

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire district described.

7-101. Fire district described. The corporate fire district shall extend fifty (50) feet upon the adjacent property on either side of the right-of-way along State Highway No. 62 from Poplar Creek Bridge to Kelly Town Baptist Church. (1989 Code, § 7-101)

¹Municipal code reference
Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

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. Fire lanes.
- 7-208. Automatic sprinkler system required.
- 7-209. Modifications.
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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,² 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 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. (1989 Code, § 7-201, as amended by Ord. #91-06-05, May 1991, 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. (1989 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 Town of Oliver Springs, Tennessee. (1989 Code, § 7-203)

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

7-204. Storage of explosives, flammable liquids, etc. (1) The district referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(2) The district 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 district as set out in § 7-101 of this code.

(3) The district 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 district as set out in § 7-101 of this code.

(4) The district 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 district as set out in § 7-101 of this code. (1989 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. (1989 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the town council 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 town council. (1989 Code, § 7-206)

7-207. Fire lanes. All commercial, retail, and wholesale business establishments or shopping centers consisting of one or more shops, in single units or attached together in a contiguous system, shall maintain an access road not less than 25 ft. in width, which would be clearly marked by signs or paint on the pavement (or both) "FIRE LANE." This fire lane shall be used and maintained in order to provide a clear and open route in which firefighting vehicles, police vehicles, ambulances, or other emergency vehicles may pass unobstructed in order to deal with any emergency or hazard that may arise.

These fire lanes shall provide access for the aforesaid vehicles to all businesses and business areas located in the commercial, wholesale, and retail business establishments and shopping centers.

The Town of Oliver Springs shall be charged with the responsibility of keeping these fire lanes free and clear of obstructions, such as parked or disabled vehicles. The Town of Oliver Springs shall have the authority to write traffic violations, search with valid search warrants, vehicles and other objects

within the fire lane, and to tow away or otherwise remove the obstructions, such as parked or disabled vehicles, that may block the fire lane or in some manner violate this section.

This section shall not be interpreted as to require the Town of Oliver Springs to repair, maintain, replace, grade, or pave the fire lanes established by the business districts pursuant to this section. The owner, tenant, designee, or agent of the property owner shall maintain, repair, replace, grade, or pave, or perform any other tasks of like or similar manner, upon the fire lane which has been established. The Town of Oliver Springs shall only enforce traffic violations, other obstructions, and any other matter which may violate federal, state, local, or town laws, rules, regulations, and ordinances. (1989 Code, § 7-207)

7-208. Automatic sprinkler systems required. All buildings constructed after July 1, 1985, having in excess of 10,000 square feet of floor area and intended for commercial and industrial use occupancies shall have automatic sprinkler systems installed to meet National Fire Prevention Association (NFPA) standards and requirements. (1989 Code, § 7-208)

7-209. Modifications. When reference is made to the duties of certain officials named therein, the designated officials of the Town of Oliver Springs 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 said code are concerned. (Ord. #91-06-05, May 1991)

7-210. 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 modified by the town council or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1989 Code, § 7-209)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Qualifications and tenure of chief.

7-304. Assistant chief and officers.

7-305. Qualifications and training of members.

7-306. Equipment and compensation of members.

7-307. Police powers and limits on use of equipment.

7-308. Rules and regulations.

7-309. Fire hydrant standards.

7-310. Color coding of fire hydrants.

7-301. Establishment, equipment, and membership. In order to protect life, avoid injury, and preserve property within the town limits from fire, the town council hereby organizes a fire department, which shall consist of such apparatus as the town now has and such as hereafter may be provided, and personnel to be composed of a chief and such number of subordinate officers as the town council shall provide. The members of the fire department shall be subject to such rules and regulations as may be adopted and approved by the town council. (1989 Code, § 7-301)

7-302. 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. (1989 Code, § 7-302)

7-303. Qualifications and tenure of chief. The chief of the fire department shall be a person especially qualified for the duties incumbent upon him/her and shall hold office for an indefinite term and only be removed for cause after public trial before the town council. (1989 Code, § 7-303)

¹Municipal code reference

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

7-304. Assistant chief and officers. There shall be an assistant chief for the department and two officers for each fire company, whose promotion shall be based on an efficient record as fire fighters and properly certified by the chief to the town council for confirmation. (1989 Code, § 7-304)

7-305. Qualifications and training of members. The name of all applicants for membership shall be certified to the town council by the chief for final confirmation. Applicants must be mentally and physically sound and of satisfactory age, weight, and height. Special training shall be required for such engineers and drivers as may be needed. (1989 Code, § 7-305)

7-306. Equipment and compensation of members. The town shall furnish to the members of the fire department rubber coats or other suitable clothing, fire helmets, and rubber boots to be worn at fires, drills, and on duty only. Said clothing shall be and remain the property of the town and shall be ordered subject to the approval of the mayor and the town council. Every member of the fire department who attends and assists at a fire, or who answers a false alarm, except full time members, shall receive for said service a sum to be fixed by the town council. In consideration of special duties to be rendered by the officers of the department, they shall receive per annum such compensation as may be agreed upon by the town council.

All full time firemen shall receive such compensation as may be agreed upon by the town council. (1989 Code, § 7-306)

7-307. Police powers and limits on use of equipment. The chief shall be authorized to exercise police powers at times of fire and summons to his assistance such additional help as he may deem necessary to control the fire. Further, the chief shall and is hereby authorized, to enforce all fire prevention ordinances contained in the municipal code. Fire trucks will not leave the Town of Oliver Springs without the express consent of the safety director, fire chief or other officers in charge.¹ (1989 Code, § 7-307)

7-308. Rules and regulations. The following rules and regulations shall govern the fire department.

(1) Preamble. Members of the fire department should understand that these rules and regulations are not intended to cover every case which may arise in the discharge of their duties. Something must necessarily be left to the intelligence and discretion of the individual officers and members, and to the degree they show they are possessed of these qualities, and on their zeal, activity, and judgment on all occasions, their claims to further promotion and reward will hinge.

¹Municipal reference

Fire service outside town limits: this title, chapter 4.

(2) Chief. (a) The chief shall be at the head of the department, subject to the rules and regulations herein adopted. He shall be held responsible for the good order and efficiency of the department.

(b) It shall be his duty to examine the condition of the fire station, apparatus, hose, and all other property of the department once a week and whenever directed by the mayor.

(c) He shall drill the department at least monthly in the use of apparatus and equipment, and also hold one or more meetings a month in discussing equipment, proper fire fighting methods, fire hazards, and other business in line of duty, such as hydrants, mains, and water supply. A member missing three successive regular meetings without permission shall be dropped from the roll.

(d) He shall keep a complete record of all operations of the department and submit a monthly and annual report to the town council.

(e) He shall attend all fires, when not providentially hindered or excused by the mayor, and direct the officers in matters pertaining to their duties. He may in his judgment suspend members from duty and make report of such action to the town council as soon as practicable thereafter.

(f) He shall, with other members of the department, make inspections of all mercantiles, schools, churches, and factories at least twice a year.

(g) The chief shall on absenting himself from the town first notify the assistant chief to take charge of the department.

(3) Assistant chief. The assistant chief shall take charge of the department in the absence of the chief and assume the same powers as devolve upon the chief. At all other times he shall perform such duties as the chief may direct.

(4) Captains. (a) The first captain to arrive at a fire shall exercise command until arrival of a superior officer. Captains shall preserve the discipline of their respective companies and make monthly report of condition of apparatus, hose, and all other equipment in their control to the chief of the department, direct their companies at fires, and perform such other duties as the chief may direct.

(b) Captains must instruct each member of their respective companies concerning their duties at fires and see that each member knows location, name, and use of each piece of equipment.

(c) Captains must inspect fire trucks and all other equipment once a week with the engineer or driver and see that all equipment is on apparatus.

(5) Lieutenants. A lieutenant shall, in the absence of his captain, exercise the same duties and have the same powers as devolve upon the captain. At all other times he shall perform such duties as the captain may direct.

(6) Engineers or drivers. (a) Engineers and drivers must examine fire trucks daily and after each run, and also check the oil, gas, water, tires, and keep a record of time pumped and pressure on hydrants, and make a report to the captain.

(b) Engineers and drivers must examine all fire hydrants in their district and report all defects to the captain.

(7) Members. (a) All members must obey the orders of their superior officers when on duty.

(b) They shall assist in returning all equipment to their respective fire station after fire or drills, unless excused by the officer in charge.

(c) They shall respond promptly on receipt of fire alarms and report to their officer in charge.

(d) Every member should know the location, name, and use of all equipment.

(e) All members shall notify the chief when they are sick or when they want to be excused from duty.

(f) No member shall be permitted to leave a fire for any reason unless excused by the officer in command.

(g) It shall be the duty of the chief to acquaint each person, on becoming a member of the department, with the rules and regulations governing the same.

(h) Any member of the department may be dropped from the roll for any of the following offenses:

(i) Intoxication.

(ii) Any act of insubordination.

(iii) Any act of oppression or tyranny.

(iv) Neglect of duty.

(v) Neglect or disobedience of orders.

(vi) Absence from fires or drills without permission.

(vii) Immoral conduct.

(viii) Conduct unbecoming a fire fighter.

(ix) Any violation of the rules and regulations governing the department. (1989 Code, § 7-308)

7-309. Fire hydrant standards. Water mains and fire hydrants shall be installed in such a manner to provide adequate fire flows. All water mains shall be at least six inches in diameter. However, larger mains shall be installed when necessary to insure that a minimum of 500 gpm at 20 psi residual pressure is available at all fire hydrants. Based on the color coding system adopted in § 7-310, all "red" fire hydrants shall not be used for connecting a fire department pumper except in those instances where, in the judgement of the senior fire officer on the scene, there is an imminent threat to life. (Ord. #93-04-11, Nov. 1993)

7-310. Color coding of fire hydrants. NFPA 291, Fire Flow Testing and Marking of Hydrants, is hereby adopted by reference and incorporated into this code as if it were set out at length herein and shall be controlling within the corporate limits. (Ord. #93-04-11, Nov. 1993)

CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS¹**SECTION**

7-401. Restrictions on fire service outside town limits.

7-401. Restrictions on fire service outside town limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the town limits unless the fire is on town property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the town as to endanger the town property, or unless the town council has developed policies for providing emergency services outside of the town limits or entered into a contract or mutual aid agreement pursuant to the authority of:

(1) The Local Government Emergency Assistance Act of 1987, as amended, codified in Tennessee Code Annotated, § 58-2-601, et seq.²

¹Municipal code reference

Fire trucks not to leave town without consent of certain officers:
§ 7-307.

²State law references

Tennessee Code Annotated, § 58-2-601, et seq., as amended by Public Acts 1988, Ch. 499, authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

This statute, as amended, does not require written agreements between the local governments, but authorizes them to develop policies and procedures for requesting and responding to requests for emergency assistance, including provisions for compensation for service rendered.

The statute specifies which municipal officers may request and respond to requests for emergency assistance and provides for the appointment by municipal governing bodies of additional municipal officers with the same authority.

The statute provides that the senior officer of the requesting party will
(continued...)

- (2) Tennessee Code Annotated, § 12-9-101, et seq.¹
 (3) Tennessee Code Annotated, § 6-54-601.² (1989 Code, § 7-401)

²(...continued)

be in command at the scene of the emergency.

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its employees shall be liable for any property damage or bodily injury at the actual scene of any emergency due to actions performed in responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

¹State law reference

Tennessee Code Annotated, § 12-9-101, et seq., is the Interlocal Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

²Tennessee Code Annotated, § 6-54-601 authorizes municipalities:

(1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with industrial fire departments, to furnish one another with fire fighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide such communities with firefighting assistance. (3) Provide fire protection outside their city limits to either citizens on an individual contractual basis, or to citizens in an area without individual contracts, whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided. (Counties may compensate municipalities for the extension of fire services.)

CHAPTER 5

FIREWORKS

SECTION

7-501. Sale of within corporate limits prohibited.

7-502. Definitions.

7-501. Sale of within corporate limits prohibited. The detonation of fireworks and the sale thereof is hereby declared to be unlawful within the corporate limits of the Town of Oliver Springs. (Ord. #95-07-09A, Sept. 1995)

7-502. Definitions. (1) "Fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible and/or audible effect by combustion or explosion.

(2) "Deflagration" or "detonation" and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, roman candles, daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing an explosive or flammable compound or any tablets or other device containing any explosive substance except that the term "FIREWORKS" shall not include model rockets and model rocket engines designed and sold and used for the purpose of propelling recoverable aerial models and shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the United States Department of Transportation regulation for packing and shipping of toy, paper or plastic caps are used and toy, paper and/or plastic caps manufactures as provided therein, the sale and use of which shall be permitted at all times.

Each package containing toy, paper and/or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. Any violation hereof shall be punishable as are any other misdemeanors described in this code. (Ord. #95-07-09A, Sept. 1995)