

TITLE 7¹FIRE PROTECTION, FIREWORKS, AND EXPLOSIVES²

CHAPTER

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CHAPTER 1

PUBLIC SAFETY ADVISORY COMMITTEE

SECTION

- 7-101. Establishment.
- 7-102. Composition, appointment, membership, and terms.
- 7-103. Rules and staff.
- 7-104. Meetings.
- 7-105. Rules of procedure.
- 7-106. ISO committee.

7-101. Establishment. The Jonesborough Public Safety Advisory Committee is hereby established. The purpose of the public safety advisory committee shall be review and comment, advise and generally assist the director of public safety and other public safety department staff in all matters concerning the general operation of the public safety department. [as added by Ord. #2000-12, Sept. 2000]

7-102. Composition, appointment, membership, and terms. The public safety advisory committee shall be composed of seven (7) members determined as follows:

At or before its regular December meeting, the board of mayor and aldermen shall appoint members to the committee. One of the members shall

¹See title 4 in this code for the building and housing codes.
See title 11 in this code for the zoning ordinance.

²See title 10 in this code for prohibition on firearms.

be a member of the board of mayor and aldermen selected by said board, the remaining members shall be selected by the mayor and confirmed by the board of mayor and aldermen. The terms of the members shall be for three year terms. For the initial appointment only and to allow for staggered terms, two members shall serve a one year term, two members shall serve a two year term and three members shall serve a three year term. Any vacancy in the membership shall be filled for the unexpired term by the board of mayor and aldermen, which shall also have the power to remove any member with or without cause. [as added by Ord. #2000-12, Sept. 2000]

7-103. Rules and staff. The committee shall adopt rules and regulations for the orderly discharge of its duties subject to the approval of the board of mayor and aldermen. The director of public safety shall serve as staff to the public safety advisory committee. Other town employees shall serve as staff to the committee as deemed appropriate by the director of public safety. [as added by Ord. #2000-12, Sept. 2000]

7-104. Meetings. At its annual organizational meeting, the public safety advisory committee shall schedule regular meetings for the subsequent year. With reasonable notice, special meetings of the committee may be called by the director of public safety or the committee chairs. [as added by Ord. #2000-12, Sept. 2000]

7-105. Rules of procedure. The advisory committee shall elect a chair, vice-chair, and secretary from among its members. The term of the chair, vice-chair, and secretary shall be for one (1) year with eligibility for reelection. The advisory committee shall hold an organization meeting in December of each year and it shall adopt its own rules of procedure. [as added by Ord. #2000-12, Sept. 2000]

7-106. ISO committee. The public safety advisory committee shall also serve as the ISO advisory committee for the Town of Jonesborough. It shall be the responsibility of the public safety advisory committee to monitor the efforts of the Town of Jonesborough to maintain or improve the town's ISO rating. The committee shall issue an annual report which advises the board of mayor and aldermen on the goals, status and recommended course of action to maintain or improve the town's ISO fire status ratings. [as added by Ord. #2000-12, Sept. 2000]

CHAPTER 2

FIRE CODE

SECTION

- 7-201. Adoption of National Fire Code.
- 7-202. Obligation to obey provisions.
- 7-203. Fire chief responsible for enforcement.
- 7-204. Duties of officers of bureau of fire prevention.
- 7-205. Duty of fire marshal.
- 7-206. Fire chief responsible for instructing fire marshal.
- 7-207. Investigations of fires in Jonesborough.
- 7-208. Inspection before permits are issued.
- 7-209. Inspections of commercial establishments.
- 7-210. Modifying dangerous situations.
- 7-211. Fire marshal shall compile records.
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- 7-213. Changes in fire prevention code.
- 7-214. Provisions apply to public and private property.
- 7-215. Exercise of police powers.
- 7-216. Penalties.
- 7-217. Board of appeals.
- 7-218. Amendments to code.
- 7-219. Appendixes included.
- 7-220. Affidavit of compliance.

7-201. Adoption of National Fire Code. This chapter shall be known as the Town of Jonesborough's Fire Prevention Code. This chapter adopts the Fire Protection Code of the National Fire Protection Association, NFPA No. 1 and its incorporated standards and codes as published in the National Fire Codes of the NFPA Fire Prevention Code and being particularly the 1991 editions thereof, save and except those portions such as are hereinafter deleted, modified, or amended by section 7-218 of this chapter. The same are hereby adopted and incorporated as fully as if set out at length herein. Not less than one copy of the adopted issue of the Fire Protection Code of the National Fire Protection Association, NFPA No. 1 and the adopted standards and codes of the National Fire Codes shall be filed in the office of the Fire Chief or Building Inspector, Town Hall, Boone Street, Jonesborough, and the provisions thereof shall be controlling within the limits of the Town of Jonesborough. In addition, this chapter adopts the National Fire Protection Association Life Safety Code 101 and being particularly the 1991 edition. [Ord. of Jan. 12, 1982, as replaced by Ord. #94-12, Oct. 1994]

7-202. Obligation to obey provisions. It shall be unlawful for any person to violate this chapter, to permit or maintain such violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provisions or regulation except as variation may be allowed by the fire chief in writing or the Board of Mayor and Aldermen. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others. [Ord. of Jan. 12, 1982]

7-203. Fire chief responsible for enforcement. The fire chief of the Jonesborough Fire Department shall be responsible for the enforcement of the Jonesborough fire prevention code. The fire chief of the Jonesborough Fire Department may detail such members of the fire department as inspectors as shall from time to time be necessary. In absence of the fire chief or inspectors within the Jonesborough Fire Department, the Jonesborough building inspector will be responsible for enforcement of the Jonesborough fire prevention code.

To assist in the performance of the Jonesborough Fire Department, a bureau of fire prevention in the fire department of Jonesborough is hereby created. This bureau shall operate under the supervision of the fire chief of the Jonesborough Fire Department. The fire chief shall designate a fire official of the fire department as fire marshal and present the name of this official to the Board of Mayor and Aldermen for approval. The fire marshal shall be responsible for the direct administration and enforcement of the Jonesborough fire prevention code as may be set forth by the Jonesborough fire chief. The fire marshal shall be recommended on the basis of examination or other method for determining his qualifications.

The Jonesborough fire chief may designate such number of technical inspectors as shall from time to time be authorized by the Board of Mayor and Aldermen. Such technical inspectors shall be selected through an examination or other appropriate selection process to determine their fitness for the position. [Ord. of Jan. 12, 1982]

7-204. Duties of officers of bureau of fire prevention. It shall be the duty of the officers of the bureau of fire prevention to enforce all laws and ordinances of the Town of Jonesborough covering the following:

- (1) The prevention of fires;
- (2) The storage and use of explosives and flammables;
- (3) The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;
- (4) The maintenance and regulation of fire escapes;
- (5) The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters,

amphitheaters, and all other places in which numbers of persons work, live, or congregate, from time to time for any purpose.

- (6) The investigation of the cause, origin, and circumstances of fires;
- (7) The maintenance of fire cause and loss records.

They shall have such other powers and perform such other duties as are set forth in other sections of this chapter, and as may be conferred and imposed from time to time by law. The fire chief of the fire department may delegate any of his powers or duties under this chapter to the fire marshal. [Ord. of Jan. 12, 1982]

7-205. Duty of fire marshal. It shall be the duty of the fire marshal of the Jonesborough Fire Department to investigate and to recommend to the town administrator and the Board of Mayor and Aldermen such additional ordinances or amendments to existing ordinances, as he may deem necessary for safeguarding life and property against fire. [Ord. of Jan. 12, 1982]

7-206. Fire chief responsible for instructing fire marshal. The fire chief of the Jonesborough Fire Department shall prepare instructions for the fire marshal and his assistants, and forms for their use in the reports required by this chapter. [Ord. of Jan. 12, 1982]

7-207. Investigations of fires in Jonesborough. The bureau of fire prevention shall investigate the cause, origin, and circumstances of every fire occurring in the Town of Jonesborough by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is a result of carelessness or design. Such investigations shall begin immediately upon the occurrence of such a fire. The fire marshal shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. Every fire shall be reported in writing to the bureau of fire prevention within 48 hours after the occurrence of the same by the fire department officer in charge when the fire occurred. Such report shall be in such forms as shall be prescribed by the fire marshal of the Jonesborough Fire Department and shall contain a statement of all facts relating to the cause, origin, and circumstances of such fire, the extent of the damage thereof, and the insurance upon such property and such other information as may be required including the injury, death, or rescue of persons. [Ord. of Jan. 12, 1982]

7-208. Inspection before permits are issued. Before permits may be issued as required by this code, the fire marshal or his assistants shall inspect and approve the receptacles, processes, vehicles, building, or storage places to be used for any such purposes. [Ord. of Jan. 12, 1982]

7-209. Inspections of commercial establishments. The fire marshal shall inspect or cause to be inspected all premises housing large groups, commercial, industrial, or retail establishments, or any other premise necessary to protect the general well-being of the public; on a periodic basis, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire. [Ord. of Jan. 12, 1982]

7-210. Modifying dangerous situations. Whenever any inspector, as defined above, shall find in any building, or upon any premise or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulations of waste paper, boxes, shavings, or any highly flammable materials especially susceptible to fire, and which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows, likely to interfere with the operations of the fire department or egress of occupants in case of fire, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premise or buildings; subject to the appeals procedure provided for in the Jonesborough Fire Prevention Code.¹

Any owner or occupant failing to comply with such order within a reasonable period after the service of said order shall be liable to penalties as hereinafter provided.

The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of the same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to owner's last known post office address. [Ord. of Jan. 12, 1982]

7-211. Fire marshal shall compile records. The fire marshal shall compile and keep a record of all citation and of all the facts concerning the same, including injuries, deaths, rescue of persons and statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such records shall be made frequently from the reports made during inspections under the provisions of this ordinance. All such records shall be made public. [Ord. of Jan. 12, 1982]

¹See Section 7-218 Appendix G.

7-212. Fire marshal shall make annual report. The fire marshal shall make an annual report of the activities of the bureau of fire prevention and shall transmit this report to the town administrator and the Board of Mayor and Aldermen of the Town of Jonesborough through the Jonesborough fire chief. The report shall contain all proceedings under the Jonesborough fire prevention code with such statistics as the fire chief may wish to include therein. [Ord. of Jan. 12, 1982]

7-213. Changes in fire prevention code. The Jonesborough fire chief or the fire marshal shall also recommend any amendments to the Jonesborough fire prevention code or ordinance which, in his judgement, shall be desirable. [Ord. of Jan. 12, 1982]

7-214. Provisions apply to public and private property. The provisions of the Jonesborough fire prevention code shall apply equally to both public and private property, and shall apply to all structures and their occupancies, except as otherwise specified. [Ord. of Jan. 12, 1982]

7-215. Exercise of police powers. This act shall be deemed in exercise of the police powers of the Town of Jonesborough for the preservation and protection of the public health, peace, safety, and welfare, and all the provisions of the Jonesborough fire prevention code shall be liberally construed for that purpose. [Ord. of Jan. 12, 1982]

7-216. Penalties. Any person who shall violate any of the provisions of the code hereby adopted; or shall fail to comply therewith; or shall violate or fail to comply with any order made thereunder, or shall build in violation of any details, statements, specifications or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued thereunder, and from which no appeal has been taken; or who shall fail to comply with such an order affirmed or modified by the fire marshal or by a court of competent jurisdiction within the time fixed herein shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor punishable as provided in the general penalty clause for the code. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. [Ord. of Jan. 12, 1982]

7-217. Board of appeals. A board of appeals is hereby established consisting of the Board of Mayor and Aldermen. [Ord. of Jan. 12, 1982]

7-218. Amendments to code. The Fire Prevention Code of the National Fire Protection Association, NFPA No. 1, is amended and changed in the following respects:

(1) Fire prevention code Section 3 to allow for the building inspector to fulfill the enforcement duties of the fire prevention code in absence of appropriate fire department personnel.

(2) Fire prevention code Section 4, add No. 8. Consideration is given to the historical significance of many Jonesborough buildings. Although maintaining life safety is a goal that can not be compromised, when possible the fire marshal will consider variances necessitated by the historical nature of the premises.

(3) Fire prevention code Section 9 modified so it is not required to inspect all premises in Jonesborough on a periodic basis.

(4) Fire prevention code Section 16 - delete clauses on imprisonment.

(5) Fire prevention code Section 20, omitted in entirety. Amended Section 20 refers to Affidavit of Compliance.

(6) Fire Prevention Code - Appendix G - modified as follows:

Appendix G

G1-1 Where any person seeks relief from a decision of the fire official enforcing provisions of this code including permits, certificates, waivers, alternate materials, alternate methods, approvals, or variances or matter of code interpretations, he may request reconsideration of the fire official's decision by appealing in writing to the fire chief within 15 days of the receipt of the decision stating the reasons why he seeks relief and what decision he feels should be forthcoming. The fire chief shall, within 10 days after receiving a copy of the appeal in writing, hold a hearing and decide the question after hearing testimony from all concerned persons. The fire chief shall render his written decision within five days after the hearing is completed. [Code of 1982]

G1-2 After such hearing by the fire chief, any person seeking relief from the decision of the fire chief regarding provisions of this code may appeal to the Board of Mayor and Aldermen within 15 days after receipt of written notice of the fire chief's decision. Such appeal shall be in writing and directed to the fire chief. Upon giving not less than five business days notice to the persons interested, a hearing shall be held. The board may, after such hearing, by a majority vote, affirm, annul, or modify the action of the fire chief. The decision of the board shall be in writing and a copy shall be mailed to the appellant within seven business days after the conclusion of the hearing and any decision made shall be final. Further recourse shall be through established legal procedures. [Ord. of Jan. 12, 1982]

7-219. Appendixes included. The following Appendixes of the Fire Prevention Code of the National Fire Protection association NFPA No. 1 are hereby included as part of the Jonesborough Fire Prevention code save and except those portions which are deleted, modified, or amended by Section 7-218 of this chapter. The same are hereby adopted and incorporated as fully as if set out at length herein.

Annex A

Appendix C - Fire Safety Regulations

Appendix F - General Authority to Combat Fires and Related Emergencies

Appendix G - Appeals procedure - amended as per Section 7-218-6

Appendix H - Code Violations

Appendix I - Permit System

Appendix J - Certificates of Fitness

Appendix K - Exceptions for on-premises fire fighting organizations

Appendix L - Vapor Degreasing and Spray Cleaning [Ord. of Jan. 12, 1982]

7-220. Affidavit of compliance. An affidavit of compliance must be signed by the owner or developer of any new construction project or modification of an existing premises requiring a building permit. [Ord. of Jan. 12, 1982]

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment.
- 7-302. Exclusive fire department.
- 7-303. Objectives.
- 7-304. Firefighters as employees.
- 7-305. Existing volunteer firefighters.
- 7-306. Recommendation and final selection of additional firefighters.
- 7-307. Qualifications for firefighters.
- 7-308. Town employee volunteers.
- 7-309. Identification.
- 7-310. Position of chief established.
- 7-311. Additional departmental officers.
- 7-312. Officer positions filled by department personnel without regard for paid/volunteer status.
- 7-313. Evaluations required.
- 7-314. Employee rights/due process.
- 7-315. Compensation.
- 7-316. Termination.
- 7-317. Training.
- 7-318. Fire calls outside the town limits.
- 7-319. Standard operating procedures.
- 7-320. Chief assistant to state commissioner.
- 7-321. Fiscal accountability.
- 7-322. Fire marshal.
- 7-323. Departmental meetings.
- 7-324. Fire hydrant policy.

7-301. Establishment. It is the intent of the board of mayor and aldermen to unite all fire prevention efforts sponsored by the Town of Jonesborough under one system of direct command that fits into the existing organizational structure that is accountable to the board of mayor and aldermen.

The Jonesborough Volunteer Fire Department established in 1938 by the board of mayor and aldermen as a totally volunteer organization is hereby incorporated into the Jonesborough Fire Department which is a departmental operation of the Town of Jonesborough. The department can consist of both paid and volunteer staff with such numbers and responsibilities as deemed necessary

¹For special privileges with respect to traffic, see title 9, chapter 1, in this code.

by the board of mayor and aldermen. Volunteer firefighters may continue to participate in a volunteer organization operating as the Jonesborough Volunteer Fire Department, electing officers and maintaining an auxiliary fund; however, organization by-laws must be redeveloped and approved by the board, by-laws shall specify accounting procedures for the auxiliary fund, and the duties of officers elected shall not involve leadership responsibility in the newly organized Jonesborough Fire Department. In addition, authorization to continue a volunteer association shall in no way conflict with the intent of this ordinance to unify all firefighters under one centralized operation. All firefighters both paid and volunteer will be directed by the paid full-time fire chief, or such other full-time or volunteer officer in the organizational structure of the department as designated by the board of mayor and aldermen.

All documents, equipment, and other assets that may exist through the town's all volunteer organization, for clarification purposes, are hereby placed under the direct responsibility of the reorganized structure of the town's fire department. [Ord. of Nov. 21, 1938, §§ 1 and 2, modified and ord. of Dec 2, 1940, § 1, modified; as replaced by Ord. #93-04, June 1993]

7-302. Exclusive fire department. The Jonesborough Fire Department shall be the exclusive fire suppression and prevention organization within the corporate limits of the Town of Jonesborough. It shall be illegal for any other organization or individual(s) to respond to calls for fire prevention and suppression efforts unless at the request of the board of mayor and aldermen, the director of public safety, or other officer in authority within the Jonesborough Fire Department.

It shall be illegal for any individual or organization to solicit, collect or raise money within the Town of Jonesborough for the purpose of funding a volunteer fire department, unless all advertisements and solicitations clearly and conspicuously provide the following statement with the name of the organization substituted for the wording in parentheses: "The (name of individual or organization soliciting money or support) is not associated with the Jonesborough Fire Department or the Town of Jonesborough and is not authorized to fight fires or to operate as a fire department within the corporate limits of the Town of Jonesborough." This statement shall be printed on the front of all correspondence and stated within the first fifteen (15) seconds of any telephone call solicitation or in-person solicitation.

No individual or organization, except the Jonesborough Fire Department, shall maintain or operate a fire hall or fire department within the corporate limits of the Town of Jonesborough. Except for the Jonesborough Fire Department or such organization requested by the Jonesborough Fire Department, no individual or organization shall maintain, operate, garage or store a fire truck within the Town of Jonesborough that is to be utilized for fire suppression efforts. [as added by Ord. #2000-06, June 2000]

7-303. 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 perform such rescue work as its equipment and/or the training of its personnel make practicable. [Ord. of Nov. 21, 1938, § 2, modified; as replaced by ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-304. Firefighters as employees. Full-time paid firefighters are regular town employees subject to all policies and regulations adopted by the board of mayor and aldermen. Volunteer firefighters are essential to the successful operation of the fire department and will be given all benefits possible subject to limitations created in the Fair Labor Standards Act and the availability of funds. Volunteer firefighter status, however, is not intended to infer a property right or any other right or obligation that may be given to regular paid town employees by state or federal law. [Ord. of Nov, 21, 1938, § 3, as replaced by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-305. Existing volunteer firefighters. All volunteer firefighters officially on the active role of the department at the time this Ordinance¹ is adopted by the board of mayor and aldermen are hereby grandfathered and automatically eligible to become volunteer employees in the re-established Jonesborough Fire Department. However, all existing firefighters must have a valid Tennessee driver's license, and the board reserves the right at any time to require an individual to pass a physical or psychological examination if the board determines the exam is essential to the overall operation of the department. [Code of 1982, as replaced by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-306. Recommendation and final selection of additional firefighters. All firefighters added to the existing fire department personnel will be interviewed by the appropriate staff and brought before the board of mayor and aldermen for approval. The final authority in selection rests with the board of mayor and aldermen. [Ord. of Dec. 2, 1940, § 2, as replaced by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-307. Qualifications for firefighters. The board of mayor and aldermen will adopt position descriptions for the different staff responsibilities in the

¹These provisions were taken from Ordinance #93-04, which passed third reading June 21, 1993.

department and may amend those responsibilities from time to time as deemed necessary. The board of mayor and aldermen will use the following as minimal criteria in evaluating additional applicants for any position in the fire department.

- (1) Firefighters will be chosen on ability or potential without regard to sex, color, race, religion, or national origin;
- (2) Firefighters must be eighteen (18) years of age.
- (3) Firefighters must be citizens of the United States;
- (4) Firefighters must pass a physical examination and drug test to be carried out by qualified medical personnel;
- (5) Firefighters must be free of all apparent mental disorders as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition DSM-II of the American Psychiatric Association. The board of mayor and aldermen reserves the right to require all firefighters to be certified by a qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorders;
- (6) Firefighters must possess a valid Tennessee driver's license;
- (7) Firefighters must pass a six (6) month probationary period. Upon action by the board of mayor and aldermen, a probationary period may be extended, but at no time may probation extend beyond twelve (12) months;
- (8) All firefighters must have their fingerprints on file with the Tennessee Bureau of Investigation;
- (9) Firefighters must be willing to participate in the State's Firefighters Certification Program and should obtain certification within two (2) years from the employment date;
- (10) Upon the recommendation of fire department staff (paid and volunteer) the board will determine by policy any requirements deemed necessary regarding the distance a firefighters may live or work to be eligible to be a volunteer or paid employee of the fire department.
- (11) Firefighters may not be convicted felons. A background check will be run by the police department. [Code of 1982, as replaced by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-308. Town employee volunteers. Full-time town employees from other departments may volunteer to participate in the fire department program. Participation is subject to the approval of department supervisors and will be governed by the provisions and policies established for all firefighters and by fair labor standards. Compensation will be determined by the board of mayor and aldermen. [Code of 1982, as amended by ord. of Oct. 21, 1987, as replaced by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-309. Identification. All firefighters will be issued a Jonesborough Fire Department uniform and will be issued an identification card. [Code of 1982,

as replaced by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-310. Position of fire chief established. The position of fire chief is hereby established. The fire chief will be a full-time position with compensation to be determined by the board of mayor and aldermen. A position description shall be adopted by the board and may be amended as necessary but it must designate the fire chief with the overall responsibility for directing and supervising all firefighters, paid and volunteer. The mayor will appoint at least two (2) representatives from the volunteer firefighters to serve on any interview committee to evaluate applicants for the fire chief's position. [as added by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-311. Additional departmental officers. In addition to the fire chief, the following supervisory positions may be created in the fire department: assistant chief, captain, and lieutenant. The number of officers at each level shall be recommended by the department and be approved by the board of mayor and aldermen. The recommendation shall be based on effective supervision and span of control of department personnel, properly addressing emergency and administrative responsibilities. Position descriptions in the Standard Operating Procedures Manual shall apply to each officer level and shall be approved by the board of mayor and aldermen. Position descriptions, authority, responsibility, and accountability shall be the same, whether positions are filled by volunteer or paid personnel. [as added by Ord. #93-04, June 1993, and replaced by Ord. #94-13, Nov. 1994, and renumbered by Ord. #2000-06, June 2000]

7-312. Officer positions filled by department personnel without regard for paid/volunteer status. Officer positions designated in section 7-310 shall be filled from the most qualified applicants through use of personnel policy guidelines and the approved guidelines in the standard operating procedures manual without regard for volunteer or paid status. [as added by Ord. #93-04, June 1993, and replaced by Ord. #94-13, Nov. 1994, and renumbered by Ord. #2000-06, June 2000]

7-313. Evaluations required. Evaluations of all firefighters, will be carried out annually under the provisions established in the town's personnel policy. Continued employment of all firefighters; whether volunteer or paid, firefighter or officer, or whether an existing firefighter at the time this

ordinance¹ is adopted or new employee, shall be based on the evaluation and disciplinary process established in the town's personnel policy. [as added by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-314. Employee rights/due process. All firefighters are expected to carry out their duties in a professional manner and act in a manner that brings credit to the department. All firefighters are subject to the guidelines that have been adopted in the town's personnel policy and to such policies that are established from time to time by the department and approved by the board of mayor and aldermen. Active fire department staff have access to all due process guarantees established for all employees in the town's personnel policy. [as added by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-315. Compensation. Volunteer and full-time paid firefighters will be compensated as deemed appropriate by the board of mayor and aldermen. Full time paid firefighters will be included in the town's employee compensation plan and will be eligible for all benefits established in the plan and the town's personnel policy.

Volunteers are not eligible for all regular employee benefits, but will be provided with workers compensation; life insurance to the extent funds will allow; and be paid an amount deemed appropriate by the board of mayor and aldermen to reimburse for formal training, fire calls, and overnight/weekend duty. Eligibility for payment will be established through policies developed by the department and approved by the board. [as added by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-316. Termination. All firefighters are subject to disciplinary measures including termination for inappropriate behavior as outlined in the town's personnel policy. All firefighters, however, have the right of appeal and other forms of due process also outlined in said policy. Firefighters employed after this ordinance goes into effect² who are on regular probation do not have the right to appeal and have only the guarantees outlined for probationary employees in the personnel policy. [as added by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-317. Training. All department personnel are required to participate in departmental training. All personnel are required to meet a minimum of 40

¹This chapter was taken from ordinance #93-04, which passed third reading June 21, 1993

²This chapter was taken from Ordinance #93-04, which passed third reading June 21, 1993.

hours of approved training annually. Training opportunities will be designed and scheduled to accommodate schedules of paid and volunteer staff. All firefighters will participate in the Tennessee Fireman's Certificate program and must be certified within two years of the June 1993 passage of the original ordinance or a maximum of two years from their beginning date of membership in the department. [as added by Ord. #93-04, June 1993, replaced by Ord. #94-13, Nov. 1994, and renumbered by Ord. #2000-06, June 2000]

7-318. Fire calls outside the town limits. The Jonesborough Fire Department will fight fires outside the town's limits within the service area designated by the Washington County Firemen's Association. A service fee of two-hundred fifty dollars (\$250.00) will be charged for structural fires outside the town limits and one-hundred dollars (\$100.00) for grass and vehicle fires. Billing and receipts will be handled through the recorder's office. In addition, the department will participate in fighting fires outside the department service boundary in areas included in any Mutual Aid Agreement approved by the board of mayor and aldermen. [as added by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-319. Standard operating procedures. Written operating procedures will be developed by the department and approved by the board of mayor and aldermen that govern the fire fighting and operational activities of firefighters. [as added by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-320. Chief assistant to state commissioner. Pursuant to requirements of section 68-102-108 of the Tennessee Code Annotated, the chief of the fire department is designated an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by chapter 102 of title 60 of the Tennessee Code Annotated and shall be subject to the directors of the insurance commissioner in the execution of the provisions thereof. [as added by Ord. #93-04, June 1993, modified, and renumbered by Ord. #2000-06, June 2000]

7-321. Fiscal accountability. The Jonesborough Fire Department will operate under the financial management system approved for all departments by the board of mayor and aldermen and governed by the Comptroller's Office of the State of Tennessee.

(1) Town appropriated funds, county and state funds, appropriations from organizations or agencies intended to support the daily operations of the department, and revenues received for services provided will be accounted for through the recorder's office and included in the town's audit.

(2) One half of funds received from Washington County or from fire calls outside the town limits up to a total of \$20,000.00 will be kept in a capital

expense reserve fund to be used for major equipment purchases or repairs and major fire department capital improvements.

(3) The department will develop an annual budget with the assistance of the town administrator and present it to the board of mayor and aldermen for approval.

(4) The re-established volunteer fire department organization is authorized to maintain a separate auxiliary fund that is not subject to the recorder's control or the town audit, but only for funds collected by department employees through fund raising in a non-duty status; from donations from individuals, non-governmental agencies, or businesses desiring to contribute directly to the volunteer firefighters; or from the drink and snack machines in the fire hall that are not intended for public use. The recorder may also make deposits into the auxiliary fund for firefighter compensation payments if deemed necessary in the standard operating procedure.

Policies governing the use of auxiliary funds must be adopted by the volunteer fire department organization and approved by the board of mayor and aldermen. An annual report of the use and fund balance of the auxiliary fund shall be presented to the board of mayor and aldermen at the end of each fiscal year.

(5) Funds in the volunteer fire department fund at the time this ordinance is adopted¹ will be transferred to the re-established Jonesborough Volunteer Fire Department's Auxiliary Fund. [as added by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-322. Fire marshal. The fire chief will serve as fire marshal and must meet the certification requirements for a fire prevention official as mandated by state law. (TCA 68-18-113). The fire chief may designate another full-time officer within the fire department to carry out the duties of the fire marshal subject to the provisions in title 7, chapter 2, sections 7-203. - 7-206. of the Jonesborough Municipal Code and Tennessee Code Annotated 68-18-113. [as added by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-323. Departmental meetings. At least one meeting per month of all fire department personnel will be held at night to accommodate the schedule of the volunteers. [as added by Ord. #93-04, June 1993, and renumbered by Ord. #2000-06, June 2000]

7-324. Fire hydrant policy. 1. The Jonesborough Fire Department, with the assistance of the Jonesborough Water Department, shall maintain records showing the location and classification of fire hydrants within the Town of

¹This chapter was taken from Ordinance #93-04, which passed third reading June 21, 1993.

Jonesborough and those unincorporated areas of Washington County where the Jonesborough Fire Department has been designated as the primary fire suppression and prevention organization. The classification of fire hydrants shall be made in accordance with the requirements established in title 13, chapter 1, section 13-128, Fire hydrant classification and usage.

2. The Jonesborough Director of Public Safety or his designee shall enforce the ordinances of the Town of Jonesborough prohibiting the connection of pumper trucks to Class C fire hydrants other than for tank filling purposes with the pump disengaged. The director of public safety or his designee shall also notify all fire departments regularly utilizing fire hydrants in the Jonesborough Water Distribution System that connecting pumper fire trucks to Class C fire hydrants is unlawful. (as added by Ord. #2000-09, July 2000, and amended by Ord. #2011-17, Nov. 2011)

CHAPTER 4

FIREWORKS

SECTION

7-401. Provision applicable to fireworks.

7-401. Provision applicable to fireworks. It shall be unlawful for any person to sell or offer for sale, or keep in stock, or give away, within the town, any firecracker, cannon cracker, torpedo, roman candle, skyrocket, pinwheel, or any fireworks of any nature whatsoever, or any toy pistol or toy cannon, discharged by percussion caps or by percussion caps and gunpowder or other means. [Ord. of September 10, 1984]

CHAPTER 5

OUTDOOR BURNING, OPEN BURNING, AND
BURNING OF REFUSE

SECTION

- 7-501. Purpose.
- 7-502. Definitions.
- 7-503. Open burning, outdoor burning and refuse burning prohibited.
- 7-504. Specific materials that may not be burned.
- 7-505. Burning leaves, brush, clean wood and other vegetative debris.
- 7-506. Exemptions to prohibited burning.
- 7-507. Permit required for certain burning practices.
- 7-508. Revocation of permits.
- 7-509. Owner liability.
- 7-510. Right of entry and inspection.
- 7-511. Enforcement.
- 7-512. Violations.

7-501. Purpose. This chapter is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living condition, safety and welfare of the citizens of the Town of Jonesborough from the air pollution and fire hazards resulting from open burning, outdoor burning and refuse burning. [Ord. of December 14, 1987, as replaced by Ord. #2005-19, Dec. 2005]

7-502. Definitions. 1. "Burn barrels" means metal or any noncombustible containers used to incinerate refuse or clean wood located typically in backyards or constructions sites.

2. "Campfire" means a small outdoor fire intended for recreation, ceremony or cooking not including a fire intended for disposal of wood waste or refuse.

3. "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain glues as in plywood or other composite wood products.

4. "Outdoor burning" means open burning or burning in an outdoor wood fired furnace.

5. "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the air without passing through a stack or chimney.

6. "Outdoor wood-fired furnace" means a wood fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

7. "Refuse" means any waste material except clean wood. [Ord. of December 14, 1987, as replaced by Ord. #2005-19, Dec. 2005]

7-503. Open burning, outdoor burning and refuse burning prohibited. No person, firm, or corporation shall cause, suffer, allow or permit open burning, outdoor burning, and refuse burning within the corporate limits of the Town of Jonesborough unless the burning is specifically permitted in this chapter. [Ord. of December 14, 1987, as replaced by Ord. #2005-19, Dec. 2005]

7-504. Specific materials that may not be burned. The following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incinerator or heating device.

1. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

2. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to any state or federal restrictions.

3. Asphalt and products containing asphalt.

4. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

5. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

6. Rubber including tires and synthetic rubber-like products.

7. Newspaper, corrugated cardboard, container board, office paper and other similar materials that can be recycled with the following exceptions:

a. Paper and cardboard products may be used as a starter fuel for a fire that is allowed under the ordinance, comprising this chapter.

b. Small quantities of confidential papers from a residence may be burned if necessary to prevent theft of financial records, identification or other confidential information. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning. [Ord. of December 14, 1987, as replaced by Ord. #2005-19, Dec. 2005]

7-505. Burning leaves, brush, clean wood and other vegetative debris. Because the Town of Jonesborough has weekly pick-up of brush and yard wastes, open burning of leaves, weeds, brush, stumps, clean wood or other vegetative debris is prohibited. Upon receiving written authorization and a waiver of liability from the developer/owner, town crews are authorized to go on property being cleared for development to load and remove clean wood when

there is acceptable access for loading and the material is properly cut for collection. [as added by Ord. #2005-19, Dec. 2005]

7-506. Exemptions to prohibited burning. The following burning practices are specifically exempted from the prohibitions established in this chapter:

1. Small fires or camp fires for the cooking of food or for ceremonial or recreational purposes including barbeques and outdoor fireplaces. However, no material listed in § 7-504 may be burned in the exempted activity; and provided that any small open campfire is contained in a control device such as a fire ring or fire pit.

2. Fires set for the training and instruction of public firefighting personnel including civil defense and emergency management provided said fire training exercises are carried out within all state and federal standards and meet all fire code guidelines.

3. Fires set by or at the direction of a responsible fire control agency for the prevention, elimination or reduction of a fire hazard.

4. Outdoor wood-fired furnaces provided that the outdoor wood-fired furnace:

- a. is not used to burn materials prohibited in § 7-504,
- b. has a chimney that extends to a minimum height of fifteen (15) feet,
- c. is not located within fifteen (15) feet of a property line or within any required setback areas between properties, whichever is greater
- d. is not installed until the owner has obtained a permit from the fire major or his/her designee.

5. Fires used to clear land consisting solely of vegetation grown on the land for agriculture, forest or game management purposes, provided that any local, state or federal permits are obtained prior to the burning.

6. Burning of brush and vegetation resulting from land development or clearing under the following circumstances:

a. The volume of clean wood to be removed is more than it is reasonable for the town or the developer to remove in a timely manner and at a reasonable cost.

b. Access to the clean wood is not adequate and it is determined to be unreasonable to move the brush to be removed to a suitable collection location.

(c) The location of the burn site is a minimum of five hundred feet (500') from any residence or business, however, the fire major or public safety director has the discretion to approve a shorter distance when land topography, vegetation, etc. make it very unlikely that any residences or businesses nearby will be negatively impacted.

(d) Best management practices, as determined by the Jonesborough Fire Department, are followed to reduce the negative impact of smoke or potential fire damage.

(e) The exception is authorized by the fire major and/or public safety director. [as added by Ord. #2005-19, Dec. 2005, and amended by Ord. #2007-04, April 2007]

7-507. Permit required for certain burning practices. A burning permit must be obtained for the installation and use of an outdoor wood-fired furnace and land clearing burning as authorized in § 7-506(5) and (6).

1. Permit applications should be submitted at least forty-eight (48) hours in advance of the burning activity.

2. All permits issued hereunder shall terminate upon completion of the operation conducted thereunder or the expiration of a period designated in said permit not to exceed thirty (30) calendar days.

3. Any formal ban on burning issued by the state or federal authorities shall immediately void any permit issued for land clearing burning. [as added by Ord. #2005-19, Dec. 2005]

7-508. Revocation of permits. The public safety director, fire major, fire marshal or other designee are authorized to revoke any burning permit if a burning ban is implemented or if the burning practices undertaken are not consistent with the protections intended in the ordinance comprising this chapter to the health, safety and general welfare of the general public. [as added by Ord. #2005-19, Dec. 2005]

7-509. Owner liability. Any person, firm or corporation starting, utilizing or maintaining an outdoor fire shall be responsible for any or all suppression costs and any liability resulting from damage caused by the fire. [as added by Ord. #2005-19, Dec. 2005]

7-510. Right of entry and inspection. Public safety officers and firefighters, a fire marshal, or any authorized officer, agent or employee of the Town of Jonesborough when presenting proper credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. [as added by Ord. #2005-19, Dec. 2005]

7-511. Enforcement. The fire major or designee shall have primary enforcement responsibilities associated with this chapter including the issuance of burning permits when appropriate, however, the public safety director and any public safety officer and the fire marshal are authorized to initiate enforcement action when a violation occurs. In addition, the public safety director has the authority to review and approve any or all burning permits and

any exceptions being considered for appropriateness prior to issuance. [as added by Ord. #2005-19, Dec. 2005, and replaced by Ord. #2007-04, April 2007]

7-512. Violation. Any person, firm, association, corporation, or the agent thereof who shall fail, neglect or refuse to comply with the provisions of this chapter shall be guilty of a misdemeanor. [as added by Ord. #2005-19, Dec. 2005]