

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

1. FIRE CODE.
2. FIRE DEPARTMENT.
OR VOLUNTEER FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE CITY/TOWN LIMITS.

CHAPTER 1

FIRE CODE¹

SECTION

- 7-101. Fire code adopted.
- 7-102. Enforcement.
- 7-103. Modifications.
- 7-104. Gasoline trucks.
- 7-105. Variances.
- 7-106. Available in recorder's office.
- 7-107. Violations and penalty.

7-101. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the *International Fire Code*,² [2015/2018] edition, and *NFPA 101 Life Safety Code*,³ [2018/2021] edition, and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the fire code. Said fire code is shall be controlling within the corporate limits.

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.

³Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

7-102. Enforcement. The fire 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.

7-103. Modifications. The fire code herein adopted is modified by:

(1) _____

(2) _____

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 commissioners variances from the provisions of the 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 commissioners.

7-106. 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.

7-107. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

FIRE DEPARTMENT¹

[TO BE USED FOR FIRE DEPARTMENTS IN WHICH THE BOARD OF COMMISSIONERS EXERCISES EXTENSIVE AUTHORITY. IF THE CITY/TOWN HAS A VOLUNTEER FIRE DEPARTMENT, SEE THE ALTERNATIVE CHAPTER 2 FOLLOWING THIS CHAPTER.]

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 and maintenance.
- 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 commissioners. All apparatus, equipment, and supplies shall be purchased by or through the city/town and shall be and remain the property of the city/town. The fire department shall be composed of a chief and such number of subordinate officers and firemen as the board of commissioners shall appoint.

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.

[ALTERNATIVELY IF THE CITY/TOWN WISHES TO LIST THE FOLLOWING EXPANDED OBJECTIVES, USE THE FOLLOWING § 7-202.]

7-202. Objectives. The fire department shall have as its objectives:

¹Municipal code reference

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

- (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) To provide code enforcement and building inspections as directed by the city within adopted codes and ordinances.
- (8) To serve as the emergency management agency of the city.
- (9) To protect the health and safety of the citizens from the transportation, storage, and/or manufacture of hazardous materials to the extent possible that the level of equipment and training will allow.
- (10) To work with the water department to insure that adequate water supplies for fire protection are available.
- (11) To provide public fire and safety education materials and information to the citizens in order that they may protect themselves from harm, and to reduce the risk of fire in the community.

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, under the direction of the board of commissioners.

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 such written reports on those matters to the mayor as the mayor requires. The chief shall submit a report on those matters to the mayor or the board of commissioners as they may require.

All personnel of the fire department shall receive compensation for their services as prescribed by the board of commissioners.

7-205. 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. The chief and fire department personnel shall be dismissed only in accordance with charter provisions and personnel policies adopted by the board of commissioners.

7-206. 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 commissioners.

7-207. 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 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 commissioner in the execution of the provisions thereof.

CHAPTER 2

VOLUNTEER FIRE DEPARTMENT¹

[TO BE USED FOR VOLUNTEER FIRE DEPARTMENTS IN WHICH THE FIRE CHIEF EXERCISES EXTENSIVE AUTHORITY.]

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

7-201. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations of the board of commissioners. 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, and any gifts to the volunteer fire department shall be turned over to and become the property of, the city/town and the city/town shall use such funds in the equipping of the volunteer fire department. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the city/town and shall be and remain the property of the city/town. The volunteer fire department shall be composed of a chief appointed by the board of commissioners, and such number of subordinate officers and firemen as the fire chief shall appoint. **[Subject to approval by the board of commissioners.]**

7-202. 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.

[ALTERNATIVELY IF THE CITY/TOWN WISHES TO LIST THE FOLLOWING EXPANDED OBJECTIVES, USE THE FOLLOWING § 7-202.]

7-202. 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.
- (7) To provide code enforcement and building inspections as directed by the city within adopted codes and ordinances.
- (8) To serve as the emergency management agency of the city.
- (9) To protect the health and safety of the citizens from the transportation, storage, and/or manufacture of hazardous materials to the extent possible that the level of equipment and training will allow.
- (10) To work with the water department to insure that adequate water supplies for fire protection are available.
- (11) To provide public fire and safety education materials and information to the citizens in order that they may protect themselves from harm, and to reduce the risk of fire in the community.

7-203. 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. **[under such rules and regulations as the board of commissioners may prescribe.]**

7-204. 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 or to the board of commissioners as they may require.

7-205. 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 commissioners.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of commissioners may from time to time prescribe.

7-206. 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 commissioners.

7-207. 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 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 commissioner in the execution of the provisions thereof.

CHAPTER 3

FIRE SERVICE OUTSIDE CITY/TOWN LIMITS

[TO BE USED IF THE CITY/TOWN PROVIDES OUTSIDE FIRE SERVICE. IF FIRE SERVICE OUTSIDE CITY/TOWN LIMITS IS PROHIBITED, SEE THE ALTERNATIVE CHAPTER 3 FOLLOWING THIS CHAPTER.]

SECTION

7-301. Fire service outside city/town limits.

7-301. Fire service outside city/town limits. The board shall have full power and authority to authorize the use of the city's/town's fire-fighting equipment and personnel outside the corporate limits to suppress and extinguish fires subject to such conditions and limitations of such action as the board may impose pursuant to the authority of:

(1) *Tennessee Code Annotated*, § 58-8-101, *et seq.*, the Mutual Aid and Emergency Disaster Assistance Agreement Act of 2004, which 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 (1) 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.*, the Interlocal Cooperation Act, which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

(3) *Tennessee Code Annotated*, § 6-54-601, which authorizes municipalities to:

(a) 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.

(b) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide such communities with firefighting assistance.

(c) Provide fire protection outside their city/town 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 3

FIRE SERVICE OUTSIDE CITY/TOWN LIMITS

[TO BE USED IF FIRE SERVICE OUTSIDE THE CORPORATE CITY/TOWN LIMITS IS PROHIBITED.]

SECTION

7-301. Equipment and personnel to be used only within corporate limits.

7-301. 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/town property or, in the opinion of the chief of the fire department, **[or the city/town manager, etc.]** is in such hazardous proximity to property owned by or located within the city/town as to endanger the city/town property.