

TITLE 7**FIRE PROTECTION AND FIREWORKS¹****CHAPTER**

1. FIRE CODE.
2. BUREAU OF FIRE PREVENTION.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

CHAPTER 1**FIRE CODE¹****SECTION**

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

7-101. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 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 2018 edition, and NFPA 101 Life Safety Code,³ 2018 edition, and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the fire code. Said fire code is shall be controlling within the corporate limits.

7-102. 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.

¹Municipal code reference

Building, utility and residential codes: title 12.

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

³Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

7-103. 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.

7-104. 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.

7-105. 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.

7-106. 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.

CHAPTER 2

BUREAU OF FIRE PREVENTION

SECTION

- 7-201. Establishment of the bureau.
- 7-202. Appointment and qualifications of chief.
- 7-203. Appointment of inspectors.
- 7-204. Annual report.

7-201. Establishment of the bureau. The fire prevention code shall be enforced by the bureau of fire prevention in the fire department of the City of Jellico, Tennessee, which bureau is hereby established and which shall be operated under the supervision of the chief of the fire department. (1968 Code, § 7-201)

7-202. Appointment and qualifications of chief. The chief in charge of the bureau of fire prevention shall be the chief of the fire department qualified and appointed according to procedures in the City of Jellico Personnel Policy. (1968 Code, § 7-202, modified)

7-203. Appointment of inspectors. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the board of mayor and aldermen of said city the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause. (1968 Code, § 7-203)

7-204. Annual report. A report of the bureau of fire prevention shall be made annually and transmitted to the board of mayor and aldermen of the municipality; it shall contain all proceedings under this code, with such statistics as the chief of the fire department may wish to include therein; the chief of the fire department shall also recommend any amendments to the code which, in his judgment, shall be desirable. (1968 Code, § 7-204)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Police and fire committee.
- 7-302. Establishment, equipment, and membership.
- 7-303. Objectives.
- 7-304. Appointment and qualifications of chief.
- 7-305. Records and reports.
- 7-306. Qualifications, tenure, and compensation of members.
- 7-307. Organization, rules, and regulations.
- 7-308. Chief responsible for training.
- 7-309. Storage and use of equipment.
- 7-310. Chief to be assistant to state officer.
- 7-311. Rate and method of pay for volunteer firefighters.

7-301. Police and fire committee. The committee shall receive and duly consider all complaints concerning these departments, and whenever any complaint shall seem well founded, the committee shall bring the same to the attention of the board of mayor and aldermen accompanied by all statements and reports as to the facts. (1968 Code, § 7-301, modified)

7-302. Establishment, equipment, and membership. (1) There is hereby established a fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall consist of a chief and one assistant chief and such other officers and members as the chief and the governing body may, from time to time, deem necessary for the effective operation of said department.

(2) The chief of the fire department may appoint non-paid volunteer members in such number as he shall deem necessary, and shall prescribe the duties of all such volunteers. All volunteers shall be authorized to attend drills and calls as necessary for the efficient operation of the department.

(3) Non-paid volunteers shall not be deemed employees of the municipality except for purposes of the Tennessee Governmental Tort Liability Act. (1968 Code, § 7-302, as amended by Ord. #13-2002, Oct. 2002, modified)

7-303. Objectives. The fire department shall have as its objectives:

¹Municipal code reference

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

- (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 assist all legal authorities in suppressing the crime of arson and the causes, origin, and circumstances of all fires.
- (8) To preserve law and order within the municipality during the course of an emergency and for this purpose firefighters shall have the same powers as police officers. (1968 Code, § 7-303)

7-304. Appointment and qualifications of chief. The chief will be appointed according to procedures in the City of Jellico Personnel Policy. The chief shall be qualified by training and experience and shall be capable both mentally and physically, of performing the duties of the position. The chief may be removed in accordance with the regulations of the City of Jellico Personnel Policy.

7-305. Records and reports. The chief shall make written and/or verbal reports as the governing body may require. He shall keep adequate records of all fires, inspections, active and false alarms, apparatus, equipment, personnel and other pertinent information about the work and activities of the fire department. He shall report monthly to the recorder-treasurer the number and place of fires during the preceding month, false alarms, and any other activities in which the service of the fire department was required; and he shall also report any changes in personnel of the fire department. (1968 Code, § 7-305)

7-306. Qualifications, tenure, and compensation of members. The members of the fire department shall consist of such persons as may be appointed by the chief and approved by the police and fire committee and the governing body; they should be able-bodied male citizens residing within the city limits; preferably they should be property owners whose business activities are normally within the city; and they should be accessible by rapid communication. Any member of the fire department may be suspended or discharged by the chief at any time he may deem such action necessary for the good of the department; however, any member so discharged or suspended shall have the right of appeal as provided for the chief in § 7-304 of this code. All personnel of the fire department shall receive such compensation for their services as the governing body from time to time may prescribe. (1968 Code, § 7-306)

7-307. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite

assignments to individuals, may issue a badge or other insignia to show rank of individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the department. (1968 Code, § 7-307)

7-308. Chief responsible for training. The chief shall conduct suitable drills and instructions in the operation and handling of equipment, first aid and rescue work, salvage, a study of the buildings of the city, fire prevention, water supplies and all other matters generally considered essential to good firemanship and safety of life and property pertaining to fire. (1968 Code, § 7-308)

7-309. Storage of equipment. All equipment of the fire department shall be conveniently housed in such places as designated by the governing body, and all auxiliary equipment shall be housed where designated by the chief. All such places shall be under the direct supervision and control of the chief and no persons, other than firefighters, city officials, or other authorized personnel, shall enter said places or handle or otherwise interfere with the equipment. (1968 Code, § 7-309, as amended by Ord. #2, Jan. 1971)

7-310. 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 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. (1968 Code, § 7-310)

7-311. Rate and method of pay for volunteer firefighters. (1) The rate of pay for volunteer firefighters shall be established in the annual budget.

(2) Volunteer firefighters responding to a fire alarm shall be paid a minimum of two (2) hours pay and, thereafter, at the regular hourly rate of pay for all time in excess of the first two (2) hours.

(3) The two (2) hours minimum pay, as set forth in subsection (2) above, shall not apply to false alarms or drills. (Ord. #1-1997, March 1997, modified)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Equipment and personnel to be used only within corporate limits.

7-402. Rates for subscription of out of town fire service.

7-401. Equipment and personnel to be used only within corporate limits. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless such fire is on city owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the municipal governing body. Provided, however, fire protection will be furnished to property outside the corporate limits subject to the following limitations and conditions:

(1) The person or persons desiring fire protection will pay such annual fee as the board of mayor and aldermen shall provide from time to time by resolution.

(2) Fire protection will commence five (5) days after payment of said annual fee.

(3) Emergencies occurring within a reasonable distance of the city, whereby confirmed information indicates that life may be saved by a prompt response of the fire department.

(4) Emergencies in other cities when a mutual aid agreement has been entered into and approved by the governing bodies. Response is limited only to calls from the officials as designated in said mutual aid agreement.

(5) In no event the city fire department respond to a request for assistance to property outside the corporate limits when such response would reduce the level of fire protection within the corporate limits to an unsafe level. This determination shall be made by the fire chief and it shall be final.

(6) In the event the city fire department responds to a request for assistance to property outside the corporate limits and subsequently the level of protection with the corporate limits becomes unsafe, then the equipment and personnel shall be ordered to return to the city. This determination shall be made by the fire chief and it shall be final. (1968 Code, § 7-309, as amended by Ord. #2, Jan 1971)

7-402. Rates for subscription of out of town fire service.

(1) Rates:

(a) Residential subscribers \$100.00;

(b) Commercial subscribers \$200.00.

(2) Distance limited. Rates shall be effective for a distance of not more than five (5) miles from the nearest Jellico Fire Department fire station to the actual structure. Distance shall be measured in road miles.

(3) Current subscribers to receive service. Subscribers under previous rates shall receive service if:

(a) Subscriber has previously had a subscription to the fire service;

(b) Subscriber has paid such subscription fee under the prior rates; and

(c) Such subscription was paid prior to the initial introduction of this section.

Then such subscriber shall receive such fire service until their annual due date, without regard to the distance limitations imposed above, until their next annual due date.

Beginning with the annual due date following the final passage of this section (June 2003), these distance limitations shall be imposed on all subscribers.

(4) Grace period. There will be no response to any request for service out of town for a subscriber more than seven (7) days after the annual subscription due date. (Ord. #06-2003, June 2003)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Definitions.
- 7-502. Prohibitions.
- 7-503. Activities declared public nuisance.
- 7-504. Prohibitions in this chapter are additional and supplemental.
- 7-505. Manufacture of fireworks.
- 7-506. Privilege tax and license.
- 7-507. Packaging and labeling of fireworks.
- 7-508. Retail establishments from which fireworks may be sold.
- 7-509. Sales to minors prohibited.
- 7-510. Violations and penalty.

7-501. Definitions. The following terms, when used in this chapter shall have the following meanings for the purposes of this chapter.

(1) "Fireworks" shall include all articles of fireworks included in the definition of special fireworks and of I.C.C. Class C common fireworks as contained in Tennessee Code Annotated, title 68, chapter 104, including, without limitation, the permissible terms of fireworks listed in Tennessee Code Annotated, § 68-104-108 sparklers, smoke bombs, and smoke sticks. The term shall not include items specifically excepted from the application of Tennessee Code Annotated, chapter 104, § 68-104-113 or fireworks for public displays authorized by special permits obtained pursuant to the provisions of Tennessee Code Annotated, § 68-104-107.

(2) "Person" shall mean an individual, a firm, a corporation, or any other entity. As used herein, person shall include not only the person who physically performs any act prohibited by this chapter, but also any person who encourages, participates in, or knowingly allows any such prohibited act.

(3) "Public place" shall mean any place open to the general public or any substantial part of the general public, including without limitation, public streets, public sidewalks, parking lots, parks, playgrounds, athletic fields, hotels, motels, indoor and outdoor swimming pools open to the public or to business guests or patrons, schools, churches, museums, auditoriums, public buildings, theaters, indoor and outdoor moving picture establishments, taxis and other public conveyances, offices, stores, banks, craft shops, shopping centers, amusement places, recreational centers, restaurants, cafeterias, eating places, utility properties, automobile service stations, and manufacturing, commercial, professional and recreational businesses of all kinds, together with all property appurtenant thereto or used in connection therewith. (Ord. #4, May 1985)

7-502. Prohibitions. It shall be unlawful for any person to use any fireworks in any public place in the City of Jellico.

(1) Any person who sells any fireworks, the use of which in any public place in the City of Jellico is prohibited by this chapter, shall notify each purchaser thereof at or prior to the time of such purchase that the use thereof in any public place in the City of Jellico is illegal. Such notice shall be sufficient if given by any one (1) or more of the following methods:

By a clearly visible and legible written or printed notice that the use of the fireworks in any public place in the City of Jellico is illegal, such notice either

(a) To be attached to the fireworks being sold; or

(b) To be posted at or near each place where fireworks are displayed for sale or are sold, the posted notice to be displayed in such manner that prospective purchasers cannot fail to observe the notice at or prior to the time the fireworks are bought.

(2) Any other form of notification reasonably calculated to notify each purchaser that the use of the fireworks being sold is illegal in any public place in the City of Jellico. (Ord. #4, May 1985)

7-503. Activities declared public nuisance. The activities made unlawful by this chapter be and the same are hereby declared to be public nuisances, which shall be subject to abatement by any and all remedies available generally for the abatement of public nuisances. (Ord. #4, May 1985)

7-504. Prohibitions in this chapter are additional and supplemental. The prohibitions contained in this chapter shall be in addition and supplemental to the prohibitions contained in any existing chapters of the City of Jellico, and shall in no manner repeal, modify or interfere with the prohibitions contained in any such existing chapters. (Ord. #4, May 1985)

7-505. Manufacture of fireworks. The manufacture of fireworks within the City of Jellico shall be prohibited. (Ord. #4, May 1985)

7-506. Privilege tax and license. Any establishment which is properly permitted by the State of Tennessee to sell fireworks at retail shall be required to pay a privilege tax to the city for the privilege of being allowed to sell fireworks within the city. Each establishment so allowed shall pay a privilege tax to the City of Jellico in the amount of two thousand dollars (\$2,000.00) per annum. This tax shall be paid upon the initial obtaining of a state permit and shall be renewed annually on the anniversary date thereof. Payment of this tax shall result in the issuance of a privilege tax license. Said license may be revoked as provided in § 7-509. (Ord. #4, May 1985)

7-507. Packaging and labeling of fireworks. Fireworks sold at retail within the City of Jellico shall be placed in a bag or container prior to being given to the purchaser. (Ord. #4, May 1985)

7-508. Retail establishments from which fireworks may be sold.

(1) Fireworks sold at retail within the City of Jellico shall be sold only within the physical confines of a structure or building permanent in nature and secure against unauthorized entry and affixed to the ground and with permanent electrical service and otherwise in compliance with applicable safety codes. No temporary trailers, mobile homes, carts, wagons, tents, or other such movable structures shall be permitted to sell fireworks within the City of Jellico unless they shall have been installed upon the ground in such manner as to be permanent structures in compliance with applicable zoning, building, and safety codes; a structure erected or installed upon premises located within the City of Jellico shall be deemed a temporary structure unless it remains so installed at such premises for a period of six (6) consecutive months.

(2) Provided, however, that any retail establishment which otherwise meets the requirements of this title 7, and which has been engaged in the full time sale of fireworks for at least twelve (12) prior consecutive months, shall be permitted to display and sell fireworks in a temporary trailer, tent, or other such moveable structure located upon the same property already permitted for said retail establishment. The use of a temporary structure shall be in addition to, and not in lieu of, the sale of fireworks from the permanent structure which has been permitted in accordance with this title 7. The temporary structure authorized in this section shall meet all applicable building and safety codes. The temporary structure authorized in this section shall be used only during two (2) periods of time each year, to wit:

(a) A period beginning thirty (30) days before and ending thirty (30) days after July 4th (the Fourth of July); and

(b) A period beginning thirty (30) days before and ending thirty (30) days after January 1st (New Year's Day). (Ord. #4, May 1985, as amended by Ord. #2-1996, May 1996)

7-509. Sales to minors prohibited. Fireworks shall not be sold to persons under twelve (12) years of age unless they are accompanied by an adult parent or guardian who shall be responsible for the purchase thereof. Retail establishments found guilty of selling fireworks to minors under twelve (12) years of age in violation of this section shall be subject to a fine in the amount of not more than fifty dollars (\$50.00) per offense and in addition, may be placed on probation for a period of time not to exceed one (1) year for a first offense. (Ord. #4, May 1985, modified)

7-510. Violations and penalty. Any person guilty of the violation of any of the provisions of this chapter shall upon conviction be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (Ord. #4, May 1985)