

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The fire limit boundaries shall be the area designated on the official zoning map as being the Commercial-C zoning district. (1978 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2**FIRE CODE**¹**SECTION**

7-201. Fire code adopted.

7-202. Definitions.

7-203. Code amended.

7-204. Gasoline trucks.

7-205. New materials, processes, occupancies.

7-206. Violations, penalties.

7-207. Appendices adopted.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-509 and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the International Fire Code, 2018 edition, as developed and published by International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the fire code. (Ord. #95-682, Jan. 1996, as amended by Ord. #05-796, Dec. 2005, Ord. #13-873, April 2013, Ord. #17-908, Oct. 2017 *Ch13_12-18-18*, and Ord. #22-943, Jan. 2022 *Ch14_04-21-22*)

7-202. Definitions. (1) Wherever the word "municipality" is used in the fire prevention code, it shall be held to mean Sparta, Tennessee.

(2) Wherever the term "corporation counsel" is used in the fire prevention code, it shall be held to mean the attorney for the municipality. (1978 Code, § 7-202)

7-203. Code amended. The provisions of section 108 of the 2018 International Fire Code, Board of Appeals, are excluded from adoption under the provisions of this chapter. (Ord. #95-682, Jan. 1996, as amended by Ord. #05-796, Dec. 2005, Ord. #13-873, April 2013, Ord. #17-908, Oct. 2017 *Ch13_12-18-18*, and Ord. #22-943, Jan. 2022 *Ch14_04-21-22*)

7-204. 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. (1978 Code, § 7-206)

¹Municipal code reference

Building, utility and residential codes: title 12.

7-205. New materials, processes, occupancies. The mayor, city administrator, and the fire inspector shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The fire chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (1978 Code, § 7-207, as amended by Ord. #13-873, April 2013, and Ord. #17-908, Oct. 2017 *Ch13_12-18-18*)

7-206. Violations, penalties. Any person who shall violate any of the provisions of this chapter or the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall 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 who shall 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, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in the general penalty clause of the adopting ordinance. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (1978 Code, § 7-208)

7-207. Appendices adopted. The following appendices of the 2018 International Fire Code are hereby adopted:

APPENDIX B. Fire-Flow Requirements for Buildings
 APPENDIX C. Fire Hydrant Locations and Distribution
 APPENDIX D Fire Apparatus Access Roads
 APPENDIX E. Hazard Categories
 APPENDIX F. Hazard Ranking
 APPENDIX G Cryogenic Fluids-Weight and Volume Equivalents
 APPENDIX H Hazardous Materials Management Plan (HMMP)
 and Hazardous Materials Inventory Statement
 (HMIS) Instructions

APPENDIX I Fire Protection Systems-Non Compliant Conditions
 APPENDIX J. Emergency Responder Radio Coverage

(as added by Ord. #13-873, April 2013, and amended by Ord. #17-908, Oct. 2017 *Ch13_12-18-18*, and Ord. #22-943, Jan. 2022 *Ch14_04-21-22*)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Department created; composition.
- 7-302. Municipality not liable for injury, death of firemen.
- 7-303. Qualifications of chief; term, removal.
- 7-304. Assistant chief and company officers.
- 7-305. Certification, approval of applicants.
- 7-306. Special training for engineers, drivers.
- 7-307. Clothing for firemen.
- 7-308. Police powers of chief; authority to summon assistance.
- 7-309. Chief to be department head; supervisory duties.
- 7-310. Monthly drills required.
- 7-311. Monthly meetings required.
- 7-312. Missing meetings grounds for removal.
- 7-313. Chief to attend fires, direct department.
- 7-314. Suspension of members.
- 7-315. Chief to give notice when leaving municipality.
- 7-316. Duties of assistant chief.
- 7-317. General duties of captains.
- 7-318. Captains to instruct members.
- 7-319. Captains to inspect equipment.
- 7-320. Duties of lieutenants.
- 7-321. Duties of engineers, drivers.
- 7-322. Obedience to superiors required.
- 7-323. Members to assist in returning equipment to station.
- 7-324. Duty to respond to alarms.
- 7-325. Notice required when sick or desire to be excused.
- 7-326. Leaving fire prohibited.
- 7-327. Fires outside city; service charge.
- 7-328. Disposition of funds.
- 7-329. Obstructing hydrants.
- 7-330. Obstructing streets so as to interfere with fire department.
- 7-331. Chief to be assistant to state officer.

7-301. Department created; composition. There is hereby created a fire department for the municipality, to be composed of a chief and such subordinate officers men and women, both regular and volunteer, as the board

¹Municipal code reference

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

of mayor and aldermen may prescribe. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall remain the property of the City of Sparta. (1978 Code, § 7-301, modified)

7-302. Municipality not liable for injury, death of firemen. Members of the fire department become such at their own risk, and the municipality shall not be liable for the injury, illness or death of any fireman. (1978 Code, § 7-302)

7-303. Qualifications of chief; term, removal. The chief of the fire department shall be a man especially qualified for the duties incumbent upon him and shall hold office for an indefinite term and may be removed only for cause after a public hearing before the board of mayor and aldermen. (1978 Code, § 7-303)

7-304. Assistant chief and company officers. There shall be an assistant chief of the department and two officers for each fire company, whose promotion shall be based on an efficient record as firemen and properly certified by the chief to the board of mayor and aldermen for confirmation. (1978 Code, § 7-304)

7-305. Certification, approval of applicants. The names of all applicants for membership in the fire department shall be certified to the board of mayor and aldermen by the chief for final confirmation. (1978 Code, § 7-306)

7-306. Special training for engineers, drivers. Special training shall be required for such engineers and drivers as may be needed. (1978 Code, § 7-307)

7-307. Clothing for firemen. The municipality shall furnish to the members of the fire department rubber coats or other suitable clothing, fire helmets and rubber boots to be worn at fires, drills, and on duty only, said clothing to be and remain the property of the municipality and shall be ordered subject to the approval of the board of mayor and aldermen. (1978 Code, § 7-308)

7-308. Police powers of chief; authority to summon assistance. The chief shall be authorized to exercise police powers at times of fire and may summon to his assistance such additional help as he may deem necessary to control the fire. (1978 Code, § 7-309)

7-309. Chief to be department head; supervisory duties. The chief shall be at the head of the fire department, subject to the rules and regulations herein contained. He shall be held responsible for the good order and efficiency

of the department. It shall be his duty to examine into the condition of the fire station, apparatus, hoses and all other property of the department, once a week, and whenever directed by the board of mayor and aldermen. (1978 Code, § 7-310)

7-310. Monthly drills required. The chief shall drill the department monthly in the use of apparatus and equipment. (1978 Code, § 7-311)

7-311. Monthly meetings required. The fire department shall hold at least one meeting each month for discussing equipment, fire fighting methods, fire hazards, and other business pertaining to the department. (1978 Code, § 7-312)

7-312. Missing meetings grounds for removal. A member of the fire department missing three (3) successive regular meetings without permission from the chief shall be dropped from the roll. (1978 Code, § 7-313)

7-313. Chief to attend fires, direct department. The chief shall attend all fires, when not providentially hindered or excused, and direct the officers and firemen in matters pertaining to their duties. (1978 Code, § 7-315)

7-314. Suspension of members. The chief may in his discretion suspend members of the department from duty and shall report such action to the board of mayor and aldermen as soon as practicable thereafter. (1978 Code, § 7-316)

7-315. Chief to give notice when leaving municipality. The chief shall, on absenting himself from the municipality, first notify the assistant chief to take charge of the department. (1978 Code, § 7-317)

7-316. Duties of assistant chief. The assistant chief shall take charge of the department in the absence of the chief, and shall assume the same powers as devolve upon the chief. At all other times he shall perform such duties as the chief may direct. (1978 Code, § 7-318)

7-317. General duties of captains. The first captain to arrive at a fire shall exercise command until the arrival of a superior officer. They shall preserve the discipline of their respective companies and make monthly reports of the condition of apparatus, hoses and all other equipment under their control to the chief of the department, direct their companies at fires, and perform such other duties as the chief may direct. (1978 Code, § 7-319)

7-318. Captains to instruct members. The captains must instruct each member of their respective companies concerning his duties at fires and see

that each member knows the location, name, and use of each piece of equipment. (1978 Code, § 7-320)

7-319. Captains to inspect equipment. The captains must inspect the fire trucks and all other equipment once a week with the engineer or driver and see that all equipment is on the apparatus and in good order. (1978 Code, § 7-321)

7-320. Duties of lieutenants. A lieutenant shall, in the absence of his captain, exercise the same duties and have the same powers as devolve upon the captain. At all other times he shall perform such duties as the captain may direct. (1978 Code, § 7-322)

7-321. Duties of engineers, drivers. Engineers and drivers must examine the fire trucks daily after each run, and also check the oil, gas, water and tires, and keep a record of the time pumped and pressure on hydrants; and shall make a report thereof to their captains.

They must examine all fire hydrants in their districts and report all defects to the captain. (1978 Code, § 7-323)

7-322. Obedience to superiors required. All members of the fire department must obey the orders of their superior officers while on duty. (1978 Code, § 7-324)

7-323. Members to assist in returning equipment to station. All members must assist in returning all equipment to the fire station after a fire or drill unless excused by the officer in command. (1978 Code, § 7-325)

7-324. Duty to respond to alarms. All members of the fire department shall respond promptly, day or night, upon receipt of a fire alarm. (1978 Code, § 7-326)

7-325. Notice required when sick or desire to be excused. Members of the fire department shall notify the chief when they are sick or desire to be excused from duty. (1978 Code, § 7-327)

7-326. Leaving fire prohibited. No member will be permitted to leave a fire for any reason unless excused by the officer in charge. (1978 Code, § 7-328)

7-327. Fires outside city; service charge. The Sparta Fire Department shall attend no fires occurring outside the corporate limits of the City of Sparta except upon the payment of a charge of \$100.00 by the person or persons suffering such fire. This charge shall be made known to the person

calling for the services of the fire department, and the fire equipment may be dispatched upon the promise to pay and such promise shall be binding upon the promisor. (1978 Code, § 7-329)

7-328. Disposition of funds. Any and all funds collected by the City of Sparta for the use of the Sparta Fire Department in the fighting of any fires outside of the City of Sparta, Tennessee, shall be paid to the City of Sparta, Tennessee, and 50% of such money will be placed in the general fund of the City of Sparta and 50% of said fund shall be placed in that fund set up for the use and benefit of the Volunteer Fire Department. (1978 Code, § 7-330)

7-329. Obstructing hydrants. It shall be unlawful to place any obstruction within fifteen (15) feet of any fire hydrant within the municipality. (1978 Code, § 7-331)

7-330. Obstructing streets so as to interfere with fire department. It shall be unlawful to in any way obstruct the streets or alleys of the municipality so as to impede or interfere with the fire department when in the discharge of its duties. (1978 Code, § 7-332)

7-331. 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. (1978 Code, § 7-333)

CHAPTER 4

FIRE PREVENTION

SECTION

7-401. Inspections required.

7-402. Right of entry.

7-403. Orders requiring correction of conditions authorized; service.

7-404. Compliance with order required; appeals.

7-405. Investigation, report of fires.

7-406. Record of fires.

7-407. Annual reports of fire chief.

7-401. Inspections required. The chief of the fire department or the codes enforcement officer or any inspector specially designated thereto shall inspect, as often as may be necessary, but not less than four (4) times a year, all specially hazardous manufacturing processes, storage or installations of gases, chemicals, oils, explosives and flammable materials, all interior fire alarms and automatic sprinkler systems, and such other hazards or appliances as the chief of the fire department or codes enforcement officer shall designate, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

It shall be the duty of the chief of the fire department or the codes enforcement officer to inspect, or cause to be inspected, as often as may be necessary, but not less than twice a year in outlying districts and six (6) times a year in the established fire limits of the municipality, all buildings and premises except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of this title or the code hereby adopted. (1978 Code, § 7-401)

7-402. Right of entry. The codes enforcement officer and the chief of the fire department and their duly authorized inspectors shall have the right to enter and inspect any premises at any reasonable time to enforce the provisions of this title. (1978 Code, § 7-402)

7-403. Orders requiring correction of conditions authorized; service. (1) The chief of the fire department or the codes enforcement officer, or any inspector, upon complaint of any person, or whenever he shall deem it necessary, shall inspect all buildings and premises within his jurisdiction.

(2) Whenever any of said officers shall find any building or other structure which, for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age

or dilapidated condition or from any other cause, is especially liable to fire, and which is so situated as to endanger other property or the occupants thereof, and whenever such officer shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such buildings or the occupants thereof, he or they shall order such dangerous conditions remedied, such materials removed or such buildings repaired or razed.

(3) The service of such orders may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address. (1978 Code, § 7-403)

7-404. Compliance with order required; appeals. (1) Any such order shall forthwith be complied with by the owner or occupant of such premises or building. Provided that the owner or occupant may within twenty-four (24) hours appeal to the mayor, who shall, within five (5) days review such order and file his decision, thereon, and unless by his authority the order is revoked or modified it shall remain in full force and be complied with within the time fixed in said order or decision of the mayor.

(2) Any such owner or occupant may, within five (5) days after the making or affirming of any such order by the mayor, file his petition with the municipal court, praying a review of such order and it shall be the duty of such court to hear the same within not less than five (5) days nor more than ten (10) days from the time the petition is filed, and to make such order in the premises as right and justice may require and such decision shall be final. Such parties so appealing to the municipal court shall file with said court within two (2) days a bond in an amount to be fixed by the court, to be approved by the court, conditioned to pay all the costs of such appeal in case such appellant fails to sustain his appeal or the same is dismissed for any cause. (1978 Code, § 7-404)

7-405. Investigation, report of fires. The fire chief or his delegate shall investigate the cause, origin and circumstances of every fire occurring in the municipality by which property has been destroyed or damaged and, so far as possible shall determine whether the fire is the result of carelessness or design. Such investigations shall be begun immediately upon the occurrence of such a fire by the inspector assigned thereto, and if it appears to the officer making such an investigation that such fire is of suspicious origin, the fire chief shall be immediately notified of the facts; he shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to

pursue the investigation of such matters, and shall further cooperate with the state authorities in the collection of evidence and in the prosecution of the case. Every fire shall be reported in writing to the fire department within two (2) days after the occurrence of the same, by the officer in whose jurisdiction such a fire has occurred. Such report shall be in such form as shall be prescribed by the fire chief and shall contain a statement of all facts relating to the cause, origin and circumstances of such fire, and extent of the damage thereof, and the insurance upon such property, and such other information as may be required. (1978 Code, § 7-405)

7-406. Record of fires. The chief of the fire department shall keep, in the office of the fire department, a record of all fires and of the facts concerning same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the inspectors under the provisions of this chapter. All such records shall be public. (1978 Code, § 7-406)

7-407. Annual reports of fire chief. The annual report of the fire chief shall be made on or before the first day of July and transmitted to the mayor; it shall contain all proceedings under this chapter, with such statistics as the fire chief may wish to include therein. The fire chief shall also recommend any amendments or changes in city ordinances which, in his judgment, shall be desirable. (1978 Code, § 7-407)

CHAPTER 5

FIREWORKS

SECTION

7-501. Definition.

7-502. Possession, use, sale prohibited.

7-503. Exceptions.

7-501. Definition. The term "pyrotechnics," whenever used in this chapter shall be held to mean any sparkler, squib, rocket, firecracker, roman candle, signal lights, fireworks, or other device or composition used to obtain visible or audible pyrotechnic display. (1978 Code, § 7-501)

7-502. Possession, use, sale prohibited. It shall be unlawful for any person to have, keep, store, use, manufacture, offer to sell, handle, or transport any pyrotechnics within the municipality except as herein provided, it being the intention of this section to prohibit the sale of, distribution of, or discharge of pyrotechnics of any kind or description whatsoever within the municipality. (1978 Code, § 7-502)

7-503. Exceptions. Nothing contained in this chapter shall be held to apply:

(1) To the possession or use of signaling devices for current daily consumption by railroads, trucks or vessels requiring them.

(2) To pyrotechnic display of fireworks in public parks or other open places, where a permit for such display has been issued by the mayor.

(3) To the possession, sale or use of normal stacks of flashlight compositions by photographers or dealers in photographic supplies. (1978 Code, § 7-503)