

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire district described.

7-101. Fire district described. The corporate fire district shall include the area enclosed by Main Street, Wilson Street, Maple Street, and Poplar Street, otherwise known as "town square" and shall extend one (1) block from the town square in all directions. (1988 Code, § 7-101)

¹Municipal code reference
Building code: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Modifications.
- 7-204. Gasoline trucks.
- 7-205. Variances.
- 7-206. Violations and penalties.

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,² 2003 edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the international fire code has been filed with the city recorder and is available for public use and inspection. 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. Enforcement. The international 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.

7-203. Modifications. The International Fire Code adopted in § 7-201 above is modified by deleting therefrom section 108, titled “Board of Appeals,” in its entirety; § 7-206 below shall control appeals.

7-204. 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.

¹Municipal code reference

Building, utility and housing codes: title 12.

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

7-205. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the international 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.

7-206. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International 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 modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. 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. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.

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. Tenure and compensation of members.
- 7-306. Chief responsible for training and maintenance.
- 7-307. Chief to be assistant to state officer.
- 7-308. Reimbursement for response to false alarms and/or false reporting of fires.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. 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 physically-fit subordinate officers and firemen as the board of mayor and aldermen shall appoint. (1988 Code, § 7-301)

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 from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1988 Code, § 7-302)

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 board of mayor and aldermen. (1988 Code, § 7-303)

¹Municipal code references

Open burning: title 13, chapter 5.

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

7-304. Records and reports. The chief of the 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 those matters to the mayor as the mayor requires. The mayor shall submit a report on those matters to the board of mayor and aldermen as the board of mayor and aldermen requires. (1988 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall have the authority to suspend any other member of the fire department when he deems such action to be necessary for the good of the department. (1988 Code, § 7-305)

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. (1988 Code, § 7-306)

7-307. 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 7, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1988 Code, § 7-307)

7-308. Reimbursement for response to false alarms and/or false reporting of fires. In the event the Fire Department for the City of Dresden is called upon to respond to a report of fire, whether by telephone, or an in-person report, or by an alarm system, and such report is incorrect in that there is no fire at the location where such fire is alleged to be, the property owner, tenant, occupant, and/or person making such report, whether individually, or through an agent, or through an alarm system, shall be responsible for the costs to the City of Dresden for responding to such false alarm and report.

The fire chief, or the designee of the fire chief, shall submit to the city recorder a summary of such expenses, which shall be billed out to such person or persons described above, and upon the failure to make payment in full within thirty (30) days, except as provided above in the event of an alarm system that has been properly repaired as described in the above subsection, a civil action is authorized to be filed for the recovery of such expenses, including the costs of such proceedings, not limited to court costs and attorney fees.

If a response to a false alarm is the result of an alarm system improperly working, and appropriate documentation is provided to the fire chief or his designee establishing that the alarm system had been properly repaired, provided that such documentation is provided prior to the due date of the

statement for such fire call described above, the expenses due for such initial response may be waived. However, the expenses for additional responses, even if such is due to an alarm system improperly working, will not be waived.

Nothing in this section shall be deemed to be punitive in nature, but only for the recovery of actual costs, with the reasonable usage of any and all equipment being determined and considered as a part of such actual costs. (Ord. #2002-01, Feb. 2002)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

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

7-402. Fee for residents outside city limits.

7-401. Restrictions on fire service outside city limits. 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 owned property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within 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) The Local Government Emergency Assistance Act of 1987, Public Acts of 1987, Chapter 155.¹

¹State 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

(continued...)

2. Tennessee Code Annotated, § 12-9-101, et seq.¹
3. Tennessee Code Annotated, § 6-54-601.² (1988 Code, § 7-401)

7-402. Fee for residents outside city limits. An annual subscription fee of one hundred dollars (\$100.00) for property owners outside the city limits of Dresden receiving fire protection from the City of Dresden Fire Department is hereby established. (as added by Ord. #2008-08, March 2008)

¹(...continued)

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.

¹State 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.

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

CHAPTER 5

FIREWORKS

SECTION

7-501. Definitions.

7-502. Permissible fireworks.

7-503. Unlawful sale to certain children and other persons; unlawful use of fireworks.

7-504. Limited time period to use fireworks.

7-505. Violations and penalty.

7-501. Definitions. (1) "Fireworks" means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of:

(a) All articles of fireworks classified as 1.4G, or referred to as "Consumer Fireworks," or "Class C Common Fireworks,"

(b) Theatrical and novelty, classified as 1.4S, or

(c) Display fireworks, classified as 1.3G as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulation, title 49, Code of Federal Regulations (CFR), Parts 171-180.

(2) Exceptions to the listed of prohibited items, listed above, are as follows:

(a) Toy caps for use in toy pistols, toy canes, or toy guns, and novelties and trick noisemakers manufactured in accordance with DOT regulations, 49 CFR 173.100(p), and packed and shipped according to those regulations;

(b) Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(c) Propelling or expelling charges consisting of a mixture of sulfur, charcoal, saltpeter are not considered as designed to produce audible effects.

(3) "Permit" means the written authority of the City of Dresden issued under the authority of this section. (as added by Ord. #2018-03, Oct. 2017 *Ch2_03-07-22*)

7-502. Permissible fireworks. It is unlawful for any individual, firm, partnership, or corporation to sell or use within the City of Dresden, except as provided in this chapter, any "fireworks" as defined in § 7-501(1), other than the following:

(1) Those items classified by the U.S. Department of Transportation as 1.4G Consumer Fireworks, or

(2) Those items that comply with the construction, chemical composition, and labeling regulations promulgated by the United States

Consumer Product Safety Commission and permitted for use by the general public under its regulations, or

(3) Any display using 1.3G Display Fireworks must be under the control of a licensed pyrotechnics technician. (as added by Ord. #2018-03, Oct. 2017 *Ch2_03-07-22*)

7-503. Unlawful sale to certain children and other persons; unlawful use of fireworks. The following acts regarding fireworks, as defined in this Section, are specifically prohibited:

(1) It is unlawful to sell or offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age or to any intoxicated person;

(2) It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle;

(3) It is unlawful to place or throw any ignited article of fireworks into or at a motor vehicle, a residence, a place of business, a religious building or other place of religious worship, or at or near any person or group of persons;

(4) It is unlawful to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property;

(5) It is unlawful to intentionally, knowing, or recklessly launch fireworks onto the real property of persons who have not given permission;

(6) It is unlawful to use fireworks at times, places, or in any manner that endangers other persons;

(7) It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the City of Dresden Fire Department, except for public (and/or group) displays for which permits have been granted;

(8) It is unlawful to use or ignite fireworks on any publicly owned real property without the written consent of the governing entity that owns said real property; (as added by Ord. #2018-03, Oct. 2017 *Ch2_03-07-22*)

7-504. Limited time period to use fireworks. It is unlawful to discharge or use fireworks except for the following time periods.

(1) During the week of July 4th of each calendar year, the discharge of fireworks shall be permitted three (3) calendar days before the July 4th holiday and shall conclude on July 5 at 11:00 P.M. after the July 4th holiday. During this time, fireworks may be discharged between the hours of 12:00 P.M. and 11:00 P.M.;

(2) On December 31 and January 1, fireworks may be discharged between the hours of 8:00 P.M. on December 31 until 1:00 A.M. on January 1;

(3) On other occasions and times as specified through a written permit signed by the mayor (or mayor's designee) and fire chief. (as added by Ord. #2018-03, Oct. 2017 *Ch2_03-07-22*)

7-505. Violations and penalty. Violations of any provision of this chapter shall be subject to a penalty of up to fifty dollars (\$50.00) per violation, along with all applicable court costs and litigation taxes allowable by law. Each separate infraction of this chapter by a person or entity shall constitute a separate violation of this chapter. (as added by Ord. #2018-03, Oct. 2017 *Ch2_03-07-22*)