

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Reserved.

7-101. Reserved. (Ord. #51-8, June 2015)

¹Municipal code reference

Building, utility and residential codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

7-201. Fire code adopted.

7-202. Revisions.

7-203. Geographic limits.

7-204. Severability.

7-201. Fire code adopted. That a certain document being marked and designated as the International Fire Code,² 2018 edition, excluding all appendixes, as published by the International Code Council, be and is hereby adopted as the fire code of the City of Elizabethton, in the State of Tennessee, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code, on file in the office of the fire marshal, are hereby referred to, adopted, and made a part hereof, as if fully set out in this municipal code, with the additions, insertions, deletions and changes, if any, prescribed in § 7-202 of this chapter. (Ord. #51-8, June 2015, as replaced by Ord. #54-35, Oct. 2018 *Ch1_12-13-18*, and Ord. #57-10, March 2021 *Ch2_03-11-21*)

7-202. Revisions. That the following sections are hereby revised:

Section 101.1. Insert: "City of Elizabethton"

Section 109. Delete and Add: "This Section shall be replaced by Title 12, Chapter 12, of the Elizabethton Municipal Code".

Section 110.4. Insert: "Class B Misdemeanor"; "50.00 dollars"; "30 days"

Section 112.4. Insert : "50.00 dollars"; "50.00 dollars"

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.

Section 202. Mobile Food Preparation Vehicles. Insert "trailers or any mobile enclosed structure" after "Vehicles" and before "that".

Section 307.1.1. Open Burning shall be prohibited within the City Limits of the City of Elizabethton.

Exceptions:

- (1) A recreation fire, as defined by this Code, shall be allowed so long as atmospheric conditions or local circumstances do not make such fires hazardous. The Fire Department may extinguish any fire at any time they deem it necessary.
- (2) Commercial businesses who must burn as a part of their business operations and are located in a non-residential area, unless atmospheric conditions or local circumstances make such fires hazardous. Businesses must obtain an annual Commercial Burn Permit from the Fire Marshal. Fires must be contained and separated from any combustible materials a distance necessary to prevent the accidental spread of fire. A means of extinguishing the fire must be readily accessible. The Fire Department may extinguish any fire at any time they deem it necessary.

Section 319. Insert new subsection "319 .11" Separation.

Mobile food preparation vehicles shall be separated from buildings, other mobile food preparation vehicles and combustibles by a minimum of 20 feet."

Section 503 .4. Insert: "for more than one (1) minute" after "parking of vehicles" and before " . "

Section 1103.5.3. Insert: "Upon adoption of this Ordinance". (Ord. #51-8, June 2015, as replaced by Ord. #54-35, Oct. 2018 *Ch1_12-13-18*, amended by Ord. #55-31, Nov. 2019 *Ch2_03-11-21*, and replaced by Ord. #57-10, March 2021 *Ch2_03-11-21*)

7-203. Geographic limits. That the geographic limits referred to in certain sections of the 2018 International Fire Code are hereby established as follows:

Section 5704.2.9 .6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): "To be determined by the jurisdiction having authority."

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): "To be determined by the jurisdiction having authority."

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): "To be determined by the jurisdiction having authority."

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): "To be determined by the jurisdiction having authority." (Ord. #51-8, June 2015, as replaced by Ord. #54-35, Oct. 2018 *Ch1_12-13-18*, and Ord. #57-10, March 2021 *Ch2_03-11-21*)

7-204. Severability. If any section, subsection, sentence clause or phrase of this legislation or adopted code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Elizabethton City Council hereby declares that it would have passed this municipal code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. #51-8, June 2015)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Composition and apparatus, etc.
- 7-302. Administration.
- 7-303. Records and reports.
- 7-304. Police powers.
- 7-305. Policy in regard to fire calls outside the city.

7-301. Composition and apparatus, etc. The fire department shall be composed of such subordinate officers and personnel and have such apparatus and equipment as the city council may from time to time direct and/or authorize upon the recommendation of the city manager. Timely recommendations shall be made to the council to insure that the department is at all times equipped with such apparatus, equipment, and personnel as may be required to maintain its efficiency in properly protecting life and property from fire. (2000 Code, § 7-301)

7-302. Administration. The chief shall formulate a set of rules and regulations to govern the fire department and shall be responsible to the city manager for the personnel, morale, and general efficiency of the department.

All subordinate officers and personnel of the department shall be accountable to the chief and to him only. (2000 Code, § 7-302)

7-303. Records and reports. The chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel, and other information about the work of the department.

He shall report monthly to the city manager the condition of the apparatus and equipment; the number of fires during the month, their location and cause, the date of same, and the loss occasioned thereby; the number and purpose of all other runs made; and the apparatus and number of personnel making each fire or other run.

The chief shall make a complete annual report to the city manager within one (1) month after the close of the fiscal year. Such report shall include a summary of the monthly reports together with comparative data for previous years and recommendations for improving the effectiveness of the department. (2000 Code, § 7-303)

¹Municipal code reference

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

7-304. Police powers. All members of the fire department are hereby appointed as special policemen and are vested with such police powers as are reasonably necessary to enable them properly and efficiently to protect life and property from fire within the city. (2000 Code, § 7-304)

7-305. Policy in regard to fire calls outside the city. Fire calls outside the city will be answered only as authorized by a mutual aid agreement. (2000 Code, § 7-305)

CHAPTER 4**FIREWORKS****SECTION**

7-401. Fireworks.

7-402. Penalties.

7-403.--7-412. Deleted.

7-401. Fireworks. It shall be unlawful for any person, firm, or corporation to possess, manufacture, store, distribute, offer for sale, sell at retail, or use or explode any fireworks, including all consumer fireworks that are defined as Division 1.4G materials.

The fire marshal shall permit the use of fireworks for public or private displays when all of the provisions of NFPA 1123, Code for Fireworks Display, 2014 edition, published by the National Fire Protection Association, and all provisions of Tennessee Code Annotated, § 68-104-211 are met and after all necessary permits have been issued. Every such use or display shall be handled by a competent operator approved by the fire marshal and shall be of such character and so located, discharged, or fired so as not to be hazardous to property or endanger any person. (2000 Code, § 7-401, as replaced by Ord. #53-20, Sept. 2017 *Ch1_12-13-18*)

7-402. Penalties. Any violation of this chapter is a violation of city ordinance punishable by a fine of fifty dollars (\$50.00) and an assessment of court costs of fifty dollars (\$50.00). (2000 Code, § 7-402, as replaced by Ord. #53-20, Sept. 2017 *Ch1_12-13-18*)

7-403.--7-412. Deleted. (2000 Code, § 7-412, as deleted by Ord. #53-20, Sept. 2017 *Ch1_12-13-18*)