

TITLE 7**FIRE PROTECTION AND FIREWORKS¹****CHAPTER**

1. GENERAL PROVISIONS.
2. FIRE PREVENTION CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

CHAPTER 1**FIRE DISTRICT****SECTION**

- 7-101. Fire limits described.
7-102. Interference with fire plug.

7-101. Fire limits described. The corporate fire limits shall be as follows: That area of the city described in the municipal zoning ordinance as the commercial district. (1976 Code, § 7-101)

7-102. Interference with fire plug. It shall be unlawful for any person to cover with dirt, lumber, brick or any other substance any public fire hydrant or plug within the corporate limits, or to stack or pile up any substance against or so near a fire hydrant or plug so as to prevent quick and easy connections from being made with said fire hydrant or plug. (1976 Code, § 7-102)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted
- 7-202. Appendices adopted.
- 7-203. Enforcement.
- 7-204. Variance procedure for fire code.
- 7-205. Available in recorder's office.
- 7-206. Violations.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501, et seq., and for the purpose of regulating fire prevention within the City of Gatlinburg, the International Fire Code, 2012 edition, as prepared and adopted by the International Code Council, and the National Fire Protection Association (NFPA 101) Life Safety Code, 2012 edition, are hereby adopted and incorporated herein by reference as a part of this code, and are hereinafter collectively referred to as the fire code. (1976 Code, § 7-201, as replaced by Ord. #2226, Nov. 2000, Ord. #2308, Nov. 2003, Ord. #2379, Dec. 2007, and Ord. #2446 Nov. 2012)

7-202. Appendices adopted. In addition to the International Fire Code, the following appendices to said code are adopted:

Appendix B

Appendix C

Appendix D

(1976 Code, § 7-202, as replaced by Ord. #2226, Nov. 2000, Ord. #2308, Nov. 2003, Ord. #2379, Dec. 2007, and Ord. #2446 Nov. 2012)

7-203. Enforcement. The chief of the fire department is designated as the fire official whose duties shall be to enforce the provisions of the fire code. (1976 Code, § 7-203, as replaced by Ord. #2226, Nov. 2000, Ord. #2308, Nov. 2003, Ord. #2379, Dec. 2007, and Ord. #2446 Nov. 2012)

7-204. Variance procedure for fire code. The City of Gatlinburg hereby designates the Gatlinburg Board of Appeals to act as the responsible

¹Municipal code reference

Building, utility and housing codes: title 12.

authority to review and decide requests for variances from the standards established by the fire code. (1976 Code, § 7-205, as replaced by Ord. #2226, Nov. 2000, Ord. #2308, Nov. 2003, Ord. #2379, Dec. 2007, and Ord. #2446 Nov. 2012)

7-205. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Fire Code, 2012 edition, with the above modifications, and of the National Fire Protection Association (NFPA) Life Safety Code, 2012 edition, have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 7-206, as replaced by Ord. #2226, Nov. 2000, Ord. #2308, Nov. 2003, Ord. #2379, Dec. 2007, and Ord. #2446 Nov. 2012)

7-206. Violations. It shall be unlawful for any person to violate or fail to comply with any provisions of the fire code as herein adopted by reference and modified. Each day shall constitute a separate violation of same. Upon conviction of any said violation, such persons shall be punished by levying a fine not to exceed fifty dollars (\$50.00) per violation. (as added by Ord. #2446, Nov. 2012)

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.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of commissioners of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of 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 city manager shall appoint. (1976 Code, § 7-301)

7-302. Objectives. The fire department shall have as its objectives:

- (1) To enforce fire prevention code.
- (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. (1976 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. (1976 Code, § 7-303)

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 such matters

¹Municipal code reference

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

to the city manager once each month, and at the end of the year a detailed annual report shall be made. (1976 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. 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.

All personnel of the fire department shall receive such compensation for their services as the board of commissioners may from time to time prescribe. (1976 Code, § 7-305)

7-306. 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. (1976 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 commerce and 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. (1976 Code, § 7-308, modified)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Use of fire equipment outside of the corporate limits.

7-401. Use of fire equipment outside of the corporate limits. Fire equipment of the City of Gatlinburg may be used outside of the boundaries of the city subject to the following conditions:

(1) That men and equipment shall be limited to service within the unincorporated regional planning zone; provided that nothing in this section shall prevent the fire department from rendering service to buildings situated in Sevier County which are owned and maintained by Sevier County, the State of Tennessee, or the United States of America, or by a governmental agency of any of them, or, upon request of the proper authority, in case of extreme emergency, to any municipal corporation having local fire-fighting equipment, which municipal corporation is within a reasonable distance of the city.

(2) In addition to providing fire protection within the city, the fire equipment and personnel may be used in other areas of the county pursuant to an approved mutual aid agreement as authorized by state statute. (1976 Code, § 7-307, modified)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Terms.
- 7-502. Unlawful use.
- 7-503. Public nuisances.
- 7-504. Penalty.
- 7-505. Penalty not exclusive.

7-501. Terms. The following terms, when used in this chapter shall have the following meanings for the purposes of this chapter.

(1) “Person” shall mean an individual, a firm, a corporation, or any other entity. As used herein, person shall include not only the person who physically performs any act prohibited by this chapter, but also any person who encourages, participates in, or knowingly allows any such prohibited act.

(2) “Fireworks” shall include all articles of fireworks included in the definition of special fireworks of I.C.C. Class C common fireworks as contained in Tennessee Code Annotated, title 68, chapter 104, including, without limitation, the permissible terms of fireworks listed in Tennessee Code Annotated, § 68-104-108, sparklers, smoke bombs, and smoke sticks. The term shall not include items specifically excepted from the application of said Tennessee Code Annotated, § 68-104-113, or fireworks for public displays authorized by special permits obtained pursuant to the provisions of Tennessee Code Annotated, § 68-104-107.

(3) “Public place” shall mean any place open to the general public or any substantial part of the general public, including without limitation, public streets, public sidewalks, parking lots, parks, playgrounds, athletic fields, hotels, motels, indoor and outdoor swimming pools open to the public or to business guests or patrons, schools, churches, museums, auditoriums, public buildings, theaters, indoor and outdoor moving picture establishments, taxis and other public conveyances, offices, stores, banks, craft shops, shopping centers, amusement places, recreational centers, restaurants, cafeterias, eating places, utility properties, automobile service stations, and manufacturing, commercial, professional and recreational businesses of all kinds, together with all property appurtenant thereto or used in connection therewith. (1976 Code, § 7-401, modified)

7-502. Unlawful use. It shall be unlawful for any person to use any fireworks in any public place in the City of Gatlinburg. (1976 Code, § 7-402, modified)

7-503. Public nuisances. The activities made unlawful by this chapter be and the same are hereby declared to be public nuisances, which shall be subject to abatement by any and all remedies available generally for the abatement of public nuisances. (1976 Code, § 7-403)

7-504. Penalty. Any person guilty of the violation of any of the provisions of this chapter shall be subject to a civil penalty of up to five hundred dollars (\$500.00) per offense. (1976 Code, § 7-404, modified)

7-505. Penalty not exclusive. The prohibitions contained in this chapter shall be in addition and supplemental to the prohibitions contained in any existing ordinances of the City of Gatlinburg, and shall in no manner repeal, modify or interfere with the prohibitions contained in any such existing ordinances. (1976 Code, § 7-405)