

## TITLE 7

### FIRE PROTECTION AND FIREWORKS<sup>1</sup>

#### CHAPTER

1. GENERAL PROVISIONS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. LIFE SAFETY CODE.

#### CHAPTER 1

#### GENERAL PROVISIONS

#### SECTION

7-101. Fire limits described.

**7-101. Fire limits described.** The fire limits of the city shall be as follows:

Fire district no. 1: Starting at the intersection of North Main and Biggs Streets and running thence with Biggs Street, where same intersects with Mayes Avenue and North High Street; thence along Sough High Street to a point one hundred (100) feet south of where same intersects with the West line of Bird Street; thence in a Southeastwardly direction passing a point three hundred (300) feet South of the intersection of South Oak and Bird Streets to a point one hundred (100) feet West of South Main Street; thence Southwardly and one hundred (100) feet from South Main Street to the South property line of Amos Atkins; thence East to the East line of South Main Street; thence along said line to Sweetwater Creek; thence along Sweetwater Creek to Heiskell Street (Walnut Street Bridge); thence Northwardly along Heiskell Street to where same intersects with Gilman Street; thence Southwardly along Gilman Street to the South line of the property of the Annis Realty Corp.; thence along said line Westwardly to the Main Line of the Southern Railway; thence along said line to the South Line of the dye house of the Sweetwater Hosiery Mill; thence Westwardly to North Main Street; thence along said street to the point of beginning.

Fire district no. 2: Shall be and include all areas within the corporate limits that are zoned commercial. (1982 Code, § 7-101, modified)

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Citizen hook-up to fire alarm system in city hall: title 9, chapter 8.

## CHAPTER 2

### FIRE CODE<sup>1</sup>

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations.
- 7-208. Modifications.

**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 Fire Prevention Code (NFPA No. 1),<sup>2</sup> 2000 edition, including each reference in NFPA 1, chapter 32 thereof, published by the National Fire Protection Association, is hereby adopted by reference and included as a part of this code. Each reference in NFPA 1, chapter 32 to an NFPA code or standard shall be deemed to be the edition thereof printed in the National Fire Codes, 2000 edition. In addition the City of Sweetwater adopts by reference as if fully set out herein the 2003 Life Safety Code as the most current edition adopted by the National Fire Codes, 2000 edition. 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. The Fire Prevention Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #555, March 1984, modified, as amended by Ord. #777, Dec. 2005)

**7-202. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the chiefs of the fire departments. They shall have the same powers as the state fire marshal. (1982 Code, § 7-202)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>Copies of this code are available from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

**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 Sweetwater, Tennessee. (1982 Code, § 7-203)

**7-204. Storage of explosives, flammable liquids, etc.** 1. The limits referred to in § 12.5(b) of the fire prevention code, in which storage of explosives and blasting agents 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 § 16.61 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

3. The limits referred to in § 21.6(a) of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

4. The limits referred to in § 1701.4.2 of the fire prevention 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. (1982 Code, § 7-204)

**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. (1982 Code, § 7-205)

**7-206. Variances.** The chief of the fire department may recommend to the mayor and board of commissioners 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 mayor and board of commissioners. (1982 Code, § 7-206)

**7-207. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code hereby 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 mayor and board of commissioners or by a court of competent jurisdiction, within the time fixed herein. 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. (1982 Code, § 7-207)

**7-208. Modifications.** The fire code is hereby amended as follows:

1. Fireworks. Article 13 of the fire code is deleted and replaced by the following:

a. Fireworks defined. 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, firecrackers, torpedoes, sky rockets, roman candles, cherry 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, 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.

b. Manufacture, sale and discharge. i. The sale of fireworks within the corporate limits is permitted along designated areas near Interstate 75.

ii. The chief of the fire department shall have power to adopt reasonable rules and regulations for the granting of 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 chiefs of the police and fire departments of the municipality, and shall be of such a character, and 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 persons.

iii. Application for permits shall be made in writing at least fifteen days in advance of the date of the display. After such privilege shall have been granted, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

c. Responsibility for fireworks display. The permittee shall be held responsible 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 rising from any acts of the permittee, his agents, employees or subcontractors.

d. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is conclude shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

e. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale of 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.

f. Seizure of fireworks. The chief of the fire department or any police having knowledge thereof shall seize, take, remove, or cause to be removed at the expense of the owner all stocks or fireworks offered or exposed for sale, stored, or held in violation of this chapter.

2. Explosives. a. § 12.2(h) is deleted and replaced as follows:

Explosives shall include any combustible or explosive composition or any substance or combination of substances, or article prepared for the purpose of producing an explosion, and shall include detonator, detonator caps, TNT, nitro or nitrocellulose compounds, plastic charges or cements. This section shall not apply to firearms, ammunition, or gun powder.

b. The following new sections are added to article 12 of the fire code:

12.7 Manufacture, sale of explosives. The manufacture of explosives is prohibited within the city. It shall be unlawful for any person to store, offer for sale, sell at retail, or activate any explosive device without proper notification of chiefs of police and fire departments, whereas reasonable rules, storage locations, and proper safeguards may be maintained.

12.8 Seizure of explosives. The chiefs of the fire and police departments shall seize, take, remove or cause to be removed at the expense of the owner any devices that in their opinion pose a hazard, or that is held in violation of this code. (1982 Code, § 7-208)

## CHAPTER 3

### FIRE DEPARTMENT<sup>1</sup>

#### SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Chief to be assistant to state officer.
- 7-308. Physical examination required.
- 7-309. Fire equipment, etc., to be property of city.
- 7-310. Chief's general powers and duties.
- 7-311. Destruction of property.
- 7-312. Power of fireman.
- 7-313. Acceptance of buildings, etc., to be burned etc., or for training purposes.

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department composed of both regular and volunteer members, to be supported and equipped by the City of Sweetwater, headed by a chief with an annual salary as prescribed by the board. Said chief is to be appointed by the board, and in addition to the duties provided herein, shall perform such other duties as the board may prescribe. (1982 Code, § 7-301, modified)

**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. (1982 Code, § 7-302)

**7-303. Rules, and regulations.** The fire department and the members thereof shall be subject to such administrative and disciplinary rules and regulations as the chief and fire department commissioner shall prescribe and the board shall approve. At no time shall the rules of the department supersede

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<sup>1</sup>Municipal code reference

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

or be in conflict with the municipal code of ordinances. Two copies shall be filed with the recorder and one copy shall be placed on permanent display at the fire halls. (1982 Code, § 7-305)

**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 a written report on such matters as requested by the mayor or mayor and board of commissioners. (1982 Code, § 7-308)

**7-305. Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the mayor and board of commissioners. The mayor, fire commissioner, or the chief shall have the authority to suspend other members of the fire department when he deems such action to be necessary for the good of the department. Appropriate hearings shall be scheduled as soon as possible by the mayor. All personnel of the fire department shall receive such compensation for their services as the mayor and board of commissioners may from time to time prescribe. (1982 Code, § 7-309)

**7-306. Chief responsible for training.** The chief of the fire department shall be responsible for the training of the firemen and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month and/or attend organized training sessions. (1982 Code, § 7-310)

**7-307. 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 commissioner in the execution of the provisions thereof. (1982 Code, § 7-311)

**7-308. Physical examination required.** No person shall be employed by the city as a fireman unless he or she has passed a physical examination the requirements of which may be from time to time established by the mayor and board of commissioners by resolution. (1982 Code, § 7-302)

**7-309. Fire equipment, etc., to be property of city.** All fire apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. (1982 Code, § 7-303)

**7-310. Chief's general powers and duties.** The chief of the fire department shall be responsible for and shall have general control and supervision of all members of the fire department. He shall see that all the fire prevention and fire protection activities of the city are efficiently carried out and that all applicable fire regulations are observed within the city. (1982 Code, § 7-306)

**7-311. Destruction of property.** During the progress of any fire, the fire department may remove or destroy any property necessary to prevent the further spread of the fire. The chief or acting commander is the only person authorized to make this judgment. All restraint must apply. (1982 Code, § 7-312)

**7-312. Power of firemen.** Firemen shall have the same traffic enforcement authority as policemen of the city while going to and attending fires and for the purpose of enforcing fire prevention regulations and protecting fire fighting apparatus, equipment, and facilities. (1982 Code, § 7-313)

**7-313. Acceptance of buildings, etc., to be burned, etc., or for training purposes.** The mayor and the chief of the fire department may accept property, buildings, and other structures for and on behalf of the city to be used for burning to improve the city's appearance and/or training by the city fire department.

Before the mayor and fire chief accept said property, the chief of the fire department will make an investigation as to whether said building or property can be burned safely. If the fire chief determines that the property can be so removed, then the mayor and the chief of the fire department may accept the gift of said property by letter or written acceptance of said property. Said acceptance letter will state that the owner will save and hold harmless the city of and from any damages, claims, and causes of action that may result from the city fire department burning, and/or using said donated property for training purposes and that the city will defend any action and claim that may be brought against the property owner as a result of any claim arising out of the burning or using of the property by the City of Sweetwater. (1982 Code, § 7-313)



## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-401. Restrictions on fire service outside city limits.

**7-401. 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 mayor and board of commissioners 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. Tennessee Code Annotated, § 12-9-101, et seq.<sup>1</sup>
2. Tennessee Code Annotated, § 6-54-601.<sup>2</sup>

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<sup>1</sup>State 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.

<sup>2</sup>State 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.)

3. Tennessee Code Annotated, § 58-2-111(c).<sup>1</sup>

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 58-2-111(c) 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 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.

## CHAPTER 5

### LIFE SAFETY CODE

#### SECTION

- 7-501. Life safety code adopted.
- 7-502. Available in recorder's office.
- 7-503. Violations and penalties.

**7-501. Life safety 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 the construction, protection, and occupancy features necessary to minimize danger in life from fire, including smoke, fumes, or panic, the Life Safety Code (NFPA No. 101) 2009 edition including Annex A and Annex B, as recommended by the National Fire Protection Association, is hereby adopted by reference and included as a part of this code. (as added by Ord. #898, June 2013)

**7-502. Available in recorder's office.** Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the Life Safety Code has been filed with the city clerk and is available for public use and inspection. The Life Safety Code is adopted and incorporated as full as if set out at length herein and shall be controlling within the corporate limits. (as added by Ord. #898, June 2013)

**7-503. Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Life Safety Code herein adopted, or fail to comply therewith. The violation of any section of this chapter shall be punishable under the general penalty provisions of this code. 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. (as added by Ord. #898, June 2013)