

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be the area described as the central business district in the city's zoning ordinance. (1988 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
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7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code² 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted by reference and included as a part of this code excluding in its entirety chapter 20, "fireworks." Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, three (3) copies of the fire prevention code have been filed with the city recorder and are 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. (1988 Code, § 7-201, as amended by Ord. #400, May 2000, Ord. #472, Sept. 2006, Ord. #548, June 2011, and replaced by Ord. #555, Nov. 2011, and Ord. #579, Feb. 2016)

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. (1988 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 City of Dayton, Tennessee. (1988 Code, § 7-203)

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

7-204. Storage of explosives, flammable liquids, etc. (1) The district referred to in § 1901.4.2 of the fire prevention code, in which storage of explosives and blasting agents are prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(2) The district referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(3) The district referred to in § 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(4) The district referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in § 7-101 of this code. (1988 Code, § 7-204)

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. (1988 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the city council 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 city council. (1988 Code, § 7-206)

7-207. Modifications. Within said fire code, when reference is made to the duties of a certain official named therein, that designated official of the City of Dayton, Rhea County, Tennessee who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (Ord. #400, May 2000)

7-208. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard 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 modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause

for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1988 Code, § 7-207)

7-209. Repeal of conflicting provisions. Any matters in said code which are contrary to existing ordinances of the City of Dayton, Rhea County, Tennessee shall prevail and to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. #400, May 2000)

CHAPTER 3

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 and maintenance.

7-307. Chief to be assistant to state officer.

7-308. Fire protection fee.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city council. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of physically-fit subordinate volunteer officers and firemen as the city council shall appoint. (1988 Code, § 7-301)

7-302. 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 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. (1988 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, under the direction of the board of mayor and aldermen. (1988 Code, § 7-303)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel,

¹Municipal code reference

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

and work of the department. He shall submit a written report on such matters to the mayor as the mayor requires. The mayor shall submit such reports on these matters to the city council as the city council requires. (1988 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall have the authority to suspend any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor. However, only the city council shall dismiss either the fire chief or subordinate officers and firemen. (1988 Code, § 7-305)

7-306. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the fire fighters, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1988 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 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 fire prevention commissioner in the execution of the provisions thereof. (1988 Code, § 7-308)

7-308. Fire protection fee. There shall hereby be charged and collected by the City of Dayton a fire protection fee in the amount of two dollars (\$2.00) per month for each water meter in the city limits of Dayton, Tennessee, for a total of twenty-four dollars (\$24.00) per year for each water meter. The City of Dayton shall use as one (1) method of collection the monthly water bill for each water meter located within the city limits of Dayton, Tennessee. Said fire protection fee shall be separate from and not considered a part of the water bill. The revenue from the collection of said fire protection fee shall be deposited in a separate account designated for the sole use of the fire department. (as added by Ord. #515, Dec. 2008)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Restrictions on fire service outside city limits.

7-401. 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 owned 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 city council 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. Tennessee Code Annotated, § 12-9-101, et seq.¹
2. Tennessee Code Annotated, § 6-54-601.²

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.)

3. Tennessee Code Annotated, § 58-2-111(c).¹ (1988 Code, § 7-307)

¹State law reference

Tennessee Code Annotated, § 58-2-111(c) 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 damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Fireworks defined.
- 7-502. Manufacture, sale, and discharge.
- 7-503. Bond for fireworks display required.
- 7-504. Disposal of unfired fireworks.
- 7-505. Exceptions.
- 7-506. Seizure of fireworks.

7-501. Fireworks defined. "Fireworks" means and includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons that require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction, and any devices containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The word "fireworks" does not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns, or other devices for use of these caps. The sale and use of these items shall be permitted at all times. (1988 Code, § 7-401)

7-502. Manufacture, sale, and discharge. (1) The manufacture of fireworks is prohibited within the city.

(2) Except as hereinafter provided, it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks. The chief of the fire department, however, may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the chiefs of the police and fire department of the city, and shall be of such a character, and so located, discharged, or fired as in the opinion of the chief of the fire department, after proper inspection, is not hazardous to property or to persons.

(3) Application for permits shall be made in writing at least fifteen days in advance of the date of the display. After the permit has been granted, sale, possession, use, and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (1988 Code, § 7-402)

7-503. Bond for fireworks display required. The permittee shall furnish a bond in an amount deemed adequate by the chief of the fire department for the payment of all damages that may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees, or subcontractors. (1988 Code, § 7-403)

7-504. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (1988 Code, § 7-404)

7-505. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. (1988 Code, § 7-405)

7-506. Seizure of fireworks. The chief of the fire department or any police officer having knowledge thereof shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter. (1988 Code, § 7-406)