

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN LIMITS.
5. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire district described.

7-101. Fire district described. The corporate fire district shall be as follows:

The same as the Neighborhood Commercial District defined in "The Lookout Mountain Zoning Ordinance" adopted June 13, 1972, to wit: Beginning at the intersection of Watauga Lane and Scenic Highway, north along Watauga Lane to the Town Common, formerly known as the W. I. Stoner and J. M. Noland land, east along the south line of the Town Common to Scenic Highway, south along Scenic Highway to the point of beginning. (1992 Code, § 7-101)

¹Municipal code reference

Building, utility and residential codes: title 12.

CHAPTER 2**FIRE CODE**¹**SECTION**

- 7-201. Fire code adopted.
- 7-202. Available in recorder's office.
- 7-203. Enforcement.
- 7-204. Definition of "municipality."
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the *International Fire Code*², 2018 edition, is hereby adopted by reference and included as a part of this code. The *International Fire Code* is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1992 Code, § 7-201, as amended by Ord. #153, Jan. 2011, modified)

7-202. Available in recorder's office. Pursuant to the requirement of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the *International Fire Code* has been filed with the town recorder and is available for public use and inspection.

7-203. Enforcement. The fire prevention 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. (1992 Code, § 7-202)

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 Town of Lookout Mountain, Tennessee. (1992 Code, § 7-203)

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

¹Municipal code reference

Building, utility and residential codes: title 12

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1992 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. (1992 Code, § 7-206)

7-207. Violations and penalty. 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 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. (1992 Code, § 7-207)

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. Chief responsible for training and maintenance.

7-306. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the mayor and board of commissioners. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and fire fighters as the mayor and board of commissioners shall appoint. (1992 Code, § 7-301)

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; and

(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1992 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, under the direction of the mayor and board of commissioners. (1992 Code, § 7-303)

¹The town has a public safety department and all references to the fire chief shall mean and be the same as references to the chief of public safety. Likewise, all references to fire fighters shall mean and be the same as references to public safety officers.

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 such written reports on those matters to the mayor as the mayor requires. The mayor shall submit a report on those matters to the mayor and board of commissioners as the mayor and board of commissioners requires. (1992 Code, § 7-304)

7-305. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the fire fighters and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the mayor and board of commissioners. (1992 Code, § 7-305)

7-306. 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 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. (1992 Code, § 7-306)

CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

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

7-401. Restrictions on fire service outside town limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the town limits unless the fire is on town property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the town as to endanger the town property, or unless the mayor and board of commissioners has developed policies for providing emergency services outside of the town limits or entered into a contract or mutual aid agreement pursuant to the authority of:

- (1) *Tennessee Code Annotated*, §§ 58-8-101, *et seq.*¹

¹State law references

The Mutual Aid and Emergency Disaster Assistance Agreement Act of 2004, *Tennessee Code Annotated*, §§ 58-8-101, *et seq.*, which authorizes municipalities to respond to requests from other governmental entities affected by situations in which its resources are inadequate to handle. The Act provides procedures and requirements for providing assistance. No separate mutual aid agreement is required unless assistance is provided to entities in other states, but a municipality may, by resolution, continue existing agreements or establish separate agreements to provide assistance. Assistance to entities in other states is still provided pursuant to *Tennessee Code Annotated*, §§ 12-9-101, *et seq.* "Assistance" is defined in the act as "the provision of personnel, equipment, facilities, services, supplies, and other resources to assist in firefighting, law enforcement, the provision of public works services, the provision of emergency medical care, the provision of civil defense services, or any other emergency assistance one (1) governmental entity is able to provide to another in response to a request for assistance in a municipal, county, state, or federal state of emergency."

- (2) *Tennessee Code Annotated*, §§ 12-9-101, *et seq.*¹
- (3) *Tennessee Code Annotated*, § 6-54-601.² (1992 Code, § 7-401)

¹*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 individual 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 the latter with firefighting assistance.

(3) Provide fire protection outside their town limits to either areas or citizens on an individual contractual basis 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.

²*Tennessee Code Annotated*, §§ 12-9-101, *et seq.* is the Interlocal Governmental Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

CHAPTER 5**FIREWORKS****SECTION**

7-501. Sale and manufacture and discharge of fireworks prohibited.

7-501. Sale and manufacture and discharge of fireworks prohibited. It shall be unlawful for any person, firm or corporation to sell, or offer for sale, any firecrackers or other fireworks within the corporate limits of the Town of Lookout Mountain. It shall also be unlawful for any person to discharge or explode any firecracker or other fireworks, within such corporate limits. (1992 Code, § 7-501)