

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. DELETED.
2. FIRE CODES.
3. FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

DELETED

(1981 Code, § 6-1, as deleted by Ord. #2019-16, March 2019 *Ch18_01-10-22*)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODES¹

SECTION

- 7-201. Definitions.
- 7-202. Authority having jurisdiction.
- 7-203. Enforcement of chapter.
- 7-204. Fire codes adopted.
- 7-205. Amendments.
- 7-206. Ordinances not covered by adopted codes.
- 7-207. Conflicts.
- 7-208. Violations and penalties.
- 7-209. Appeals.
- 7-210. Rules.
- 7-211. Fees.

7-201. Definitions. The following terms, when used in the adopted codes referenced in §7-204 and in this chapter shall have the meanings indicated in this section:

- (1) "Authority Having Jurisdiction (AHJ)" shall be held to mean the fire chief or whoever is assigned by the Cleveland City Council to be the "assistant to the commissioner."
- (2) "Corporate limits" shall be held to mean the City of Cleveland city limits.
- (3) "Fire code official" shall be held to mean the fire marshal.
- (4) "Deputy fire code official" shall be held to mean any state certified fire inspector under the fire marshal's charge. (1981 Code § 8-56, as amended by Ord. of Oct. 1995, Ord. of July 1998, Ord. of 8/27/2001, and Ord. #2009-71, Oct. 2009, and replaced by Ord. #2014-27, June 2014, and Ord. #2017-07, March 2017)

7-202. Authority Having Jurisdiction (AHJ). Pursuant to the authority granted by Tennessee Code Annotated, § 68-102-108, the fire chief of the City of Cleveland Fire Department is hereby designated by the Cleveland City Council as the "assistant to the commissioner" and thus is hereby considered the Authority Having Jurisdiction (AHJ) over this entire chapter. (1981 Code, § 8-57, as replaced by Ord. #2017-07, March 2017)

¹Municipal code reference

Building, utility and housing codes: title 12.

7-203. Enforcement of chapter. The fire chief and/or his state certified fire inspector designees shall have the authority to enforce the provisions of this chapter. Any fire inspector certified by the State of Tennessee and designated by the fire chief shall be considered a "fire inspector" as referenced in § 7-202 of this city code and have the authority to enforce this chapter and write citations in lieu of arrest for violations of this chapter or anything referenced in this chapter. (1981 Code, § 8-58, as amended by Ord. of 7/27/98, and Ord. of 8/27/2001, and replaced by Ord. #2017-07, March 2017)

7-204. Fire codes adopted. (1) Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, the International Fire Code, 2018 edition, including Appendices A, B, D, E, F, G and I, is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of this code, with the referenced appendices, has been filed with the city clerk and is available for public use and inspection.

Any matters in said fire code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail; any existing ordinances to the contrary are hereby repealed in that respect only.

(2) NFPA fire code adopted. The NFPA Life Safety Code 101, 2018 edition, chapters 15, 17 and their references, is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of this code has been filed with the city clerk and is available for public use and inspection.

The Fire Chief of the Cleveland Fire Department, or the fire chief's designee, is hereby designated as the authority having jurisdiction to enforce the provisions of this code. The building official and other properly certified persons designated by the building official shall have the authority to review and approve plans under this code in conjunction with appropriately designated fire department personnel.

Any matters in said fire code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only. (1981 Code, § 8-59, modified, as replaced by Ord. #2017-07, March 2017, and Ord. #2019-49, Jan. 2020 *Ch18_01-10-22*)

7-205. Amendments. The following sections of the adopted codes are amended as follows:

- (1) IFC Section 101.1 Title, 2012 edition inserted in place of brackets shall read "the City of Cleveland, Tennessee"
- (2) IFC Section 109.4 Violation penalties, 2012 pursuant to §T.C.A. 6-54-504 IFC section 109.4 is hereby deleted.

- (3) IFC Section 505 Premises Identification, 2012 edition shall have the following sections added:
 "505.1.1 New or existing multi-tenant buildings and/or multiple buildings that have fire separation, but are still connected by fire walls provided with secondary exits to the exterior or exit corridor shall provide tenant identification by business address and/or suite number. This identification shall be Arabic numerals or alphabet letters and shall be contrasting with their background. Letters or numbers shall be a minimum of two inches high and be located 60 inches above the bottom of the door."
 "505.1.2 When a single tenant assumes more than one lease space in a new or existing multi-tenant building, and eliminates use of a door, including spot welding the door in the closed position, a sign stating 'FALSE DOOR, NO ENTRY' is required.". Letters or numbers shall be a minimum of two inches high and be located 60 inches above the bottom of the door."
- (4) IFC Section 912 Fire Department Connections, 2012 edition have the following section added:
 "912.1.1 New fire department connections for water-based fire protection systems shall be provided with a 5 inch locking connection and cap. Locking type caps shall be approved by the AHJ."
- (5) NFPA 13 Standard for the Installation of Sprinkler Systems, 2010 edition referenced by the adopted codes, section 6.9.3.1 shall be changed to read "The alarm apparatus for detecting water flow for all new sprinkler systems and existing facilities with multiple risers that in the opinion of the AHJ could be confusing to arriving fire crews, shall be a combination horn/strobe device that is listed for water flow detection and outside use. (1981 Code, § 8-60, modified, as replaced by Ord. #2017-07, March 2017)

7-206. Ordinances not covered by adopted codes. (Reserved for future use.) (1981 Code, § 8-61, modified, as replaced by Ord. #2017-07, March 2017)

7-207. Conflicts. In the event of a conflict or an inconsistency between the codes adopted by reference and listed amendments:

- (1) The provisions of the International Fire Code shall prevail if such conflict or inconsistency relates to administration of the fire code(s).
- (2) If the adopted codes reference the same code but different editions, the latest edition will be the referenced code used. (1981 Code, § 8-63, modified, as replaced by Ord. #2017-07, March 2017)

7-208. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the codes as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (1981 Code, § 8-64, modified, as replaced by Ord. #2017-07, March 2017)

7-209. Appeals. Board of appeals shall be established in order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of the adopted code. (1981 Code, § 8-65, modified, as replaced by Ord. #2017-07, March 2017)

7-210. Rules. The AHJ shall have the authority to make rules for the proper administration of the adopted codes that are not contrary to the adopted codes. (Ord. of 7/27/98, as amended by Ord. of 8/27/2001, Ord. #2004-17, May 2004, Ord. #2009-71, Oct. 2009, and Ord. #2013-8, Feb. 2013, and replaced by Ord. #2014-27, June 2014, and Ord. #2017-07, March 2017)

7-211. Fees. All fees permitted by the adopted codes or ordinances of this chapter shall be approved by resolution of the Cleveland City Council. The current fee schedule is set forth in Resolution 2003-39,¹ and those fees are incorporated herein by reference. That fee schedule shall constitute the fee schedule until and unless those fees are modified by the city council. (as added by Ord. #2017-07, March 2017)

¹Resolution #2003-39, and any amendments thereto, may be found in the recorder's office.

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Chief responsible for training and maintenance.
- 7-306. Chief to be assistant to state officer.
- 7-307. Unlawful to interfere or tamper with fire plug or hydrant, or hose reel, etc.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city council. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of subordinate officers and firemen as the city council shall authorize. (1981 Code, § 8-16, modified)

7-302. 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.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, under the direction of the city manager. (1981 Code, §§ 8-19 and 8-22, modified)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel,

¹Municipal code reference

Special privileges with respect to traffic: title 15, chapter 2.

and work of the department. He shall submit such written reports on those matters to the city manager as the city manager requires. The city manager shall submit a report on those matters to the city council as they may require.

7-305. 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 city manager.

7-306. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief is designated as an assistant to the state commissioner of 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. (1981 Code, § 8-1, modified)

7-307. Unlawful to interfere or tamper with fire plug or hydrant, or hose reel, etc. It shall be unlawful to interfere with any fire plug or hydrant, or hose reel, or to ride or drive against a plug or hydrant, or over a hose, or to turn on the water of a public hydrant or to throw stones or any other missile against the same. (1981 Code, § 8-27)

CHAPTER 4

FIREWORKS

SECTION

7-401. Discharge of firecrackers, rockets, etc.; public displays regulated.

7-402. Fireworks: sales prohibited.

7-401. Discharge of firecrackers, rockets, etc.; public displays regulated. It shall be unlawful for any person to discharge firecrackers or rockets of any description within the corporate limits of the city. However, pyrotechnic displays may be allowed if they are in compliance with the rules and regulations adopted by the city council. (1981 Code, § 15-65, modified)

7-402. Fireworks: sales prohibited. It shall be unlawful for any merchant or any one else to sell or keep for sale any firecrackers, sky rockets, or other articles used for pyrotechnic display. However, the foregoing prohibition against the sale of fireworks and the keeping of fireworks for sale shall not be construed to apply to fireworks stores deemed to be lawful pre-existing non-conforming uses under the zoning ordinance. (1981 Code, § 15-66, modified, as amended by Ord. #2003-37, Dec. 2003)