

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.
6. ESTABLISHMENT AND COLLECTION OF FIRE AND SERVICE RESCUE FEES.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire district described.

7-101. Fire district described. The corporate fire district shall be as follows:

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Open burning.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations and penalties.

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 Standard Fire Prevention Code,² 1994 edition, as recommended by the Southern Standard Building Code Congress International, Inc. 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 city 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.

7-202. Open burning. It is hereby declared to be unlawful for any resident citizen of the City of Elkton to burn trash, debris, building materials or maintain any open fire within the corporation limits of the City of Elkton unless such person shall make application to the fire chief whose duty it shall be to go to the scene of the proposed open burning and see that precautionary measures are taken during the time of the burning and, if necessary, and the amount to be burned is large enough, to have appropriate fire equipment and personnel on the scene. If an accidental fire results from the owner or the person applying for the open burn permit, they shall pay to the fire department the cost for personnel, labor and equipment a fee of two hundred fifty dollars (\$250.00). Any violation hereof shall be punishable by a fine not exceeding fifty dollars (\$50.00) for each occurrence. (as replaced by Ord. #13-07, Sept. 2007)

¹Municipal code reference
Building, utility and housing codes: title 12.

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

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 Elkton, Tennessee.

7-204. Storage of explosives, flammable liquids, etc. (1) The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is 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.

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.

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.

7-207. 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 violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. 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 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 and maintenance.
- 7-307. Chief to be assistant to state officer.
- 7-308. Clothing furnished by city.
- 7-309. Police powers.
- 7-310. Prohibitions of fire department members.

7-301. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations of the board of mayor and aldermen. 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, shall be turned over to and become the property of, the city and the city shall use such funds in the equipping of the fire department. Any and all gifts to the volunteer fire department shall be turned over to, and become the property of, the city. 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 board of mayor and aldermen, and such number of physically-fit subordinate officers and firemen as the fire chief shall appoint.

7-302. 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.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.

¹Municipal code reference

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

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 formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department.

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 such written reports on those matters to the mayor as the mayor requires. The mayor shall submit reports on those matters to the board of mayor and aldermen, as the board of mayor and aldermen requires.

7-305. 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 suspended for up to thirty (30) days by the mayor, but may be dismissed only by the board of mayor and aldermen.

Every member of the fire department who attends and assists a fire shall receive for said service, the sum of ten dollars (\$10.00) for each fire call. They also shall receive a sum of two dollars (\$2.00) for each and every drill attended. In addition, the fire chief shall be paid seventy-five dollars (\$75.00) per month. (as replaced by Ord. #III-01, Aug. 2001)

7-306. 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 mayor and aldermen.

7-307. 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.

7-308. Clothing furnished by city. The City of Elkton will furnish to the members of the said fire department suitable clothing and fire helmets to be worn at fires, drills and on duty only. Said clothing to be and remain the property of the City of Elkton. (Ord. #3-80, Oct. 1980, modified)

7-309. Police powers. The chief shall be authorized to exercise police powers at times of fire and to summon to his assistants such additional help as

he may deem necessary to control the fire. The chief of said fire department shall be and is hereby authorized to enforce all fire prevention ordinances contained in the City of Elkton Code of Laws. (Ord. #3-80, Oct. 1980)

7-310. Prohibitions of fire department members. Any member of the fire department may be dropped from the roll for any of the following reasons:

- (1) Intoxication.
 - (2) Any act of insubordination.
 - (3) Neglect or disobedience of orders.
 - (4) Immoral conduct.
 - (5) Any violation of the rules and regulations governing the department.
 - (6) Acting in an official capacity without being authorized to do so.
- (Ord. #3-80, Oct. 1980, modified)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Equipment and personnel to be used only within corporate limits.

7-402. Fire protection outside corporate limits.

7-401. Equipment and personnel to be used only within corporate limits. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property, or is authorized by mutual aid agreement.

7-402. Fire protection outside corporate limits. As compensation for responding to calls under mutual aid or by contract for fire protection outside the corporate limits, the City of Elkton shall charge the owner(s) of the property for which the protection is rendered or the party requesting the services, the sum of \$250.00. (Ord. #II-87, July 1987, modified)

CHAPTER 5**FIREWORKS****SECTION**

7-501. Shooting unlawful except on private property.

7-502. Violation.

7-501. Shooting unlawful except on private property. It shall be unlawful for any person to shoot fireworks in the City of Elkton or on public streets, except it be on his own premises. (Ord. #X, 1972, Dec. 1972)

7-502. Violation. Any person violating this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$50.00. (Ord. #X, 1972, Dec. 1972)

CHAPTER 6

ESTABLISHMENT AND COLLECTION OF FIRE AND RESCUE SERVICE FEES

SECTION

7-601. Service fees and charges.

7-602. Collection of fees.

7-601. Service fees and charges. The following fees and charges are hereby authorized and approved for services rendered by the Elkton Fire Department:

MOTOR VEHICLE RESPONSE

Level I response: \$435.00

May include some or all of the following: MVA driver/passenger/pedestrian injury assessment, patient evaluation, patient stabilization, and/or basic or advanced life support until victim is transported, if required. Also, may include scene safety, traffic control, and fire suppression standby.

Level II response: \$1835.00

Extrication in addition to the above services.

Level III response: \$2126.00

Landing zone command and control in addition to level I and/or level II services.

STRUCTURAL FIRE SUPPRESSION

Heavy apparatus: \$150.00 per hour

Includes engines, aerials, rescues, air/light units, etc.

Light apparatus: \$100.00 per hour

Includes brush units, support vehicles, etc.

Command staff vehicles: \$50.00 per hour

Includes battalion buggies, EMS supervisors, etc.

HAZARDOUS MATERIALS AND OTHER INCIDENTS

May be billed at the same rates for the apparatus a structural fire suppression with an additional itemized bill for materials used. (as added by Ord. #5, May 2006)

7-602. Collection of fees. The mayor be and is hereby authorized and directed to enter into a written agreement with Covenant Billing Corporation to collect such fees on behalf of the City of Elkton. The city clerk shall deposit such fees in the Elkton Fire Department fund to be used to purchase equipment, supplies, training, and other services used in the operation of the Elkton Fire Department. (as added by Ord. #5, May 2006)