street and local businesses that are zoned commercial and must meet all the requirements to sell fireworks, but not within three hundred feet (300') of any school. The sale of fireworks along any other street is expressly prohibited. (Ord. #2002-3, March 2002)

**7-503. Definitions of fireworks sales.** Seasonal sale. The seasonal sale of fireworks shall be permitted from June 20 until July 5 and December 10 until January 2 of any given year. Seasonal sales of fireworks shall be defined as taking place within a tent or other structure approved by the fire chief (or designated representative). (Ord. #2002-3, March 2002)

**7-504. General rules and regulations.** (1) All tents used for the sale of fireworks shall be of fire retardant material and display proof of same.

(2) All tents of other temporary structures used for the sale of fireworks shall be located a minimum of fifteen feet (15') from any other structure.

(3) All tents or other temporary structures used for the sale of fireworks shall be located a minimum of fifteen feet (15') from any public street or right-of-way.

(4) All lighting and other electrical facilities used in association with tents or temporary structures shall be approved by the state electrical inspector or city codes inspector.

(5) All locations used for the sale of fireworks shall maintain on premises a fire extinguisher in operative status.

(6) Parking shall not be permitted on public streets or in such a way as to interfere with the visibility of vehicles using said streets. (Ord. #2002-3, March 2002, modified)

**7-505. Permits required and procedures.** Any individual or firm wanting to sell fireworks within the corporate limits of the City of Baxter shall purchase a Baxter business license from the city clerk and a fireworks permit from the Baxter Fire Chief (or designated representative). The sale of fireworks requires a permit from the Tennessee state marshal. The forms necessary to obtain such permits are available at the office of the Baxter Fire Chief. Upon obtaining the permit from the office of the state fire marshal, the applicant shall present the approved application and Baxter business license to the fire chief (or designated representative), who shall then inspect the site of the proposed fireworks sale. If the site is in conformance with all applicable rules and regulations, the fire chief (or designated representative) shall approve it for such use. (Ord. #2002-3, March 2002)

**7-506. Fees.** Prior to issuance of a fireworks permit by the Baxter Fire Chief (or designated representative), the applicant shall have paid a fee of one hundred dollars (\$100.00) for the seasonal sale of fireworks. A separate permit for seasonal sales and appropriate fees shall be paid for each of the periods listed above. (Ord. #2002-3, March 2002, modified)

**7-507. Discharge of fireworks.** It shall be unlawful for anyone to fire, set off or otherwise discharge fireworks within the City of Baxter limits, except in cooperation with an established organization and in celebration of a special event or holiday and with not less than ten (10) days notice, to the city coordinator, police and fire chief and the securing of a properly issued burn permit.

Other exceptions are as follows: five (5) days prior to, and three (3) days after the 4th of July, Christmas, and New Years Day. Fireworks shall not be set off after 11:00 P.M. on any day. Fireworks can be banned on any day due to, but not limited to, weather conditions, and special events, at the fire chief's discretion. No fireworks shall be set off that would disrupt the peace or cause damage to property. (Ord. #2002-3, March 2002, modified)