

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. VOLUNTEER FIRE DEPARTMENT COST RECOVERY.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be the corporate limits of the town. (1995 Code, § 7-101, modified)

¹Municipal code reference

Building, utility and residential codes: title 12.

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. Modifications.
- 7-208. Location for the sale of fireworks.
- 7-209. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the *NFPA-1Uniform Fire Code*,² 2003 edition or any subsequent edition, with all appendixes, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the fire prevention code has been filed with the recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #04/05-19, April 2005, modified)

7-202. Enforcement. The fire prevention 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. (1995 Code, § 7-202)

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 Dandridge, Tennessee. (1995 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in the fire prevention code, in which storage of explosive materials is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

¹Municipal code reference

Building, utility and residential codes: title 12.

²Copies of this code are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA.

The limits referred to in the fire prevention code, in which storage of flammable 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.

The limits referred to in the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

The limits referred to in the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire district as set out in § 7-101 of this code. (1995 Code, § 7-204, modified)

7-205. 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. (1995 Code, § 7-205)

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. (1995 Code, § 7-206)

7-207. Modifications. Within the fire prevention code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dandridge, Tennessee, who has duties corresponding to those of the named official in the fire code shall be deemed to be the responsible official insofar as enforcing the provisions of the fire code are concerned. (1995 Code, § 7-208)

7-208. Location for the sale of fireworks. (1) Any fireworks sold within the corporate limits of the town shall take place only in a permanent structure which meets the prevailing fire and building codes for the town.

(2) No fireworks shall be sold within the corporate limits of the town from any temporary structure, accessory structure or any tent. (Ord. #14/15-02, Aug. 2014)

7-209. Violations and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been 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 town code shall not be held to prevent the enforced removal of prohibited conditions. (1995 Code, § 7-207)

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Chief to be assistant to state officer.
- 7-308. Destruction of property to prevent spread of fire.
- 7-309. Firemen to have the same authority as police officers.
- 7-310. Fire prevention inspection.

7-301. Establishment, equipment, and membership. There is hereby established a voluntary 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 such physically-fit subordinate officers and firemen as the chief shall appoint. (1995 Code, § 7-301)

7-302. Objectives. The volunteer fire department shall have as its objectives:

- (1) To prevent uncontrolled fires.
- (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. (1995 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the volunteer 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 volunteer fire department. (1995 Code, § 7-303)

¹Municipal code reference

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

7-304. 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 a written report on such matters to the town administrator once each month and at the end of the year a detailed annual report shall be made. The town administrator shall submit a report on those matters to the board of mayor and aldermen as the board of mayor and aldermen requires.

There shall be established by the Town of Dandridge a separate restrictive bank checking account for the volunteer fire department which shall be used solely and exclusively for fire department uses. All deposits into said account shall be received by the secretary-treasurer of the fire department and turned over to the town recorder for deposit. All checks written from said account will be accompanied by a purchase order signed by the chief, secretary-treasurer or other designee of the fire department and said check shall be co-signed by the chief, secretary treasurer or other designee of the chief, and the town recorder or other designee of the board of mayor and aldermen. At the end of each fiscal year, the balance of the volunteer fire department account shall not revert to the Town of Dandridge General Fund, but remain in said account and continue to roll over annually thereafter. Any other forms of account including, but not limited to, savings accounts, certificates of deposit, money market accounts, etc., shall be placed in the name of the fire department with withdrawals to be co-signed by the same parties authorized to co-sign checks. No money shall be transferred, loaned or pledged as security or collateral to the Town of Dandridge unless for specific volunteer fire department usage. (1995 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall be appointed by the town administrator after giving due consideration to a recommendation by the members of the volunteer fire department and shall hold office so long as his/her conduct and efficiency are satisfactory to the town administrator.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (Ord. #16/17-13, June 2017)

7-306. Chief responsible for training. The chief of the volunteer fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1995 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of *Tennessee Code Annotated*, § 68-102-108, the chief of the volunteer fire department is designated as an assistant to the state commissioner of commerce and 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. (1995 Code, § 7-307)

7-308. Destruction of property to prevent the spread of fire. During the progress of any fire, the fire fighters shall have the power to remove or destroy any property necessary to prevent the further spread of fire. (1995 Code, § 7-308)

7-309. Firemen to have the same authority as police officers. Firemen shall have the same powers and authority as police officers of the town while going to, attending, and returning from a fire, and enforcing parking prohibitions relating to fire hydrants. (1995 Code, § 7-309)

7-310. Fire prevention inspection. The fire chief, or his duly qualified assistant, shall inspect all buildings, except the interior of private dwelling houses, and all premises and public thoroughfares, at least once each year, to ascertain and cause to be corrected any condition that may ignite a fire. (1995 Code, § 7-310)

CHAPTER 4

VOLUNTEER FIRE DEPARTMENT COST RECOVERY

SECTION

- 7-401. Purpose of chapter.
- 7-402. Definitions.
- 7-403. Liability for cost.
- 7-404. Methods of enforcement.
- 7-405. Conflict with other laws.

7-401. Purpose of chapter. This chapter is intended to provide for recovery by the Town of Dandridge, Tennessee of unbudgeted cost incurred in response and recovery efforts related to motor vehicle accidents and fire incidents, disasters, and other large-scale events or accidents. In addition, it is intended to provide for cost recovery for damages to natural resources and government owned properties. (Ord. #09/10-12, April 2010)

7-402. Definitions. (1) Costs shall mean and include, but not be limited to those expenses incurred responding to each incident that would not have been incurred if there was no incident. These cost shall include equipment and operating costs of the fire department including salaries, consumables, training, apparatus, and equipment, both direct and indirect; including those for which funds are not provided in the town's fiscal budget.

(a) All costs incurred for each response to a motor vehicle accident or fire incident.

(b) All costs incurred for response, containment, and/or removal and disposal of hazardous materials or remedial actions to include costs associated with temporary storage of hazardous materials.

(c) All costs incurred for ensuring the safety of the public to include costs incurred for actions taken at the site of the motor vehicle accident or fire incident.

(d) Damages for injury to, destruction of, or loss of natural resources, as determined by the appropriate local, state, or federal agency, including the reasonable costs of assessing such injury, destruction, or loss resulting from a motor vehicle accident, fire incident or hazardous material incident.

(e) Health care costs for persons injured from a motor vehicle accident or fire incident, including all medical assessment and treatment provided by first responder, EMTs, and paramedics at the scene prior to ambulance transport, if necessary.

(f) Health care costs for persons or animals injured from a hazardous material incident or costs of any health effects study carried out as a necessity resulting from a hazardous material incident.

(g) All costs incurred for response and remedial actions to disasters and large-scale accidents or events to include, but not limited to, cost associated with capture, transport, and housing of animals; medical treatment of injured animals; etc.

(h) Labor including benefits, overtime, and administrative overhead for government employees.

(i) The costs of operating, maintaining, leasing, repairing, and replacing equipment, and any and all damage to equipment.

(j) Contract labor and equipment.

(k) Labor and equipment obtained by the Dandridge Volunteer Fire Department, its agencies or agents, and the municipalities.

(l) Materials, including but not limited to, medical supplies such as "C" collars, drug administration by trained first responders, EMTs, and/or paramedics.

(m) Materials, including but not limited to, absorbents, foams, dispersants, neutralization agents, over pack drums or containers, dart tranquilizers, euthanasia solutions, etc.

(n) Supervision of response.

(2) "Fire incident" shall mean a situation in which a structure, vehicle, or grass is on fire.

(3) "Hazardous materials" shall mean any substance or material defined, listed, characterized, or classified as a hazardous material, hazardous substance, hazardous waste, or toxic substance according to any or all of the following: title 40, Code of Federal Regulations part 261 (Identification and Listing of Hazardous Wastes); title 40, Code of Federal Regulations part 304.4 (Designation of Hazardous Substances); title 40, Code of Federal Regulations part 355, appendices A and B (List of Extremely Hazardous Substances); title 49, Code of Federal Regulations parts 172.101 and 172.102 (Hazardous Materials Table). (Ord. #09/10-12, April 2010, modified)

7-403. Liability for cost. (1) Any responsible party whose negligence causes a motor vehicle accident, fire incident, hazardous materials incident or any disaster or large-scale accident or event shall be liable for the payment of all reasonable and necessary extraordinary and unbudgeted costs incurred by the Dandridge Volunteer Fire Department, its agencies or agents, for response remediation of such incident.

(2) The Town of Dandridge will seek all available remedies at law, to include provisions of the chapter, against any parties responsible for any motor vehicle accident, fire incident, hazardous materials incident or any disaster or large-scale accident or event, to include those actions and remedies available under the U.S. Bankruptcy Code relating to such matters. (Ord. #09/10-12, April 2010)

7-404. Methods of enforcement. The Town of Dandridge may enforce these provisions by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus administrative collection costs, attorneys' fees, or for any other relief that may be appropriate. A certified copy of a judgment in favor of the county may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by such person(s) and such lien shall be coequal with the lien of all state and municipal taxes superior in dignity to all other liens, titles, and claims until paid or extinguished.

This chapter shall not prohibit the Town of Dandridge from pursuing any other remedy, whether civil or criminal, or from instituting any appropriate action or proceedings, including injunction in a court of competent jurisdiction. Nor shall the recovery of expenses under this chapter in any way release the various parties, or limit them, from legal liability incurred as a result of cleanup or abatement as defined under any local, state or federal rule or regulation.

Failure to pay all or any part of the costs incurred within sixty (60) days of the date of the invoice will result in a five percent (5%) late penalty on the unpaid fee each month or portion thereof until the invoice is paid. Penalties shall not exceed one-hundred percent (100%) of the original amount for costs incurred. The maximum penalty is five-hundred dollars (\$500.00). (Ord. #09/10-12, April 2010)

7-405. Conflict with other laws. Whenever the requirements or provisions of this chapter are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the more restrictive requirements shall apply. Further this chapter shall not restrict or replace cost recovery from funding sources available under state and federal regulations. (Ord. #09/10-12, April 2010)