

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE CODE²

SECTION

- 7-101. Fire code adopted.
- 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 and penalty.

7-101. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the *International Fire Code*,³ 2012 edition, and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the fire code. Said fire code is shall be controlling within the corporate limits.

¹Municipal code reference

Building, utility, and residential codes: title 12.

²Municipal code reference

Building, utility, and residential codes: title 12.

³Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

7-102. Enforcement. The 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.

7-103. Modifications. The fire code herein adopted is modified by:

(1) _____

(2) _____

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.

7-105. Variances. The chief of the fire department may recommend to the board of commissioners variances from the provisions of the fire 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 commissioners.

7-106. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

7-107. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

FIRE DEPARTMENT¹

SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Objectives.
- 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 city manager and such number of physically fit subordinate officers and firemen as the chief shall appoint. (2003 Code, § 7-201, as amended by Ord. #27-2015, July 2015)

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 marshal: § 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; and
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (2003 Code, § 7-202)

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. (2003 Code, § 7-203)

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. (2003 Code, § 7-204)

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. (2003 Code, § 7-205)

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. (2003 Code, § 7-206)

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. (2003 Code, § 7-207)

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. (2003 Code, § 7-301)

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:

<u>Color</u>	<u>Class</u>	<u>Flow at 20 psig residential</u>
Green	A	1,000 gpm or more
Orange	B	500 to 1,000 gpm
Red	C	Less than 500 gpm

(2003 Code, § 7-401)

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. (2003 Code, § 7-501)