

**TITLE 7****FIRE PROTECTION AND FIREWORKS<sup>1</sup>****CHAPTER**

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

**CHAPTER 1****FIRE DISTRICT****SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be that area bounded on the north by Church Street, on the South by Webb Street, on the east by the First Street, and on the west by Mountain Street. (1976 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

## 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 and penalties.

**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 Standard Fire Prevention Code,<sup>2</sup> 1994 edition, as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. 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's secretary and treasurer and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1976 Code, § 7-201, modified)

**7-202. 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. (1976 Code, § 7-202)

**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 Smithville, Tennessee. (1976 Code, § 7-203)

**7-204. Storage of explosives, flammable liquids, etc.** The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive

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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 Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

materials is prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire limits as set out in § 7-101 of this code. (1976 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. (1976 Code, § 7-205)

**7-206. 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. (1976 Code, § 7-206)

**7-207. Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention 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 city code shall not be held to prevent the enforced removal of prohibited conditions. (1976 Code, § 7-207)

## CHAPTER 3

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

#### SECTION

- 7-301. Creation and objective.
- 7-302. Composition.
- 7-303. Election, term, and qualifications of chief; removal.
- 7-304. Chain of command.
- 7-305. Election and removal of subordinate officers.
- 7-306. General duties of the chief.
- 7-307. Chief responsible for organization of department.
- 7-308. Chief responsible for training of personnel.
- 7-309. Chief to assist in suppressing arson, etc.
- 7-310. Inspection authority.
- 7-311. Abatement of fire hazards.
- 7-312. Records to be kept.
- 7-313. Reports required.
- 7-314. Membership generally.
- 7-315. Equipment generally.
- 7-316. Alarm system.
- 7-317. Trespassing at fire stations.
- 7-318. Badges for firemen.
- 7-319. Enforcement of chapter.
- 7-320. Social officers.

**7-301. Creation and objective.** There is hereby created and established a department to be known as the Smithville Fire Department, the object of which shall be the prevention, fighting, control, and extinguishment of fires and the protection of life and property within the City of Smithville, Tennessee. (1976 Code, § 7-301)

**7-302. Composition.** The department shall consist of a chief and one assistant chief and such other officers as the chief and the board of mayor and aldermen deem necessary for the effective operation of the department. (1976 Code, § 7-302)

**7-303. Election, term, and qualifications of chief; removal.** The chief shall be elected by the volunteer firemen and approved by the board of

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<sup>1</sup>Municipal code reference

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

mayor and aldermen for a period of one (1) year. He shall be qualified by training and experience and capable, both mentally and physically, to perform his duties. He may be removed only for just cause by the alderman in charge of the police and fire departments and subject to his appeal to the membership of the volunteer fire department, if requested within five (5) days after removal. The action of the alderman may be overruled by a two-thirds (2/3) vote of the firemen. In the event the removal is sustained, an appeal may be had to the board of mayor and aldermen sitting as a trial tribunal, a majority constituting a quorum. A two-thirds (2/3) vote of those present shall be required to overrule the removal. The action of this board shall be final. (1976 Code, § 7-303)

**7-304. Chain of command.** The chief shall be accountable only to the board of mayor and aldermen, and shall make such written and/or verbal reports as the board may require. All other fire department officers and personnel shall be accountable to the chief of the fire department. (1976 Code, § 7-304)

**7-305. Election and removal of subordinate officers.** The assistant chiefs, captains, and all other fire department and fire companies' personnel shall be elected by the fire department personnel, subject to final approval by the board of mayor and aldermen. Such appointees shall be accountable and subject only to the chief of the fire department and may be removed by him for cause at any time with and by the consent and approval of the alderman in charge of the police and fire departments, which action by said chief and said alderman shall be final. (1976 Code, § 7-305)

**7-306. General duties of the chief.** The chief shall formulate a set of rules and regulations to govern the fire department in accordance with and subject to the rules, regulations, and requirements of the State of Tennessee, and shall be responsible to the board of mayor and aldermen for the personnel, morale, and general efficiency of the fire department. (1976 Code, § 7-306)

**7-307. Chief responsible for organization of department.** The chief shall determine the number and kinds of companies, in consideration of the equipment furnished by the city, of which the department is to be composed and shall determine which companies and personnel shall respond to fire alarms, and shall have general and absolute control of the equipment and personnel making up the fire department of said city. (1976 Code, § 7-307)

**7-308. Chief responsible for training of personnel.** The chief shall conduct suitable drills and instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of the buildings in the city, fire prevention, water supplies, and all other matters generally considered

essential to good firemanship and safety of life and property pertaining to fire, and shall and is hereby authorized to cooperate with all state and federal agencies in reference thereto. (1976 Code, § 7-308)

**7-309. Chief to assist in suppressing arson, etc.** The chief and his assistants are hereby authorized, directed, and required to assist all legal authorities in suppressing the crime of arson and the causes, or origin and circumstances, of all fires and to report same to the duly constituted authorities. (1976 Code, § 7-309)

**7-310. Inspection authority.** The chief, assistant chiefs, and captains of the fire companies are hereby empowered to enter any and all buildings and premises at any and all reasonable times for the purpose of making fire risk inspections and to notify, in writing, the owner or occupant thereof of any and all fire hazards that they may find. (1976 Code, § 7-310)

**7-311. Abatement of fire hazards.** Any person, firm, or corporation so notified by the fire department to abate any fire hazard or hazards shall comply therewith and promptly notify the fire department of said city. (1976 Code, § 7-311)

**7-312. Records to be kept.** The chief, or his duly authorized representatives, shall see that complete and adequate records are kept at all times in reference to inspections, fires, active or false alarms, apparatus and equipment, personnel and other pertinent information about the work and activities of the fire department. (1976 Code, § 7-312)

**7-313. Reports required.** The chief shall report monthly to the secretary-treasurer of the City of Smithville the number and places of fires during the preceding month and the number of false alarms and of any other activities in which the service of the fire department was required, including first aid not directly connected with fire alarms. He shall also report any changes, substitutions, or displacement of the membership of the volunteer fire department. (1976 Code, § 7-313)

**7-314. Membership generally.** The membership of the fire department shall consist of such persons as may be elected by the department and approved by the board of mayor and aldermen and shall be able bodied male citizens, preferably property owners, whose business activities are normally within said city and who have telephones or other means of rapid communication.

Any member of the fire department may be suspended or discharged from the department by the chief at any time he may deem such action necessary for the good of the fire department. Any member so discharged shall have the right

of appeal as hereinbefore provided governing the chief and his assistants. (1976 Code, § 7-314)

**7-315. Equipment generally.** The department shall be equipped with such apparatus and other equipment as may be required from time to time, and as the city is financially able to furnish, to maintain its efficiency as recommended and requested by the State of Tennessee for the adequate and proper protection of life and property in the City of Smithville, Tennessee, from fire.

All equipment of the fire department shall be conveniently housed in such places as may be designated by the board of mayor and aldermen. All auxiliary equipment, as designated by the chief, and such places shall be under the direct supervision and control of the chief and his assistants. (1976 Code, § 7-315)

**7-316. Alarm system.** Suitable arrangements may be made and provided for the citizens to turn in fire alarms and for notifying all members of the department so that they may promptly respond. (1976 Code, § 7-316)

**7-317. Trespassing at fire stations.** No person shall enter any place where fire apparatus or equipment is housed nor shall such person or persons handle or otherwise interfere with such apparatus or equipment belonging to the department, except firemen and other officials of the city duly and properly authorized to do so. (1976 Code, § 7-317)

**7-318. Badges for firemen.** Each member of the fire department may be issued a badge or other insignia designated by the chief to show his rank in said department. (1976 Code, § 7-319)

**7-319. Enforcement of chapter.** All regularly appointed and designated officers of the fire department of the City of Smithville are empowered to enforce the provisions of this chapter as special policemen.

It is hereby made the duty of the chief of police and/or other officers who may be on duty, to respond to all fire alarms and assist the fire department in the protection of life and property and in regulating traffic, maintaining order, and otherwise enforcing the observance of all other sections of this chapter. (1976 Code, § 7-320)

**7-320. Social officers.** The department may elect a president, vice-president, secretary, and treasurer, any of which offices may be combined, and such other officers as necessary, to be known as social, administrative, and financial officers. Such officers may be elected in any manner and for any term the membership may decide upon, and their duties shall be as prescribed by the membership of the fire department.

The functions and duties of said officers shall in nowise interfere with the duties of the regular fire department officers who are charged with the responsibility for all fire service activities of the department. (1976 Code, § 7-321)



## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-401. Use of equipment outside city.

**7-401. Use of equipment outside city.** No fire-fighting equipment, apparatus, or equipment shall be permitted to leave the city limits of the City of Smithville, except as authorized and permitted by the laws of the State of Tennessee, either general or special.<sup>1</sup> However, the personnel of the fire department may, without liability or obligation on the part of the city, respond to calls beyond the corporate limits, and use the equipment of the city, provided that the absence of such equipment responding to outside calls will not in any way jeopardize or effect the protection, with adequate equipment, of any and all fire calls and alarms within the city. Any and all responses outside of said city shall be wholly and fully the action of the personnel of the fire department. (1976 Code, § 7-318)

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<sup>1</sup>Mutual aid agreement, dated October 1, 1993, between the City of Smithville Volunteer Fire Department and DeKalb County Fire Department is of record in the city recorder's office.

## CHAPTER 5

### FIREWORKS

#### SECTION

7-501. Sale or possession in corporate limits.

7-502. Use of fireworks within the central business district.

7-503. "Combustible materials and explosives" defined.

7-504. Violations and penalties.

7-505. Conflicts with TCA.

**7-501. Sale or possession in corporate limits.** It shall be unlawful, and a violation of the laws of the City of Smithville, Tennessee, for any person, firm, corporation, partnership, legal entity, or otherwise, to sell, or possess for the purpose of sale, any combustible materials or explosives within the corporate limits of the City of Smithville, Tennessee, except controlled combustible materials and explosives as hereinafter defined. (Ord. #167, Dec. 1982)

**7-502. Use of fireworks within the central business district.** It shall be unlawful, and a violation of the laws of the City of Smithville, Tennessee, for any person to use, fire or discharge any firecrackers, fireworks, roman candles, or like or similar explosive or combustible materials within the Central Business District of the City of Smithville, Tennessee except controlled combustible materials and explosives as hereinafter defined. (Ord. #167, Dec. 1982)

**7-503. "Combustible materials and explosives" defined.** The term "combustible materials and explosives" shall mean, and be limited to, combustible materials and explosives, fired or ignited by, and under the control of, the appropriate city officials of the City of Smithville in connection with entertainment or displays designated by the city as such. (Ord. #167, Dec. 1982)

**7-504. Violations and penalties.** Any violation of this chapter shall be a misdemeanor, and any person, firm, corporation, partnership, legal entity, or otherwise convicted of such violation shall be subject to arrest and a fine of not less than two dollars (\$2.00) and not more than fifty dollars (\$50.00), within the discretion of the city court. (Ord. #167, Dec. 1982)

**7-505. Conflicts with TCA.** Whenever, and wherever, this chapter is, or becomes in conflict with Tennessee Code Annotated, title 68, chapter 104, the provisions of said Tennessee Code Annotated shall take precedence. (Ord. #167, Dec. 1982)