TITLE 7
FIRE PROTECTION AND FIREWORKS\(^1\)

CHAPTER
1. FIRE CODE.
2. FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE CITY LIMITS.
4. FIRE HYDRANTS.
5. REGULATING OPEN-AIR FIRES.

CHAPTER 1
FIRE CODE\(^2\)

SECTION
7-102. Enforcement.
7-103. Definition of "municipality."
7-104. Gasoline trucks.
7-105. Variances.
7-106. Fees for inspections and permits.
7-107. Violations.

7-101. **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,\(^3\) 1999 edition, as recommended by the Southern 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 recorder 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. (Ord. #74-97, Nov. 1997, modified)

\(^1\)Municipal code reference
Building, utility and housing codes: title 12.

\(^2\)Municipal code reference
Building, utility and housing codes: title 12.

\(^3\)Copies of this code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.
7-102. **Enforcement.** When reference is made to the duties of a certain official named in the fire code, that designated official of the City of Gallaway, Tennessee, who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the fire code are concerned. (Ord. #74-97, Nov. 1997)

7-103. **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 Gallaway, Tennessee. (1975 Code, § 7-203)

7-104. **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. (1975 Code, § 7-205)

7-105. **Variances.** The chief of the fire department may recommend to the governing body 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 this 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 governing body. (1975 Code, § 7-206)

7-106. **Fees for inspections and permits.** All fees for inspections and permits under the fire code shall be those fees as adopted by the Board of Commissioners of the City of Gallaway by resolution and said fees for inspections and permits may be changed by resolution of the board of commissioners and, the board shall have the power to adopt any subsequent additions of the fire code by resolution. (Ord. #74-97, Nov. 1997)

7-107. **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 governing body of the municipality 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. (1975 Code, § 7-207)
CHAPTER 2

FIRE DEPARTMENT

SECTION
7-201. Establishment, equipment, and membership.
7-203. Organization, rules, and regulations.
7-204. Records and reports.
7-205. Tenure and compensation of members.
7-206. Chief responsible for training.
7-207. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body. All apparatus, equipment, and supplies shall be purchased by or through the municipality. The fire department shall be composed of a chief appointed by the governing body and such number of physically fit subordinate officers and firemen as the chief shall appoint. (1975 Code, § 7-301)

---

¹Charter references
For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

Fire chief
Appointment: § 6-21-701.
Duties: § 6-21-702.
Emergency: § 6-21-703.

Fire marshall: § 6-21-704

Firemen
Appointment: § 6-21-701.
Emergency powers: § 6-21-703.

Municipal code reference
Special privileges with respect to traffic: title 15, chapter 2.
7-202. 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. (1975 Code, § 7-302)

7-203. 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. (1975 Code, § 7-303)

7-204. 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 to the city manager once each month, and at the end of the year a detailed annual report shall be made. (1975 Code, § 7-304, as amended by Ord. #154/2010, Nov. 2010)

7-205. Tenure and compensation of members. The 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 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 chief may be suspended up to thirty (30) days by the city manager 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. (1975 Code, § 7-305, as amended by Ord. #154/2010, Nov. 2010)

7-206. 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 the fire apparatus out for practice operations not less than once a month. (1975 Code, § 7-306)

7-207. 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 insurance and banking 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. (1975 Code, § 7-308)
CHAPTER 3

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION
7-301. Equipment to be used only within corporate limits generally.

7-301. 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 owned property or, in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the municipal governing body. (1975 Code, § 7-207)
CHAPTER 4

FIRE HYDRANTS

SECTION

7-401. Color scheme for fire hydrants.

7-401. **Color scheme for fire hydrants.** The capacity indicating color scheme that the city shall have for fire hydrants which are on the city's system shall be as follows:

<table>
<thead>
<tr>
<th>Color</th>
<th>Class</th>
<th>Flow at 20 psig residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green</td>
<td>A</td>
<td>1000 gpm or more</td>
</tr>
<tr>
<td>Orange</td>
<td>B</td>
<td>500 to 1000 gpm</td>
</tr>
<tr>
<td>Red</td>
<td>C</td>
<td>Less than 500 gpm</td>
</tr>
</tbody>
</table>

(Ord. #56-92, Sept. 1992)
CHAPTER 5

REGULATING OPEN-AIR FIRES

SECTION 7-501. Open-air fires regulated.

7-501. **Open-air fires regulated.** (1) It shall be unlawful for any person, firm, or corporation to start, or cause to be started, any open-air fire within the corporate limits of the City of Gallaway without having first obtained a burn permit from the Gallaway City Hall. The Gallaway City Fire Department of Gallaway City Hall shall be solely responsible for administering said permits.

(2) There shall be a fee for said permit. The Gallaway Fire Department or Gallaway City Hall, after consulting with the city fire chief, shall only issue the permit to burn after confirming that weather conditions are suitable for burning.

(a) The permit fee for burning leaves shall be two dollars ($2.00). Homeowners burning only leaves and limbs produced on the property of the homeowner must always obtain a permit, but there will be no fee.

(b) Fee for other permits shall be ten dollars ($10.00)

(3) Persons setting fires shall be responsible for staying with the fire until it is out and for supplying a water hose or adequate equipment to control the fire, if needed. All fires must be completely out by dusk. Persons setting fires must comply with all Tennessee State and Fayette County laws.

(4) The following items are strictly prohibited from burning: household garbage, shingles, tires, any petroleum products, any CPVC (chlorinated polyvinyl chloride) products, PVC (polyvinyl chloride) products, or polymerization of vinyl chloride monomer products.

(5) Burning of trees, brush, etc. for the purpose of clearing land in preparation for construction of a single family dwelling may be permitted at the discretion of the fire chief. Burning of materials in a commercial or industrial may be permitted solely at the discretion of the city fire chief or person of authority delegated by the city fire chief.

(6) Any person, firm or corporation who is caught burning without said permit, will be issued a warning citation on the first offense. All second offense violators shall be issued a citation to appear in city court. Any person starting a fire after being denied a permit to burn will be issued a citation on the first offense. Any violation of this section is a misdemeanor punishable upon conviction thereof, by a fine of fifty dollars ($50.00) plus court cost for each violation. Each day shall be considered a separate violation. Constant offenders shall be fined according to the situation of the violation. (as added by Ord. #105-2005, Sept. 2005, and replaced by Ord. #124-2007, Jan. 2008)