

TITLE 7

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

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. [REPEALED.]
4. FIRE DEPARTMENT.
5. FIRE SERVICE OUTSIDE CITY LIMITS.
6. RURAL SUBSCRIPTION FIRE FIGHTING SERVICE.
7. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire district designated.

7-101. Fire district designated. The corporate fire district shall be as follows: any and all areas within the corporate limits designated on the city's current zoning map as CA. (1984 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

See Ords. #1996-10 (May 1996), 2001-17 (Sept. 2001), 2001-19 (Oct. 2001), 2003-27 (Aug. 2003), and 2003-32 (Oct. 2003) of record in the recorder's office for ordinances entering into a mutual aid agreement regarding fire, police, public works service, and emergencies and natural disasters.

CHAPTER 2

FIRE CODE<sup>1</sup>

SECTION

- 7-201. Fire code adopted.
- 7-202. Modifications.
- 7-203. Available in recorder's office.
- 7-204. Violations.
- 7-205. [Deleted.]

7-201. Fire code adopted. The 2006 International Fire Code<sup>2</sup> ("ICC Fire Code") is adopted and incorporated by reference for and in effect within the municipality and as a part of the Waverly Municipal Code. (1984 Code, § 7-201, as amended by Ord. #1991-17, Dec. 1991, modified; and further amended by Ord. #1997-8, § 1(j), July 1997, as replaced by Ord. #2008-7, April 2008)

7-202. Modifications. Whenever in the ICC Fire Code reference is made to a certain official named therein designated as the official of the municipality responsible for enforcing the provisions of the ICC Fire Code that official shall be the codes and building inspector so employed and designated as such by the municipality from time-to-time. (Ord. #1991-17, Dec. 1991, as replaced by Ord. #2008-7, April 2008)

7-203. Available in recorder's office. One (1) copy of the ICC Fire Code shall be on continuous file in the office of the codes and building inspector of the municipality and shall be available for use and inspection of the public during regular business hours. (Ord. #1991-17, Dec. 1991, as replaced by Ord. #2008-7, April 2008)

7-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision the ICC Fire Code and upon conviction shall be punished by a penalty not to exceed fifty dollars (\$50.00) and each day of violation thereof shall be deemed a separate offense. (1984 Code, § 7-204, as replaced by Ord. #2008-7, April 2008)

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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 form the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

Change 9, August 11, 2008

7-3

7-205. [Deleted.] (Ord. #1991-17, Dec. 1991, as amended by Ord. #1997-8, § 1(k), July 1997, as deleted by Ord. #2008-7, April 2008)

CHAPTER 3

(as repealed by Ord. #2008-07, April 2008)

## CHAPTER 4

FIRE DEPARTMENT<sup>1</sup>

## SECTION

- 7-401. Establishment, equipment and membership.
- 7-402. Objectives.
- 7-403. Organization, rules and regulations.
- 7-404. Records and reports.
- 7-405. Personnel investigations relative to firemen and/or firefighters.
- 7-406. Tenure and compensation of members.
- 7-407. Rank and authority.
- 7-408. Chief responsible for training.
- 7-409. Chief to be assistant to state officer.
- 7-410. Mayor may delegate to city manager supervisory duties.

7-401. Establishment, equipment and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment and supplies shall be purchased by or through the office of the city manager of the City of Waverly and shall be and remain the property of the city. The fire department shall be composed of a fire chief appointed by the board of mayor and aldermen and such number of physically fit subordinate officers and firemen as the chief shall appoint subject to the approval, confirmation and commissioning thereof by the mayor. (1984 Code, § 7-301)

7-402. Objectives. The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting; and
- (2) To prevent the loss of life and property because of fires; and
- (3) To confine fires to their places of origin; and
- (4) To extinguish uncontrolled fires; and
- (5) To prevent loss of life from asphyxiation or drowning. (1984 Code, § 7-302)

7-403. Organization, rules and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, make promotions and demotions therein, and otherwise shall formulate, adopt and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, all subject to approval of the mayor. (1984 Code, § 7-303)

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<sup>1</sup>Municipal code reference

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

7-404. 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. All such records shall be subject to the inspection at any time by the mayor, any alderman of the city, the city manager, or such other person or persons as the mayor may from time to time designate. The chief shall submit a written report on all activities of the department to the mayor once each month and at the end of each year a detailed annual report shall be made to the entire board of mayor and aldermen. (1984 Code, § 7-304)

7-405. Personnel investigations relative to firemen and/or firefighters. In connection with the membership, employment, and/or hiring or association of a person or persons to be officers and/or firemen of the City of Waverly, Tennessee, before such persons shall be so employed, hired, or otherwise attain membership in the fire department of the City of Waverly, Tennessee, the following shall be accomplished:

(1) Each applicant to the city fire department shall furnish a classifiable set of fingerprints to the city police department.

(2) The chief of police, and members of the city police department acting at his direction, are authorized to conduct a field investigation and directed to conduct criminal records checks on each applicant for employment by the city fire department.

(3) The chief of police, or a member of the police department acting at his direction, shall prepare a factual summary of the background investigation and criminal records check of each firefighter applicant, and transmit such summary to the fire chief for the purpose of determining the fitness of an applicant. The summary may contain recommendations to the fire chief concerning the suitability for employment of a firefighter applicant.

(4) Background investigations and records checks include records of all arrests and disposition as an adult. Records of arrests and disposition while an applicant was considered a juvenile, shall be transmitted only when authorized by court order, court rule, court decision, federal regulation or state statute, authorizing such dissemination.

(5) Criminal history records and information shall include arrest and disposition data on file in the National Crime Information Center, the Federal Bureau of Investigation, the Department of Defense, and all other federal law enforcement agencies, and the Tennessee Bureau of Criminal Identification, and all other state and local law enforcement agencies.

(6) Any applicant to the city fire department who is denied employment, hiring, or membership on the basis of the investigation summary referred to in this section, may inspect that summary for the purpose of clarifying, explaining or denying the accuracy of its contents.

(7) The chief of police and members of the police department shall make no other disseminations to the fire chief regarding the fitness of firefighter applicants, except in the official summary report referred to in this chapter.

(8) Nothing herein shall be construed as to provide that any applicant to the city fire department for hiring, employment, or membership, shall be so hired, employed, or granted membership, in the event that any such criminal records check on such applicant fails to reveal any adverse report or records therefrom, it being the intent herein that the seeking of such information shall be a part of the consideration for such employment, hiring or membership therein. (1984 Code, § 7-305)

7-406. Tenure and compensation of members. (1) The chief shall hold office at the pleasure of the board of mayor and aldermen of the City of Waverly. The chief may be suspended up to thirty (30) days by the mayor, but may be dismissed only by vote of a majority of the entire board of mayor and aldermen. Other officers and firemen of the department shall be subject to suspension or discharge by the chief whenever he deems such action to be necessary for the good of the department but all such suspensions or discharge shall be subject to the approval of the mayor.

(2) All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1984 Code, § 7-306)

7-407. Rank and authority. The chief shall be the highest ranking officer of the department subject to the superior authority of the mayor. In addition, there shall be such assistant fire chiefs and other officers of the department as the chief may from time to time prescribe. Such subordinate officers shall be of rank as may be prescribed by the chief and any such officer shall be subject to the supervision and orders of any officers appointed over him. In addition, there shall be such firemen as herein provided who shall be subject to the lawful orders of the superior officers appointed over them. The appointment or promotion of all assistants and other subordinate officers and firemen within the department shall be subject to the confirmation, approval and commissioning by the mayor. (1984 Code, § 7-307)

7-408. Chief responsible for training. The chief of the fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take fire apparatus out for practice operations as may be from time to time prescribed by rules and regulations therefor as adopted by the chief and subject to the approval of the mayor. (1984 Code, § 7-308)

7-409. Chief to be assistant to state officer. Pursuant to the requirements of Tennessee Code Annotated, § 67-102-108, the chief of the fire department is designated as an assistant to the State Commissioner of Insurance and is subject to all of 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. However, the chief shall not incur any expense or make any expenditure in connection with such duties except to the extent funded by the State of Tennessee or otherwise provided for in the budget adopted from time to time by the board of mayor and aldermen. (1984 Code, § 7-310)

7-410. Mayor may delegate to city manager supervisory duties. The mayor may, from time to time, and at his discretion, delegate to the city manager of the City of Waverly such of the administrative and executive duties imposed upon the mayor by virtue of this chapter including, but not limited to, approval of all regulations, rules, hirings, dismissals, promotions, and demotions. (1984 Code, § 7-311)



CHAPTER 5

FIRE SERVICE OUTSIDE CITY LIMITS<sup>1</sup>

SECTION

7-501. Equipment to be used generally within the corporate limits; exceptions.

7-501. Equipment to be used generally within the corporate limits; exceptions. No equipment of the fire department shall be used for fighting fires outside the corporate limits except as may otherwise be provided in this title. (1984 Code, § 7-309, as amended by Ord. #1987-3, Feb. 1987)

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<sup>1</sup>See Ords. #1996-8 (April 1996), 2001-17 (Sept. 2001), 2001-19 (Oct. 2001), 2003-27 (Aug. 2003), and 2003-32 (Oct. 2003) of record in the recorder's office for ordinances authorizing and entering into a Mutual Aid Agreement relative to fire, police, public works service, and emergencies and natural disasters.

## CHAPTER 6

RURAL SUBSCRIPTION FIRE FIGHTING SERVICE

## SECTION

- 7-601. Established.
- 7-602. Primary responsibility.
- 7-603. Service is non-obligatory.
- 7-604. Subscribing to service.
- 7-605. Subscription fee.
- 7-606. Service call fee.
- 7-607. Forfeiture of service.
- 7-608. Fees not refundable or transferable.
- 7-609. Availability.
- 7-610. Fees collected shall be deposited to the general fund.
- 7-611. Authorization to increase fees.

7-601. Established. There is established a rural subscription fire fighting service ("Subscription Service") to be rendered by the Fire Department of the City of Waverly, utilizing the personnel and apparatus thereof, to the property situated outside the corporate limits of the city, but within an area where the maximum limits of the same are six and one-half (6 1/2) miles from any established fire station of the city as measured along each hard surfaced state or county road leading from the corporate limits of the city or along any such type road connecting with any such road leading from the city (the "Rural Fire Service Area"). (Ord. #1987-3, Feb. 1987, as amended by Ord. #1988-5, Feb. 1988)

7-602. Primary responsibility. The primary responsibility of the Waverly Fire Department is for the protection of the citizens and the property situated within the corporate limits of the city and, therefore, neither the personnel nor the apparatus and equipment of the city shall be dispatched to the rural fire service area when in the opinion of the fire chief there is not then sufficient personnel, apparatus and equipment available due to then existing commitments within the city for on-going fire fighting and/or for then existing requirements for standby protection of the citizens and property within the corporate limits. Under such conditions fire fighting services shall not be provided within the rural fire service area notwithstanding that a fire may be then occurring or threatened to occur within the rural fire service area and notwithstanding that any person or property owner shall have paid the fees, have then in force insurance coverage or posted the guaranty as hereinafter provided. (Ord. #1987-3, Feb. 1987)

7-603. Service is non-obligatory. Subscription service is a non-obligatory service of the city available to the subscribing residents and property owners within the rural fire service area that is offered and rendered with the understanding of the primary responsibility of the Waverly Fire Department. Accordingly, any subscriber of subscription service shall acknowledge in writing the priority of such primary responsibility and notwithstanding the payment of fees, filing of an insurance policy or deposit of guaranty, the providing of fire fighting or protection services shall always be subject to such criteria. The city shall not be responsible for any damage or loss incurred by any person or to any property within the rural fire service area due to a failure at anytime to respond with personnel or apparatus to a rural fire call because of lack of sufficient or available personnel or apparatus in the opinion of the fire chief. All subscribers by their execution of an application for subscription service and the payment of required fees agree thereby to the terms, provisions and conditions of this chapter. (Ord. #1987-3, Feb. 1987)

7-604. Subscribing to service. Any person, firm, organization or corporation may apply to the City of Waverly and be granted subscription service for an individual tract or parcel of land containing not to exceed one single family dwelling thereon with accessory buildings and improvements or for a single business operation with accessory buildings and improvements. There is no limitation on the number of subscriptions that may be held by any one person, firm, organization or corporation. The city may refuse to grant subscription to any person. (Ord. #1987-3, Feb. 1987)

7-605. Subscription fee. A subscriber shall pay an annual subscription fee of \$75 for any tract or parcel where the principal structure thereon is less than 3,000 square feet and an annual subscription fee of \$150 for any tract or parcel where the principal structure thereon is 3,000 square feet or greater. The fee shall be for all or any portion of the city fiscal year beginning July 1 and ending June 30 during which subscription service shall be in effect. This fee shall be payable on or before July 31 or upon initial application if subsequent thereto, but prior to July 1 of the succeeding fiscal year. (Ord. #1987-3, Feb. 1987)

7-606. Service call fee. A subscriber shall pay a service call fee of \$500 for each and every service call made to the property of the subscriber to render fire fighting services. One (1) service call fee in cash shall be at all times paid in advance to the city, or in lieu thereof there shall be filed with the city a guaranty or insurance policy from an approved fire insurance company or an agent thereof guaranteeing or insuring that such fire insurance company or agent shall pay to the city immediately upon invoice the sum of \$500 for any service call to the property of the subscriber. Such guaranty or insurance policy shall not be revocable or cancellable except upon sixty (60) days prior written

notice to the city. Upon revocation or cancellation of such guaranty or insurance policy without an immediate replacement thereof or by the depositing of the service call fee as herein provided, the city shall no longer render fire service or answer fire calls for such person, firm, organization or corporation at such location and the subscription therefor shall be terminated thereby. (Ord. #1987-3, Feb. 1987)

7-607. Forfeiture of service. Failure of any person, firm, organization or corporation to pay the annual subscription fee when due or to keep in force an insurance policy covering or a guaranty or payment of the service call fee or to have paid in advance the sum of \$500 for each service call fee as herein provided or failure of any subscriber, insurer or guarantor to pay a service call fee upon demand by the city shall immediately cause forfeiture of subscription service and of any fire services as herein provided. (Ord. #1987-3, Feb. 1987)

7-608. Fees not refundable or transferable. All annual subscription and service call fees paid hereunder on any single location shall not be refundable to or transferable by any person, firm, organization or corporation upon sale or disposition of the covered property or the acquisition of another property within the rural fire service area. (Ord. #1987-3, Feb. 1987)

7-609. Availability. Subscription service shall not be available within the rural fire service area based upon any oral request, application or guaranty made by any person, firm, organization or corporation, whether before or after a fire shall be in progress. (Ord. #1987-3, Feb. 1987)

7-610. Fees collected shall be deposited to the general fund. All funds received by the city for subscription service is earmarked for expenditure in the fire fighting service of the city and they shall be promptly deposited to the general fund of the city subject to appropriation by the board of mayor and aldermen. Records shall be maintained and administration of the subscription service shall be under the supervision of the fire chief. The city manager may adopt rules, regulations, and forms therefor and which in the opinion of the city attorney are not inconsistent with any provision hereof. (Ord. #1987-3, Feb. 1987)

7-611. Authorization to increase fees. At any time the board of mayor and aldermen may increase the amount of any fee required to be paid hereunder for subscription service and upon notice thereof any person, firm, organization or corporation desiring to continue his, her or its service shall deposit additional fees or cause a guaranty thereof or insurance coverage therefor to be filed with the city within thirty (30) days from the effective date thereof or otherwise continuation of service shall terminate. (Ord. #1987-3, Feb. 1987)

## CHAPTER 7

FIREWORKS

## SECTION

7-701. Definition.

7-702. Manufacture, sale and discharge of fireworks.

7-703. Bond for fireworks display required.

7-704. Disposal of unfired fireworks.

7-705. Exceptions.

7-706. Seizure of fireworks.

7-701. 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. (1984 Code, § 7-401)

7-702. Manufacture, sale and discharge of fireworks. (1) The manufacture of fireworks is prohibited within the city.

(2) Except as hereinafter provided it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that 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 endanger 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. (1984 Code, § 7-402)

7-703. 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. (1984 Code, § 7-403)

7-704. 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. (1984 Code, § 7-404)

7-705. 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. (1984 Code, § 7-405)

7-706. 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. (1984 Code, § 7-406)