

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all that area of the city zoned as the central business district. (2003 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

Burning of refuse: § 13-101.

CHAPTER 2

FIRE CODE¹

SECTION

7-201. Fire code adopted.

7-202. Available in recorder's office.

7-203. Violations and penalty.

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 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,² 2006 edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Said international fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

7-202. 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.

7-203. Violations and penalty. It shall be a civil offense 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.

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment and membership.
- 7-302. Objectives.
- 7-303. Organization, rules and regulations.
- 7-304. Review committee.
- 7-305. Records and reports.
- 7-306. Tenure of chief.
- 7-307. Equipment and funding.
- 7-308. Training and maintenance.
- 7-309. Equipment to be used within the municipal limits of the City of Church Hill.
- 7-310. Chief to be assistant to state officer.
- 7-311. Status.
- 7-312. Liability and other insurance.

7-301. Establishment and membership. There is hereby established a municipal fire department to be equipped from appropriations by the board of mayor and aldermen. The municipal fire department is to be staffed by city employees and volunteers. The chief shall be appointed by the board of mayor and aldermen. (2003 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 fire.
- (3) To confine fires to their places of origin and to extinguish them.
- (4) To prevent loss of life from asphyxiation.
- (5) To perform such rescue work as equipment and training of personnel make practicable. (2003 Code, § 7-302)

7-303. Organization, rules and regulations. The fire chief shall, with the consent and approval of the board of mayor and aldermen, set up the internal organization of the municipal fire department. He shall make definite assignments to individuals, and shall, subject to the approval of the mayor and aldermen, formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. The chief shall have the authority to suspend any member of the municipal fire

¹Municipal code reference

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

department for violating the departmental rules and regulations or whenever he deems it necessary for the continuing efficient operation of the department. (2003 Code, § 7-303)

7-304. Review committee. Any suspended member, either volunteer or city employee, shall have the option of appealing his suspension to the board of mayor and aldermen. The board shall, after affording the aggrieved member an opportunity to present his position, either orally or in writing, at a regular or special meeting affirm the suspension, modify the suspension, or remove the suspended member. (2003 Code, § 7-304)

7-305. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, charitable contributions, personnel, and work of the department. He shall submit a written report on such matters to the mayor prior to each regular meeting of the board of mayor and aldermen. At the end of the year, a detailed annual report shall be made and submitted. (2003 Code, § 7-305)

7-306. Tenure of chief. The mayor shall have the authority to suspend the fire chief for a period not to exceed thirty (30) days. In the event such suspension is required for the proper functioning of the administration of the department, the mayor shall announce, at the next regular meeting of the board of mayor and aldermen, the fact of the suspension and make recommendations to the board regarding the chief's future status. The suspended fire chief shall be allowed to state his position regarding the suspension and the mayor's recommendations if he so desires. The board, shall by majority vote, act upon the mayor's recommendations. At the beginning of each fiscal year, the board of mayor and aldermen shall exercise the option of appointing a new fire chief or reappointing the incumbent fire chief. (2003 Code, § 7-306)

7-307. Equipment and funding. The fire department shall be funded whenever necessary from the treasury of the city. The municipal fire department shall also accept donations from the general public which shall be used to defray the expenses of the operation of the municipal fire department and to purchase firefighting equipment and supplies. Any equipment donated to the fire department shall be the sole property of the City of Church Hill. Fire protection apparatus and equipment purchased with appropriations from the treasury of the City of Church Hill or with charitable contributions shall be the property of the city. (2003 Code, § 7-307)

7-308. Training and maintenance. The chief of the municipal fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the municipal fire department.

Fire department personnel shall hold not less than one practice training session a month. (2003 Code, § 7-308)

7-309. Equipment to be used within the municipal limits of the City of Church Hill. The Church Hill municipal fire department shall respond to calls for firefighting and fire protection within the corporate limits of the City of Church Hill. The board of mayor and aldermen may, in its discretion, and by resolution, authorize fire protection activity at other location in Hawkins County upon such conditions as the board deems is in the best interests of the citizens of Church Hill. Reciprocal mutual assistance agreements may be executed with other municipalities and other volunteer fire departments as the board deems necessary and proper. (2003 Code, § 7-309)

7-310. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the municipal fire department is hereby 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 commissioner in the execution of the provisions thereof. (2003 Code, § 7-310, modified)

7-311. Status. All members of the municipal fire department who are not employed by the city in another capacity, serve as volunteers and, with their application and agreement to serve, acknowledge that they are not employees of the City of Church Hill but are serving their community for fire protection purposes. Volunteer members shall serve without compensation. (2003 Code, § 7-311)

7-312. Liability and other insurance. The City of Church Hill shall carry and pay the premiums on liability insurance to cover the hazards of municipal and volunteer firemen operating fire trucks and equipment over the public highways and roads. The city may also carry collision insurance on all of its fire department vehicles. The City of Church Hill may, if financially possible, provide medical and wage loss indemnity insurance coverage for volunteer members of the municipal volunteer fire department in order to compensate, in so far as the policy provides, volunteer firemen for medical expenses and any actual wage loss suffered from their regular job as a result of an injury incurred during the volunteer member's participation in firefighting activities on behalf of the City of Church Hill. The city's financial responsibility to its firemen is limited by this chapter to paying the premiums on whatever liability, indemnity, medical and workers' compensation insurance is purchased, if any. The City of Church Hill is not responsible for the actual medical expenses and actual lost wages of any member in the municipal volunteer fire department either as a current city employee or a volunteer, in the event that

any insurance carrier becomes insolvent or otherwise defaults upon its obligations to pay any claim under the insurance policy purchased by the City of Church Hill. (2003 Code, § 7-312)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Storage and sale restricted.
- 7-402. Use of fireworks restricted.
- 7-403. Special displays, permits required.
- 7-404. Penalty for violation.
- 7-405. Use by railroads.

7-401. Storage and sale restricted. It shall be unlawful for any person, firm, partnership, or corporation to store or sell in or to ship into the corporate limits of Church Hill any pyrotechnics common fireworks except those fireworks classed as permissible fireworks in Tennessee Code Annotated, § 68-104-108. Permissible fireworks may only be sold on a seasonal basis from June 20 through July 5, and from December 10 through January 2. No fireworks may be sold between the hours of 11:00 P.M. and 8:00 A.M., Monday through Sunday, or from 8:00 A.M. to 1:00 P.M., Sunday. (as added by Ord. #11-450, Nov. 2011)

7-402. Use of fireworks restricted. It shall be unlawful for any person to fire, set off, shoot, or discharge, or otherwise explode any fireworks within the corporate limits of Church Hill, except that it is permissible for persons to fire, set off, shoot, discharge, or otherwise explode fireworks at their residences providing that:

- (1) The igniting and final firing or exploding is done within the property lines for the person doing the firing;
- (2) The fireworks may only be fired, set off, shot, discharged, or exploded on a seasonal basis from July 3 through July 5, and from December 24 through January 2.

Streets, roadways, and alleys maintained by the State of Tennessee or the City of Church Hill and sidewalks adjacent to the property from which fireworks are being exploded or fired are to be construed as outside the property lines of the person exploding fireworks, it being the intent of this chapter to prohibit the use of fireworks on all public streets, roadways, city parks, alleys, and sidewalks within the City of Church Hill.

- (3) No fireworks on any date shall be ignited, fired, or exploded between the hours of 11:00 P.M. and 8:00 A.M., Monday through Sunday, or from 8:00 A.M. to 1:00 P.M., Sunday. (as added by Ord. #11-450, Nov. 2011)

7-403. Special displays, permits required. Nothing in this chapter shall be construed as applying to the use of fireworks for public displays by holders of a permit for public display to be conducted in accordance with the

rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public displays only and which are otherwise prohibited for sale and use within the state shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of Interstate Commerce Commission as "Class B special fireworks" and shall not include such items of commercial fireworks such as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public display shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such display issued by the state fire marshal. Applications for such permits for such public displays shall be made in writing at least ten (10) days in advance of the proposed display, and the application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives. The application shall so state and shall bear the signed approval of the chief supervisory officials of the fire and police departments of the City of Church Hill. Permits issued shall be limited to the time specified therein and shall not be transferable. Possession of special fireworks for resale to holders of a permit for a public fireworks display shall be confined to holders of a distributors permit only. (as added by Ord. #11-450, Nov. 2011)

7-404. Penalty for violation. Any individual violating any provision of this chapter shall be guilty of a violation of the Church Hill Municipal Code, punishable by a fifty dollar (\$50.00) fine and other applicable court costs.

The Fire Chief of the City of Church Hill and any public safety officer is further authorized to seize any contraband and destroy fireworks which do not comply with the provisions defining allowable fireworks contained in this chapter pursuant to provisions of Tennessee Code Annotated, § 69-104-115. (as added by Ord. #11-450, Nov. 2011)

7-405. Use by railroads. Nothing contained herein shall be construed as prohibiting the railroads or other transportation agencies from the use of fireworks for signal purposes or illumination. (as added by Ord. #11-450, Nov. 2011)