

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows:

(1) Fire District No. 1 shall be and include all the areas within the corporate limits which are zoned for general business.

(2) Fire District No. 2 shall be and include all areas within the corporate limits not zoned for general business.

(3) Elsewhere in this code or the codes adopted by reference, when the "fire limits" are referred to it shall be deemed to be a reference to Fire District No. 1. (1972 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. Modifications.
- 7-205. Appeals.
- 7-206. Violations.

7-201. Fire code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Athens, the International Fire Code,² 2009 edition, as recommended by the International Code Council, 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 code has been placed on file in the city manager's office and shall be kept there for the use and inspection of the public. Said fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling with the corporate limits. (1972 Code, § 7-201, as amended by Ord. #854, April 1999, and Ord. #869, § 1, May 2000, and replaced by Ord. #991, Aug. 2010)

7-202. Enforcement. The fire code herein adopted by reference shall be enforced by the chief of the fire department. (1972 Code, § 7-202, as replaced by Ord. #991, Aug. 2010)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the City of Athens. (1972 Code, § 7-203, as replaced by Ord. #991, Aug. 2010)

7-204. Modifications. The chief of the fire department shall have the power to modify any of the provisions of the fire code upon application in writing

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

²Copies of this code are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101.

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 modifications when granted or allowed and the decision of the chief thereon shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

The fire code adopted in § 7-201 is hereby modified by requiring automatic sprinkler systems in future commercial, industrial, and residential occupancies having a gross floor area of ten thousand (10,000) square feet or greater and requiring an automatic sprinkler system in Hazards Production Material (HPM) facilities as defined by the adopted building code. All automatic sprinkler systems shall be designed by a licensed engineer or architect and shall conform to NFPA 13 requirements and to the building code sprinkler requirements. The sprinkler requirements shall be made a part of the plans and specifications submitted for approval and shall be installed by a State of Tennessee licensed automatic sprinkler system contractor. The City of Athens will not require sprinklers in one- and two-family residences with less than ten thousand (10,000) gross square feet. Sprinklers will be required in three (3) unit townhouses with five thousand (5,000) gross square feet or more and townhouses built with four (4) or more units regardless of square footage. (1972 Code, § 7-205, as amended by Ord. #824, § 1, Dec. 1996, and replaced by Ord. #991, Aug. 2010)

7-205. Appeals. Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city manager within thirty (30) days from the date of the decision appealed. (1972 Code, § 7-206, as replaced by Ord. #991, Aug. 2010)

7-206. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire 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 fire chief or city manager or by a court of competent jurisdiction, with 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. (1972 Code, § 7-207, as replaced by Ord. #991, Aug. 2010)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Chief to be assistant to state officer.
- 7-308. Destruction of property.
- 7-309. Police powers of firemen.
- 7-310. Deleted.

7-301. Establishment, equipment and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city council. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of physically fit subordinate officers and firemen as the city manager shall appoint. (1972 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 in case a fire does start.
- (3) To confine fires to the place 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. (1972 Code, § 7-302)

7-303. 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. (1972 Code, § 7-303)

¹Municipal code reference

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

7-304. 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 those matters to the city manager once each month and at the end of the year a detailed annual report shall be made. (1972 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the city manager. The city manager or 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. All personnel of the fire department shall receive such compensation for their services as the city council may from time to time prescribe. (1972 Code, § 7-305)

7-306. Chief responsible for training and maintenance. 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. (1972 Code, § 7-306)

7-307. 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 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. (1972 Code, § 7-308)

7-308. Destruction of property. During the progress of any fire, the fire department may remove or destroy any property necessary to prevent the further spread of the fire. (1972 Code, § 7-309)

7-309. Police powers of firemen. Firemen shall have the same powers and authority as policemen of the city while going to, attending, and returning from fires and for the purpose of enforcing fire prevention regulations and protecting fire fighting apparatus, equipment and facilities. (1972 Code, § 7-310)

7-310. [Deleted.] (1972 Code, § 7-311, as deleted by Ord. #917, April 2004)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Equipment to be used only within corporate limits.

7-401. Equipment to be used only within corporate limits. No equipment of the fire department shall be used for fighting any fire outside the corporate limits except pursuant to a mutual aid agreement entered into with another municipal corporation. (1972 Code, § 7-307)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Fireworks defined.
- 7-502. Manufacture, sale and discharge of fireworks.
- 7-503. Bond for fireworks display required.
- 7-504. Disposal of unfired fireworks.
- 7-505. Exceptions.
- 7-506. Seizure of fireworks.

7-501. Fireworks defined. "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 or an audible effect by combustion, explosion, 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 balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. (1976 Code, § 7-401)

7-502. Manufacture, sale and discharge of fireworks. (1) The manufacture of fireworks is prohibited within the city.

(2) Except as hereinafter provided it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the chief of the fire department shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the chiefs of the police and fire departments of the municipality, and shall be of such a character, and so located, discharged or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or persons.

(3) Application for permits shall be made in writing at least fifteen days in advance of the date of the display. After such privilege shall have been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (1972 Code, § 7-402)

7-503. Bond for fireworks display required. The permittee shall furnish a bond in an amount deemed adequate by the chief of the fire department for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors. (1976 Code, § 7-403)

7-504. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (1976 Code, § 7-404)

7-505. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. (1976 Code, § 7-405)

7-506. Seizure of fireworks. The chief of the fire department or any policemen having knowledge thereof shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter. (1976 Code, § 7-406)