

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

1. FIRE CODE.
2. FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE TOWN LIMITS.
4. FIREWORKS.
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CHAPTER 1

FIRE CODE

SECTION

- 7-101. Fire code adopted.
- 7-102. Modifications.
- 7-103. Definition of "municipality."
- 7-104. Gasoline trucks.
- 7-105. Variances.
- 7-106. Violations and penalties.

7-101. 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 Uniform Fire Code (NFPA No. 1),¹ 2003 edition, as recommended by the National Fire Protection Association, 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 Uniform Fire Code has been filed with the city recorder and is available for public use and inspection. The Uniform Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

7-102. Modifications. The Uniform Fire Code adopted in § 7-201 above is modified by deleting therefrom section 1.10, titled Board of Appeals, in its entirety; § 7-105 below shall control appeals.

¹Copies of this code are available from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, MA 02269-9101.

7-103. Definition of "municipality." Whenever the word "municipality" is used in the uniform fire code herein adopted, it shall be held to mean the Town of Decatur, Tennessee.

7-104. 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.

7-105. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the uniform fire code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen.

7-106. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Uniform Fire 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 violation of any section of this chapter shall be punishable under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 2

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.

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

7-201. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of aldermen of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the board of aldermen and such number of physically-fit subordinate officers and firemen as chief shall appoint. (1970 Code, § 7-301)

7-202. 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. (1970 Code, § 7-302)

7-203. 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. (1970 Code, § 7-303)

7-204. Records and reports. The chief of the 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

¹Municipal code reference

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

the mayor once each month, and at the end of the year a detailed annual report shall be made. (1970 Code, § 7-304)

7-205. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of aldermen. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge 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 but may be dismissed only by the board of aldermen.

All personnel of the fire department shall receive such compensation for their services as the board of aldermen may from time to time prescribe. (1970 Code, § 7-305)

7-206. Chief responsible for training. The chief of the 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. (1970 Code, § 7-306)

7-207. 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. (1970 Code, § 7-308)

CHAPTER 3

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

7-301. Restrictions on fire service outside town limits.

7-301. Restrictions on fire service outside town limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the town limits unless the fire is on town property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the town as to endanger the town property, or unless the board of mayor and aldermen has developed policies for providing emergency services outside of the town limits or entered into a contract or mutual aid agreement, or is otherwise acting pursuant to the authority of:

(1) The Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004, Tennessee Code Annotated, § 58-8-101, et seq.¹

¹State law reference

Tennessee Code Annotated, § 58-8-101, et seq., authorizes municipalities to respond to requests from other governmental entities affected by situations in which its resources are inadequate to handle. The act provides procedures and requirements for providing assistance. No separate mutual aid agreement is required unless assistance is provided to entities in other states, but a municipality may, by resolution, continue existing agreements or establish separate agreements to provide assistance. Assistance to entities in other states is still provided pursuant to Tennessee Code Annotated, § 12-9-101, et seq. "Assistance" is defined in the act as "the provision of personnel, equipment, facilities, services, supplies, and other resources to assist in firefighting, law enforcement, the provision of public works services, the provision of emergency medical care, the provision of civil defense services, or any other emergency assistance one governmental entity is able to provide to another in response to a request for assistance in a municipal, county, state, or federal state of emergency."

- (2) Tennessee Code Annotated, § 12-9-101, et seq.¹
- (3) 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.)

CHAPTER 4

FIREWORKS

SECTION

7-401. Fireworks prohibited.

7-401. Fireworks prohibited. (1) It shall be unlawful for any person, firm, or corporation to sell, offer for sale, give away, or exchange any fireworks, firecrackers, cannon crackers, roman candles, or pyrotechnics of any kind within the corporate limits.

(2) It shall be unlawful for any person to ignite, discharge, or throw any fireworks, firecrackers, cannon crackers, roman candles, or pyrotechnics of any kind upon the streets, alleys, sidewalks, public squares, public places, business establishments, private structures, motor vehicles, or pedestrians or to alarm or injure persons or impede the free passage of pedestrians, motor vehicles, or any other type of vehicle.

(3) A nationally recognized non-profit civic organization may hold a fireworks display if the organization has a State of Tennessee pyrotechnic permit to display fireworks; an insurance policy of one million dollars (\$1,000,000), with the Town of Decatur as an additional insured to be held harmless from liability; and supervision by personnel trained in the display of fireworks. (1970 Code, § 7-108, as amended by Ord. #61, June 1987)

CHAPTER 5

OPEN BURNING

SECTION

- 7-501. Purpose.
- 7-502. Permit required, etc.
- 7-503. Permit application.
- 7-504. Authority to suspend permit/burning.
- 7-505. Compliance with chapter.
- 7-506. Exemptions.
- 7-507. Unauthorized burning prohibited.
- 7-508. Violation and penalty.

7-501. Purpose. The purpose of this chapter is to prevent fires that may be hazardous to life and property, eliminate potentially dangerous accumulations of combustible materials and to assist the city in eliminating unlawful, unnecessary and indiscriminate burning.

7-502. Permit required, etc. (1) No open burning shall be permitted within the Town of Decatur without a permit, except as provided in § 7-506.

(2) A permit may be issued at no charge pursuant to this chapter for the destruction of leaves, grass, and other natural vegetation which has been cut and stacked, or raked, as a result of single residential yard clean-up.

7-503. Permit application. (1) To obtain a permit required by this chapter, the applicant shall apply to the recorder either in person or by telephone no more than twenty-four (24) hours before the fire, and shall state:

- (a) The type of materials to be burned.
- (b) The location of the fire.
- (c) The individual(s) designated as being responsible for controlling the fire.

(d) That he or she will follow all outdoor burning regulations contained in this code, that no outdoor burning shall be left unattended or permitted later than one hour after sunset, and that protection against fire spread will be provided in a manner approved by the fire chief or his designee.

(2) Applicants applying in person will be issued a permit number in writing by the recorder upon approval of the application. Telephone applicants, upon approval, will be issued a permit number orally. Permit numbers shall be provided upon request by the fire chief or his designee throughout the period of time the permit is issued and while the open burning is in progress.

7-504. Authority to suspend permit/burning. (1) Regardless of any established permit period, the fire chief or his designee shall have the authority

to forbid, restrict or suspend any and all burning or cancel any permit upon determining that weather or other conditions are unfavorable or hazardous for outdoor fires.

(2) The fire chief or his designee in granting or denying such permission, shall take into consideration the atmospheric conditions, the site of the proposed burning in relation to proximate structures, the availability of fire suppression equipment at the site, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous.

7-505. Compliance with chapter. (1) The person to whom the permit is issued shall be the person responsible for any consequences of action for any damages, injuries or claims resulting from such burning or for responsibility of obtaining any other permit that may be required.

(2) A garden hose and water supply or other fire extinguishing equipment must be on hand and a competent person in constant attendance until all fire has been extinguished.

(3) The location of the fire shall not be less than 50 ft. from any structure and adequate provision shall be made to prevent fire from spreading within 50 ft. of any structure.

7-506. Exemptions. The following type of outdoor fires are exempt from the permit process:

- (1) Contained cooking fires;
- (2) Fire in outdoor fire pits or fireplaces;
- (3) Open fires for the training and instruction of fire fighting personnel;
- (5) Heating on construction projects, provided the burning is in a suitable metal container.

7-507. Unauthorized burning prohibited. The open burning of any garbage, trash, rubbish, construction debris, waste material, or any other type of combustible material by any person, firm or corporation is hereby prohibited, except as provided in this chapter.

7-508. Violation and penalty. The violation of any provision of this chapter is punishable under the general penalty provision of this municipal code. Each day a violation is allowed to continue shall constitute a separate offense.