

TITLE 7**FIRE PROTECTION AND FIREWORKS¹****CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT
4. ON-CALL PART-TIME FIREFIGHTERS.
5. FIRE SERVICE OUTSIDE CITY LIMITS.
6. FIREWORKS.

CHAPTER 1**FIRE DISTRICT****SECTION**

7-101. Fire limits described.

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

Beginning at the corner of Wilder Avenue and Wheeler Street, then East on Wheeler Street to the corner of Wheeler Street and Gateway Avenue, then South on Gateway Avenue to the corner of Gateway Avenue and Rathburn Street; then West on Rathburn Street to the corner of Rathburn Street and Wilder Avenue; then North on Wilder Avenue to the corner of Wilder Avenue and Wheeler Street, the point of beginning. (1970 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.
- 7-203. Modifications.
- 7-204. Available in recorder's office.
- 7-205. Definition of "municipality."
- 7-206. Storage of explosives, flammable liquids, etc.
- 7-207. Gasoline trucks.
- 7-208. Location of gasoline pumps and tanks, etc.
- 7-209. Obstructions around fire hydrants.
- 7-210. Variances.
- 7-211. Violations and penalties.

7-201. Fire code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating exits, egress capacity, stairways, fire escapes, travel distances to egress, and special locking arrangements in places of assembly occupancies in any building or structure, the International Fire Code,² 2018 edition, including all appendixes and subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of the Rockwood Municipal Code as fully as if copied verbatim, and is hereby referred to as the fire code for the City of Rockwood, in the State of Tennessee.

All references to International Fire Code, 2012 edition, or to any other fire code, and all other ordinances of the City of Rockwood are hereby amended to refer to International Fire Code, 2018 edition, only. (1970 Code, § 7-201, modified, as replaced by Ord. #11-68, April 2013, Ord. #12-28, Feb. 2017, and Ord. #12-56, Feb. 2019 *Ch3_6-18-19*)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the building code and fire inspector. (1970 Code, § 7-202, modified, as replaced by Ord. #11-68, April 2013)

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

7-203. Modifications. The following sections are hereby revised to read as follows:

(1) **Definitions.** Whenever the words "Building Official" are used in the fire code, they shall refer to the person designated by the board of mayor and council to enforce the provisions of the fire code. (1970 Code, § 7-203, as replaced by Ord. #11-1135, Oct. 2010 and Ord. #11-68, April 2013)

7-204. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1970 Code, § 7-204, as replaced by Ord. #11-68, April 2013)

7-205. 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 Rockwood, Tennessee. (1970 Code, § 7-205, as replaced by Ord. #11-68, April 2013)

7-206. Storage of explosives, flammable liquids, etc. (1) The limits referred to in the fire 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.

(2) The limits referred to in the fire 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.

(3) The limits referred to in the fire 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.

(4) The limits referred to in the fire 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. (1970 Code, § 7-206, as replaced by Ord. #11-68, April 2013)

7-207. 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. (1970 Code, § 7-207, as replaced by Ord. #11-68, April 2013)

7-208. Location of gasoline pumps and tanks, etc. It shall be unlawful for any person to erect, install, maintain, use or operate within, upon, or under any street, sidewalk, or public right of way within the city any tank, pump, pipe line or other apparatus, equipment, or machinery for the sale, distribution, or storage of gasoline, kerosene, lubricating oil, or any other volatile or inflammable liquid. (as replaced by Ord. #11-68, April 2013)

7-209. Obstructions around fire hydrants. It shall be unlawful for any person to erect or maintain any sign or other obstruction of any kind or character within ten feet (10') of any fire hydrant. (as replaced by Ord. #11-68, April 2013)

7-210. Variances. The building code and fire inspector 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. (as replaced by Ord. #11-68, April 2013)

7-211. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the 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 council of the municipality or by a court of competent jurisdiction, within the time fixed herein. Each day a violation is allowed to continue shall constitute a separate offense. 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. (as added by Ord. #11-68, April 2013)

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. Chief responsible for training and maintenance.

7-306. Chief to be assistant to state officer.

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 subordinate officers and firemen as the city council shall appoint.

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.

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 city council.

7-304. 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 such written reports on those matters to the mayor as the mayor requires. The mayor shall submit a report on those matters to the city council as they may require.

¹Municipal code reference

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

7-305. 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 city council.

7-306. 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.

CHAPTER 4

ON-CALL PART-TIME FIREFIGHTERS¹

SECTION

- 7-401. Establishment, equipment, and membership.
- 7-402. Objectives.
- 7-403. Organization, rules, and regulations.
- 7-404. Tenure of members.

7-401. Establishment, equipment, and membership. This is hereby established an on-call part-time firefighters section of the regular full-time Rockwood Fire Department to e supported and equipped from appropriations by the city council. The on-call part-time firefighters would respond as called upon by the fire chief or his representative. (1970 Code, § 7-301, as replaced by Ord. #05-1074, Dec. 2004)

7-402. Objectives. The on-call firefighters shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property in case a fire does start.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires. (1970 Code, § 7-302, as replaced by Ord. #05-1074, Dec. 2004)

7-403. Organization, rules, and regulations. The fire chief shall set up the organization of the Rockwood Fire Department to enhance the capabilities of the regular fire department and enforce such rules and regulations as shall be necessary for he orderly and efficient operation of the on-call part-time firefighters.² (1970 Code, § 7-303, as replaced by Ord. #05-1074, Dec. 2004)

7-404. Tenure of members. The fire chief shall be responsible to the Rockwood City Council for the conduct and efficiency of the on-call part-time firefighters. The fire chief shall have the authority to discharge any member upon recommendation or consent of the mayor. (1970 Code, § 7-305, as replaced by Ord. #05-1074, Dec. 2004)

¹Municipal code reference

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

²Standard operating procedures and application form are available in the city recorder's office.

CHAPTER 5

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-501. Restrictions on fire service outside city limits.

7-501. 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 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) The Local Government Emergency Assistance Act of 1987, as amended, codified in Tennessee Code Annotated, § 58-2-601, et seq.¹

¹State law references

Tennessee Code Annotated, § 58-2-601, et seq., as amended by Public Acts 1988, Ch. 499, 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

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- (2) Tennessee Code Annotated, § 12-9-101, et seq.¹
 (3) Tennessee Code Annotated, § 6-54-601.²

(...continued)

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.

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 6

FIREWORKS

SECTION

- 7-601. Definition.
- 7-602. Manufacture, sale, and discharge of fireworks.
- 7-603. Bond for fireworks display required.
- 7-604. Disposal of unfired fireworks.
- 7-605. Exceptions.
- 7-606. Seizure of fireworks.

7-601. Definition. "Fireworks" shall mean and include 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 shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, 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, except that the term "fireworks" shall 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 such caps, the sale and use of which shall be permitted at all times. (1970 Code, § 7-401)

7-602. Manufacture, sale and discharge of fireworks.

- (1) The manufacture of fireworks is prohibited within the city.
- (2) It shall be lawful to store, offer for sale, expose for sale, and sell at retail, fireworks, (as defined in § 7-601 definition), under the following conditions:
 - (a) The vendor shall possess and provide copies of any and all required federal and state permits and licenses prior to obtaining a city permit;
 - (b) The vendor shall possess or obtain a city business license;
 - (c) If the vendor is a "transient vendor," as defined in Tennessee Code Annotated, § 67-4-702 (any person who brings into temporary premises and exhibits stocks or merchandise to the public.....premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months) (Tennessee Code Annotated, § 67-4-702), said transient vendor shall pay a tax of fifty dollars (\$50.00) for each fourteen (14) day period of operation, for each site;

(d) All vendors shall apply for and obtain an annual "fireworks vending permit" in the amount of five hundred dollars (\$500.00) for each site;

(e) All fees and taxes are payable in advance;

(f) The recorder may waive the fee for the "fireworks vending permit" if the vendor satisfies the city that he is a non-transient vendor.

The recorder shall have power to grant 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 chief of the fire department of the city, and shall be of such a character, and be so located, discharged, or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or dangerous to any person.

(3) Applications for permits shall be made in writing in advance of the date of the display. After such privilege shall have been granted, the sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (1970 Code, § 7-402, as amended by Ord. #04-1071, Aug. 2004)

7-603. Bond for fireworks display required. The permittee shall furnish a bond in an amount deemed adequate by the recorder for the payment of all damages which 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. (1970 Code, § 7-403)

7-604. 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. (1970 Code, § 7-404)

7-605. Exceptions. Nothing in this chapter shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped directly out of the city; or 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. (1970 Code, § 7-405)

7-606. Seizure of fireworks. Policemen and firemen 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. (1970 Code, § 7-406)