

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The fire limits shall be the municipality's corporate limits of record. (Ord. #718-20, April 2020)

¹Municipal code references

Building, utility and residential codes: title 12.

False alarms: § 11-402.

Fire hydrants: §§ 18-231 and 18-236.

Fire in streets prohibited: § 16-113.

Private fire lines: § 18-232.

Sprinkler systems: § 18-229.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, § 6-54-502, and for the purpose of regulating governing conditions hazardous to life and property from fire or explosions, the *International Fire Code*, 2018 edition, including Appendices A, B, C, D, F, and I, is hereby adopted by reference and included as a part of this code. With regard to the codes and standards identified in section 102.7 and chapter 80 of the *International Fire Code*, the fire marshal will reference the latest published edition of said codes and standards. Said *International Fire Codes* are adopted and incorporated as referenced; with the exclusion of the residential one- and two-family dwellings. The *International Fire Code* shall be subject to the following local modification:

- (1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the Town of Erwin by inserting "Town of Erwin" as the name of the jurisdiction.
- (2) 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 recorder and is available for public use and inspection. (Ord. #718-20, April 2020)

7-202. Enforcement. The fire prevention code herein adopted by reference shall require that this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage

¹Municipal code reference

Building, utility and residential codes: title 12.

and adoption. The code shall be enforced by the chief of the fire department and/or his/her designee. The designee shall have the same powers as the state fire marshal. (Ord. #718-20, April 2020)

7-203. Definition of "municipality". Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Erwin, Tennessee. (Ord. #718-20, April 2020)

7-204. Storage of explosives, flammable liquids, etc. (1) The limits referred to in section 12.50 of the 2018 *International Fire Code*, in which storage of explosives and blasting agents are prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

(2) The limits referred to in section 16.22a of the 2018 *International Fire Code*, in which storage of flammable liquids 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 section 16.61 of the 2018 *International Fire Code*, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

(4) The limits referred to in section 21.6a of the 2018 *International Fire Code*, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this code. (Ord. #718-20, April 2020)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the fire limits or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (Ord. #718-20, April 2020)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention 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. (Ord. #718-20, April 2020)

7-207. Violations and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the code hereby 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. (Ord. #718-20, April 2020)

CHAPTER 3

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. Chief responsible for training and maintenance.
- 7-306. Equipment to be used only within corporate limits generally.
- 7-307. Chief to be assistant to state officer.
- 7-308. Police powers.

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 town and shall be and remain the property of the town. The fire department shall be composed of a fire chief appointed by the board of mayor and aldermen and such number of physically fit officers and firefighters as the chief shall appoint. (Ord. #718-20, April 2020)

- 7-302. 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 enforce fire codes and investigate the cause and origin of fires/explosives and to bring to prosecution persons who commit arson related crime.
 - (8) To provide basic life support medical care as its equipment and/or the training of its personnel makes practicable.
 - (9) To provide fire and life safety education to the public.
 - (10) To provide response and containment/isolation of hazardous materials.
 - (11) To Train regularly on firefighting and rescue procedures. (Ord. #718-20, April 2020)

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. (Ord. #718-20, April 2020)

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 a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (Ord. #718-20, April 2020)

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. The minimum training shall be defined by the fire chief to maintain basic proficiency in firefighting. (Ord. #718-20, April 2020)

7-306. Equipment to be used only within corporate limits generally. Fire calls outside the city will be answered only as authorized by a mutual aid agreement. (Ord. #718-20, April 2020)

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 banking 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. (Ord. #718-20, April 2020)

7-308. Police powers. All members of the fire department are hereby appointed as special police officers and are vested with such police powers as are reasonably necessary to enable them properly and efficiently to protect life and property from fire within the city as well as enforce laws and ordinances. The fire chief may appoint a fire marshal, deputy fire marshals, and fire investigators who shall have full police powers and may be armed pursuant to *Tennessee Code Annotated*, § 39-17-1315. In the absence of the appointment of a fire marshal the fire chief shall assume all duties and responsibilities of the fire marshal. (Ord. #718-20, April 2020)