



Inability to Provide Water for Fire Service

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Problems Confronting Local Government's Ability to Provide Water for Fire Service

1. There is a lack of resources to fund improvements to the water system, including fire hydrants.

Cities often are reluctant to increase the property tax rate, or increase water rates, to fund improvements in the water system that are needed to improve community fire protection, even though such improvements can lead to savings in homeowners' insurance premiums. Elected officials should realize that the savings in insurance premiums can be used to pay for minimizing property loss, and to reduce the number of injuries and loss of life due to fires. The savings in homeowner insurance premiums usually offset the costs for fire service improvements.

2. Many water utility districts, both public and private, provide only potable water for consumption and do not provide water for fire service.

Although municipal governments in Tennessee are responsible for providing fire service, utility districts that struggle to provide water for consumption often think they are not responsible for fire service. Many utility districts are faced with the same lack of funds to finance improvements to the water storage and distribution system that would be beneficial to city fire service.

The typical response from many water utility managers is, "We are not in the fire protection business." They may not, or do not, recognize that 40 percent of a community's Insurance Service Organization (ISO) rating, which is used to set local property insurance rates, is based on the water utility system. Many water utility boards of directors are unaware what affect they can have on a community by providing good fire protection. The ISO rating for a community is based half on the fire department and almost half on the water service. If a water manager is doing the right things, he also must be concerned with fire protection. The water utility is not in the full-time fire protection business, but it is responsible for supply adequate fire flows to protect the properties that are at risk in the community. Fire departments must establish good working relationships with the water/utility system(s) that serve their fire protection area(s).

3. The water utility district is not materially linked to local planning.

A water utility district operating within a city, or the city's urban growth area, is not required to comply with the city's growth plans or the city's subdivision regulations. A city cannot enforce its subdivision regulations within its urban growth area without permission from the county. Cities in Oregon and Washington, states with growth regulations similar to those in Tennessee, are authorized to require that utilities comply with local government planning regulations. Tennessee law does not require that utilities comply with a city's local planning regulations or the 20-year growth plan required by Public Chapter 1101.

Many small-town mayors pose questions such as, "How can I require a public or private water utility district operating within my city and urban growth boundary to comply with the city's subdivision regulations? How can my city provide water to the fire department to prevent the loss of property and life due to fires?" Invariably the answer is, regardless of any city police powers, subdivision regulations, county growth plans, or city land use plans, cities clearly lack the authority to direct a utility district to comply with its development regulations. Cities cannot require water utilities to install needed fire hydrants or replace substandard water mains, even if a developer or a city agrees to pay the cost.

Cities need to investigate innovative ways of providing fire service and innovative ways for funding those services, many of which are outlined in this report. Cities should not approve new development projects unless there is sufficient water available to provide the needed fire flows. The fire chief or fire official should have a seat at the review table when developers bring proposed developments to a community and asked for preliminary review and comments. An adequate water supply commensurate with the risk should be required as part of the approval process. Deficient water for fire protection should be grounds for rejection of the proposed development until an adequate water supply is available.

4. Local governments generally lack the authority to take over and upgrade water utilities operating within their political jurisdictions.

Although state law allows a city to take over a utility operating within its jurisdiction, federal law prevents such action if the utility has outstanding bond obligations for utility infrastructure within the area. Cities have been unsuccessful in getting needed federal law amendments that would allow them to take over the utility upon paying off the bond debt.

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