

TITLE 7

FIRE PROTECTION AND PREVENTION¹

CHAPTER

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CHAPTER 1

FIRE PREVENTION AND PROTECTION

SECTION

- 7-101. Composition of fire department.
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7-101. Composition of fire department. The fire department shall consist of such fire, hose and hook-and-ladder companies as the board of commissioners may from time to time determine and of such drivers and other employees as the need of the department requires. (1985 Code, § 10-1)

¹Charter references

- Appointment of fire chief: § 39.
- Civil service commission: art. XXVI.
- Departments: art. XVIII.
- Fire bureau: art. XX.
- Supervision of fire chief: § 45.3.

State law references

- Fire fighting training and standards: Tennessee Code Annotated, § 4-24-101, et seq.
- Fire prevention and investigation: Tennessee Code Annotated, § 68-102-101, et seq.

Municipal code reference

- Release of hazardous materials: title 11, chapter 7.

7-102. Bureau of fire prevention--created. A bureau of fire prevention is hereby created which shall operate under the chief of the fire department, subject to the control and direction of the board of commissioners. (1985 Code, § 10-2)

7-103. Bureau of fire prevention--powers and duties of chief generally. The chief of the fire department is hereby declared to be chief of the bureau of fire prevention and he shall do, or cause to be done by any designated deputy, all things required under the rules and regulations of the fire prevention code, adopted by § 7-201; to enforce the rules and orders of the state department of labor, relating to prevention of fires; to inspect or cause to be inspected, for life and fire hazards, all properties within the city and to issue and enforce the necessary orders for the abatement, removal or safeguarding of same; to issue all permits and collect, or cause to be collected, all fees that are required by such code. For the performance of his duties he is hereby vested with police powers and with the right of entry to any building or premises, at all reasonable hours, in the performance of his duties. (1985 Code, § 10-3)

7-104. Duties of police in event of fire. When an alarm of fire is sounded, it shall be the duty of at least one (1) policeman to repair as speedily as possible to the scene of the fire, to preserve the order, to prevent persons from interfering with the firemen and to protect property. (1985 Code, § 10-4)

7-105. Right-of-way of fire engines, etc. It shall be the duty of all persons upon the streets when a fire engine, hook-and-ladder truck or hose cart comes in sight, after a fire alarm has sounded, to give immediate right-of-way to such fire apparatus.¹ (1985 Code, § 10-5)

7-106. Assistance at fire. It shall be the duty of any person, when so summoned for that purpose by the acting chief of the fire department, to render all the assistance in his power to extinguish or to stay the progress of a fire, and to observe all orders given by the officers of the fire department while on such duty. (1985 Code, § 10-6)

7-107. Interfering with fire department. No person shall interfere in any manner with the operation of the fire department at a fire. (1985 Code, § 10-7)

7-108. Interfering with fireplugs. No person shall interfere or tamper with the fireplugs in any way whatsoever, except a member of the fire department, or persons authorized to repair them. (1985 Code, § 10-8)

¹State law reference

Operation of vehicles and streetcars upon approach of authorized emergency vehicles: Tennessee Code Annotated, § 55-8-132.

7-109. False alarm. No person shall knowingly make, or cause to be made, any false alarm of fire. (1985 Code, § 10-9)

CHAPTER 2**FIRE PROTECTION CODE**¹**SECTION**

7-201. Adopted.

7-202. Where filed.

7-201. Adopted. There are hereby adopted and incorporated by reference and made a part of this chapter, as fully and completely as though copied at length herein, all volumes of the 1998 edition of the National Fire Prevention Fire Codes, as well as the standard fire prevention code, 1997 edition, as published by the Southern Building Codes Congress International, and all supplements to either of said codes as are now or may hereafter be published; and which codes collectively, as supplemented, shall constitute the Fire Protection Code of this city. In the event of a conflict between the provisions of the aforementioned codes, the stricter provision shall apply.

Any person who violates said code shall be punished as provided in § 1-104.² (Ord. #3663, Feb. 1999)

7-202. Where filed. At least three (3) copies of the code adopted in this chapter shall be maintained on file in the office of the city recorder and shall be available for inspection by any interested person. (1985 Code, § 10-27)

¹Municipal code reference

Building, utility and housing codes: title 12.

²State law reference

Codes incorporated by reference: Tennessee Code Annotated, § 6-54-501, et seq.

CHAPTER 3

OPEN BURNING

SECTION

7-301. Purpose.

7-302. Prohibited.

7-303. Exceptions.

7-304. Permits.

7-301. Purpose. The purpose of this chapter is to establish controls on open burning so as to prevent undesirable levels of air contaminants in the atmosphere. (1985 Code, § 10-44)

7-302. Prohibited. No person shall cause, suffer, allow or permit open burning or shall conduct a salvage operation by open burning except as specifically permitted in this chapter. (1985 Code, § 10-45)

7-303. Exceptions. Open burning as listed in this section may be conducted subject to the specified limitations herein; provided, that no public nuisance is or will be created by such open burning. This grant of exemption shall in no wise relieve the person responsible for such burning from the consequences of or the damages, injuries or claims resulting from such burning:

(1) Domestic burning, exclusive of garbage, at a property used exclusively as a private residence or dwelling for not more than four (4) families where collection service for such material is not available;

(2) Fires used for cooking of food or for ceremonial or recreational purposes including barbecues and outdoor fireplaces;

(3) Fires set for the training and instruction of public or private fire-fighting personnel including those in civil defense;

(4) Fires set by or at the direction of a responsible fire control agency for the prevention, elimination or reduction of a fire hazard;

(5) Open burning of tree limbs, brush, excelsior, dunnage and other items of comparable combustion characteristics, provided the following conditions are met:

(a) The site of such burning is not nearer than one (1) mile to a designated primary highway or military, commercial, municipal or private airport; and

(b) The site of such burning is not nearer than one-half mile to a designated secondary highway, national reservation, state park, wildlife area, state forest or residence.

(6) Such other open burning as may be approved by the fire chief or other official as from time to time may be designated by the city manager or

acting city manager, where there is no other practical, safe or lawful method of disposal. (1985 Code, § 10-46)

7-304. Permits. (1) Open burning as listed in § 7-303 (1)-(4), may be conducted in accordance with the limitations of such section without permit. However, this shall not relieve any person of the responsibility of obtaining such permit as may be required by any other agency relative to open burning, i.e., under Tennessee Code Annotated, § 39-3-226. All other open burning shall be contingent upon possession of a valid written permit from the city fire chief or other official as from time to time may be designated by the city manager or acting city manager; except, that owners or operators of open burning operations in existence on or before the effective date of this chapter may continue such operations provided proper application for a permit is made as hereinafter described and until such time as final action has been taken on the application. Application for a permit for open burning shall be made on forms supplied by the city. Failure to submit completed forms or to supply requested supplementary information concerning an existing or proposed open burning operation shall constitute just cause for refusing issuance of a permit.

(2) Any person proposing to conduct open burning, not exempted in subsection (1) of this section, shall make application for and have in his possession a valid open burning permit before such open burning is commenced.

(3) Failure to strictly adhere to the provisions of any open burning permit shall be sufficient cause for revocation of any permit issued hereunder. Such revocation shall be made by the official issuing the same. All permits issued hereunder shall terminate upon completion of the operation conducted thereunder or the expiration of a period designated in such permit not to exceed one hundred eighty (180) calendar days from the issuance of such permit. (1985 Code, § 10-47)