

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

1. FIRE CODE.
2. VOLUNTEER FIRE DEPARTMENT.
3. FIREWORK DISCHARGE.
4. INTERFERENCE WITH FIRE APPARATUS PROHIBITED.
5. FIRE SERVICE OUTSIDE CITY LIMITS.

CHAPTER 1

FIRE CODE¹

SECTION

- 7-101. Fire code adopted.
 7-102. Enforcement.
 7-103. Gasoline trucks.
 7-104. Variances.
 7-105. Available in recorder's office.
 7-106. 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 2015 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.

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 commissioners 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 commissioners.

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

VOLUNTEER FIRE DEPARTMENT¹

SECTION

7-201. Establishment, equipment, and membership.

7-202. Objectives.

7-203. Organization, rules, and regulations.

7-204. Records and reports.

7-205. Tenure and compensation of members.

7-206. Chief responsible for training and maintenance.

7-207. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations of the board of commissioners. Any funds raised by the volunteer fire department as a whole, or by any individual or group of volunteer firemen in the name of the volunteer fire department, and any gifts to the volunteer fire department shall be turned over to and become the property of, the city and the city shall use such funds in the equipping of the volunteer fire department. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the city and shall be and remain the property of the city. The volunteer fire department shall be composed of a chief appointed by the city manager and the fire chief shall appoint such number of subordinate officers and firemen as the board of commissioners shall approve. (1994 Code, § 7-101)

7-202. Objectives. The volunteer 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; and
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1994 Code, § 7-102)

7-203. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make

¹Municipal code reference

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

definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department. (1994 Code, § 7-103)

7-204. Records and reports. The chief of the volunteer 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 city manager as he may require. (1994 Code, § 7-104)

7-205. Tenure and compensation of members. The fire chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The fire chief may be dismissed by the city manager.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of commissioners may from time to time prescribe. (1994 Code, § 7-105)

7-206. 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 commissioners. (1994 Code, § 7-106)

7-207. Chief to be assistant to state officer. Pursuant to requirements of *Tennessee Code Annotated*, § 68-102-108, the fire chief is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by *Tennessee Code Annotated*, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1994 Code, § 7-107)

CHAPTER 3**FIREWORK DISCHARGE****SECTION**

7-301. Firework discharge.

7-301. Firework discharge. No person shall discharge any firecracker, torpedo, Roman candle, skyrocket, or other fireworks of any kind or nature whatsoever upon any street, sidewalk, or other public property of the City of Whitwell, Tennessee. (1994 Code, § 7-201)

CHAPTER 4

INTERFERENCE WITH FIRE APPARATUS PROHIBITED

SECTION

7-401. Interference with fire apparatus prohibited.

7-401. Interference with fire apparatus prohibited. (1) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm, closer than five hundred feet (500').

(2) The driver of any vehicle shall not park the same within the block where fire apparatus has stopped in answer to a fire alarm, nor within five hundred feet (500') of a fire.

(3) The driver of any vehicle shall not park such vehicle upon any street leading to the location of a fire in such a manner as to block, hinder, or retard the approach of fire apparatus, and in no event shall any vehicle be parked upon any street without leaving a clear driving space upon such street or roadway of at least fifteen feet (15').

(4) Citations for the violation of this chapter may be issued by any police officer, the city manager, the chief of the fire department or by any captain of the fire department, and such citation shall have the same force and effect and be equally valid as though served by any regularly appointed police officer of this city. (1994 Code, § 7-301)

CHAPTER 5

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-501. Restrictions on fire service outside city limits.

7-501. 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 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 commissioners 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, as amended, codified in *Tennessee Code Annotated*, §§ 58-2-601, *et seq.*;¹

¹State law references

Tennessee Code Annotated, §§ 58-2-601, *et seq.*, as amended by Public Acts 1988, Ch. 499, 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 statute, as amended, does not require written agreements between the local governments, but authorizes them to develop policies and procedures for requesting and responding to requests for emergency assistance, including provisions for compensation for service rendered.

The statute specifies which municipal officers may request and respond to requests for emergency assistance and provides for the appointment by municipal governing bodies of additional municipal officers with the same authority.

The statute provides that the senior officer of the requesting party will be in command at the scene of the emergency.

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its employees shall be liable for 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

(continued...)

- (2) *Tennessee Code Annotated*, §§ 12-9-101, *et seq.*¹; and
- (3) *Tennessee Code Annotated*, § 6-54-601.² (1994 Code, § 7-501)

(...continued)

damages caused by the negligence of the personnel of the responding party while en route to or from the scene of the emergency.

¹State law reference

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

²State 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 industrial 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 such communities with firefighting assistance. (3) Provide fire protection outside their city limits to either citizens on an individual contractual basis, or to citizens in an area without individual contracts, 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. (Counties may compensate municipalities for the extension of fire services.)