

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. OPEN BURNING REGULATIONS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The fire limits that will be afforded fire protection services are the corporate limits of the city, including those areas as authorized by mutual aid agreements, and in addition, the planning region if authorized by the governing body (1979 Code, § 7-101, as replaced by Ord. #02-19, July 2002)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Amendments to International Fire Code.
- 7-203. Enforcement.
- 7-204. Definition of "municipality."
- 7-205. Storage of explosives, flammable liquids, etc.
- 7-206. Gasoline trucks.
- 7-207. Variances.
- 7-208. Violations.
- 7-209. Novelty lighters.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502 et seq., and for the purpose of regulating and governing the safe-guarding of life and property from fire or explosion, hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, and providing for the issuance of permits in the City of White House, the 2012 edition of the International Fire Code,² as prepared by the International Code Council, is hereby adopted by reference and included herein as part of this code. (1979 Code, § 7-201, as amended by Ord. #99-20, Aug. 1999; Ord. #00-27, Nov. 2000; replaced by Ord. #02-28, Nov. 2002; Ord. #04-12, Aug. 2004, and amended by Ord. #06-29, July 2006, Ord. #06-45, Dec. 2006, Ord. #08-23, Dec. 2008, and Ord. #15-29, Dec. 2015)

7-202. Amendments to International Fire Code.

a. Section 108 Board of Appeals is amended by adding the following language at the end of said section: Any reference to the board of appeals shall mean the city's construction board of appeals. (1979 Code, § 7-202, as replaced by Ord. #10-07, May 2010)

7-203. Enforcement. The International 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. (1979 Code, § 7-203, as amended and renumbered by Ord. #10-07, May 2010)

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code are available from the International Code Council Publications, 4051 West Flossmoor Rd., Country Club Hills, IL. 60478-5795.

7-204. 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 White House, Tennessee. (1979 Code, § 7-204, as amended by Ord. #08-23, Dec. 2008, and renumbered by Ord. #10-07, May 2010)

7-205. Storage of explosives, flammable liquids, etc. The limits referred to in chapter 56 of the 2012 edition of the International Fire Code, in which storage of explosive materials is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in chapter 57 of the 2012 edition of the International Fire Code, in which storage of flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in chapter 57 of the 2012 edition of the International Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this code. (1979 Code, § 7-205, as renumbered by Ord. #10-07, May 2010, and amended by Ord. #15-29, Dec. 2015)

7-206. Gasoline trucks. No person shall operate or park any gasoline tank truck within any 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. (1979 Code, § 7-206, as renumbered by Ord. #10-07, May 2010)

7-207. Variances. The chief of the fire department 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. (1979 Code, § 7-207, as amended by Ord. #06-29, July 2006, and Ord. #08-23, Dec. 2008, and renumbered by Ord. #10-07, May 2010)

7-208. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the International 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 board of mayor and aldermen 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. (as added by Ord. #01-20, Nov. 2001, and amended by Ord. #04-17, Nov. 2004, #04-20, Dec. 2004, Ord. #06-29, July 2006, and Ord. #08-23, Dec. 2008, and renumbered by Ord. #10-07, May 2010)

7-209. Novelty lighters. (1) Prohibitions, inapplicability. The retail sale, offer of retail sale, gift or distribution of any novelty lighter within the territorial jurisdiction of the City of White House is prohibited. This prohibition is inapplicable to:

(a) Novelty lighters which are only being actively transported through the city; or

(b) Novelty lighters located in a warehouse closed to the public for purposed of retail sales.

(2) Definition. "Novelty lighter" means a lighter that has entertaining audio or visual effects, or that depicts (logos, decals, art work, etc.) or resembles in physical form or function, articles commonly recognized as appealing to or intended for use by children ten (10) years of age or younger. This includes, but is not limited to lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.

(3) Exceptions. The term "novelty lighter" excludes:

(a) Any lighter manufactured prior to 1980; and

(b) Any lighter which lacks fuel or a device necessary to produce combustion or a flame.

(4) Enforcement. The provisions of this section shall be enforced by the fire marshal, any police officer, any code enforcement officer and any other city official authorized to enforce any provision of White House City Ordinances.

(5) Violation; penalty. Any person or entity violating any provision of this section is guilty of an infraction, and upon conviction therefore, shall be subject to a fine or penalty of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) per day. (as added by Ord. #10-07, May 2010, and renumbered by Ord. #14-24, Oct. 2014)

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. Tenure and compensation of members.
- 7-306. Fire chief responsible for training.
- 7-307. Fire chief to be assistant to state officer.
- 7-308. Firemen - age requirements.
- 7-309. Duties of the fire chief.
- 7-310. Duties of the fire suppression bureau.
- 7-311. Duties of fire prevention bureau.
- 7-312. Police powers at fires.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a fire chief appointed by the governing body and such number of physically-fit subordinate officers and firemen as the fire chief shall appoint. (1979 Code, § 7-301, as amended by Ord. #02-19, July 2002)

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) To perform fire inspection services of all industrial, commercial and governmental buildings, and to enforce all violations, where found, of the fire code.

¹Municipal code reference

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

(8) To inspect and map, on a continual basis, all fire hydrants within the corporate limits, to determine that all are in an operative order, and to report the need for repair to the proper authority. (1979 Code, § 7-302)

7-303. Organization, rules, and regulations. The fire chief 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. (1979 Code, § 7-303, as amended by Ord. #02-19, July 2002)

7-304. Records and reports. The fire chief 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 to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1979 Code, § 7-304, as amended by Ord. #02-19, July 2002)

7-305. Tenure and compensation of members. The fire chief shall hold office so long as his conduct and efficiency are satisfactory to the governing body. However, so that adequate discipline may be maintained, the fire chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The fire chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the governing body.

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

All full-time personnel employed on a 24 hour shift shall be compensated on the basis of a 212 hour, 28 day work cycle at the regular established rate of pay. All full-time personnel working in excess of a regular shift shall be compensated at time and one-half. (1979 Code, § 7-305, as amended by Ord. 99-25, Nov. 1999, and Ord. #02-19, July 2002)

7-306. Fire chief responsible for training. The fire chief shall be fully 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. (1979 Code, § 7-306, as amended by Ord. #02-19, July 2002)

7-307. Fire 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 fire prevention commissioner in the execution of the provisions thereof. (1979 Code, § 7-308, as amended by Ord. #02-19, July 2002)

7-308. Firemen - age requirements. No person shall be employed in the fire department as a full-time uniformed fireman until such individual attains the age of twenty-one (21). (1979 Code, § 7-309)

7-309. Duties of the fire chief. The fire chief shall directly supervise the fire suppression and prevention bureaus of the fire department in the city, its planning region and all other areas contiguous to the city as determined by the city's governing body. The fire chief shall be responsible for the enforcement of all fire codes that have been officially adopted by the city's governing body, and shall detail qualified members of the fire department as the fire marshal, inspectors, investigators, as shall be necessary for the proper enforcement of the codes in order to ensure the overall fire protection needs of the citizens of White House and its planning region and other areas contiguous to the city as determined by the governing body, and the orderly and expeditious processing of requests for permits. The fire chief shall also be responsible for the enforcement of any duly adopted ordinances of the city dealing with fire suppression and prevention. The fire chief is directly responsible for the administration and direction of the fire suppression bureau and directly responsible for the hiring, training and disciplinary duties of the department, as they may occur, by the authority and under the conditions and circumstances as specified in the city's personnel ordinance and in the duly adopted Personnel Rules and Regulations of the City of White House. (as added by Ord. #02-19, July 2002)

7-310. Duties of the fire suppression bureau. It shall be the duty of the fire suppression bureau to take all proper steps for fire suppression and all other aspects of the overall fire protection needs of the city, its official planning region and other areas contiguous to the city as so determined by the city's governing body, under the supervision of the fire chief and other officers appointed by the fire chief under his authority granted by the city's governing body. (as added by Ord. #02-19, July 2002)

7-311. Duties of the fire prevention bureau. The fire prevention bureau shall have among its duties the enforcement of all laws and ordinances of the city covering the following:

- (1) The prevention of fires;
- (2) The storage, sale, and use of combustible, flammable, or explosive materials;
- (3) The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;
- (4) The maintenance and regulation of fire escapes;
- (5) The means and adequacy of exit in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters,

amphitheaters, and all other places in which numbers of persons work, live or congregate, from time to time, for any purpose;

(6) The investigation of the cause, origin and circumstances of fires, arson, false alarm calls and bomb threats, and

(7) The maintenance of fire cause and loss records.

The fire prevention bureau shall have other such duties and powers and perform such other tasks as are set forth in the departmental policies established by the fire chief, with his approval and under supervision. All investigations of the personnel who comprise the fire prevention bureau shall begin immediately upon the occurrence of a fire, attempted fire or false call.

Before any permits may be issued as required by the ordinances of the city or by the duly adopted codes of the city, the fire marshal or his assistant shall timely inspect and approve the receptacles, processes, vehicles, buildings, or storage places to be used for any such purposes. The fire prevention bureau shall also be responsible for all requirements specifically delineated in standard fire codes which have been duly adopted by the city's governing body. (as added by Ord. #02-19, July 2002)

7-312. Police powers at fires. The fire chief or any assistant of such chief in charge at any fire shall have the same police powers at such fire as the chief of police, under such regulations as may be prescribed by ordinance and in the duly adopted fire codes of the city.

The fire official conducting operations in connection with the extinguishment and control of any fire, explosion or other emergency shall have full power and authority to direct all operations of the fire extinguishment or control and to take all the necessary precautions to save life, protect property, and prevent further injury or damage. In the pursuit of such operation, including the investigation of the cause of such emergency, the fire official may control or prohibit the approach to the scene of such emergency by any vehicle, vessel, or thing and all persons.

No person shall obstruct the operations of the fire department in connection with extinguishing any fire, or actions relative to other emergencies, or disobey any lawful command of the fire official in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department at the fire scene.

The fire official in charge of an emergency scene shall have the authority to establish fire line barriers to control access to the vicinity of such emergency, and to place, or cause to be placed, ropes, guards, barricades, or other obstructions across any street or alley to delineate such fire line barrier. No person, except authorized by the fire official in charge of law emergency, may cross such fire line barriers.

The fire chief or fire official in charge of an emergency scene is authorized to issue passes entitling the holders thereof to cross fire line barriers. Such passes shall not authorize trespass at the scene of an emergency. Credentials

that clearly establish the authority and identity of the holder thereof to enter the premises, whether or not issued by the fire official, may be honored by the fire official in charge of the emergency scene if concurred with by the person in charge of the premises involved in the emergency.

No person, except a person authorized by the fire official in charge of an emergency scene or a public officer acting within the scope of public duty, shall remove, unlock, destroy, or tamper with or otherwise molest in any manner any locked gate, door or barricade, chain, enclosure sign, tag, or seal that has been lawfully installed by the fire department or by its order or under its control. (as added by Ord. #02-19, July 2002)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Equipment to be used only within corporate limits generally.

7-401. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city property or, in the opinion of the fire chief or inspector, is in such hazardous proximity to property owned by or located within the city as to endanger such city property or unless expressly authorized in writing by the municipal governing body. (1979 Code, § 7-307)

CHAPTER 5

OPEN BURNING REGULATIONS

SECTION

- 7-501. Definitions
- 7-502. Open burning.
- 7-503. Other burning.
- 7-504. Permit revocation.
- 7-505. Notice.
- 7-506. Violations.
- 7-507. Permits.

7-501. Definitions. (1) "Open burning" is the burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

(2) "Wood waste" is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips and chemically untreated lumber whose "disposition" by open burning is to solely get rid of or destroy. (as added by Ord. #02-20, Aug. 2002, replaced by Ord. #02-40, Dec. 2002, and amended by Ord. #06-24, June 2006)

7-502. Open burning. No persons shall cause, suffer, allow or permit open burning within the city limits of the City of White House except as set out in the following exceptions:

- (1) Non-commercial fire used for cooking of food including barbecues and outdoor fireplaces;
- (2) Commercial incinerator;
- (3) Commercial barbecue fireplace;
- (4) Comfort heating on construction jobs provided the burning is in a suitable metal container and only untreated wood is burned. This is not to be construed to allow the burning of painted or chemically treated wood for comfort heating. Controlled burning for comfort heat is not allowed when the ambient temperature exceeds 40 degrees.
- (5) Non-commercial (residential) fires at single-family dwellings to rid property of "wood waste" when there is no reasonable means to move "wood waste" to a location where the city may pick them up. There will be no burning of any material that residential pickup service is provided for unless it is in an area that is inaccessible to the public works department. Burning of this "wood waste" will be limited to no more than a 150 cubic foot pile of material.
- (6) Non-commercial fires used for ceremonial or recreational purposes including bonfires.

(7) Fires set by or at the discretion of responsible fire control persons for training purposes or directed at the prevention, elimination, or reduction of fire hazards.

(8) Routine demolition of structures via supervised open burning by responsible fire control persons will not be considered fire training or elimination of a fire hazard. Demolition of structures may be conducted by open burning provided that there is a unilaterally issued state or local building codes order to demolish the structure by open burning because of its structural failure or potential for structural failure. Such orders will be recognized only when there is no other safe way to demolish the structure.

(9) Fires used to clear land consisting solely of vegetation grown on the land for forest or game management purposes.

(10) The fire chief or his designee has the authority to allow open burning where there is no practical, safe, and/or lawful method or disposal.

(11) Fires set at the direction of law enforcement agencies or courts for the purpose of destruction of controlled substances and legend drugs seized as contraband. This does not include antineoplastic agents.

(12) Commercial disposal of "wood waste." Priming materials used to facilitate burning such as "wood waste" and vegetation are limited to #1 or #2 grade fuel oil. Burning of wood waste may require an "open pit of efficient size to contain the wood waste," or other fire department approved method if deemed necessary by the fire chief.

(13) Exceptions (1) to (4) above are allowed with no permit requirements.

(14) Exceptions (5) to (11) shall require a permit issued by the fire department at no cost.

(15) Exception (12) requires a permit with a fee of \$50.00. (as added by Ord. #02-20, Aug. 2002, and replaced by Ord. #02-40, Dec. 2002, and amended by Ord. #06-24, June 2006)

7-503. Other burning. The fire chief or his designee shall have the authority to permit or prohibit open burning not specifically addressed herein. (as added by Ord. #02-20, Aug. 2002, and replaced by Ord. #02-40, Dec. 2002)

7-504. Permit revocation. Burning permits shall be revoked and/or will not be issued if such burning is a nuisance to others, as determined by the fire department. (as added by Ord. #02-20, Aug. 2002, and replaced by Ord. #02-40, Dec. 2002)

7-505. Notice. All requests for fire department issued permits require a forty-eight (48) hour advance notice prior to burning to allow ample time for inspection of the burning site. (as added by Ord. #02-40, Dec. 2002)

7-506. Violations. Persons violating this ordinance may be subject to a citation and/or denial of future permitted burning. (as added by Ord. #02-40, Dec. 2002)

7-507. Permits. Permits must be signed by the person conducting the open burning. By signing the permit, the person is agreeing to the rules set forth on the permit. (as added by Ord. #02-40, Dec. 2002)