

## TITLE 7

### FIRE PROTECTION AND FIREWORKS<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

#### FIRE CODE

#### SECTION

- 7-101. Fire code adopted.
- 7-102. Available in recorder's office.
- 7-103. Enforcement.
- 7-104. Modifications.
- 7-105. Gasoline trucks.
- 7-106. Variances.
- 7-107. Violations and penalty.

**7-101. 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,<sup>2</sup> 2006 edition, as recommended by the International Code Council, is hereby adopted by reference and included as 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. (Ord. #60, March 2007, modified)

**7-102. 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

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #60, March 2007)

**7-103. Enforcement.** The International Fire 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.

**7-104. Modifications.** The International Fire Code adopted in § 7-101 above is modified by deleting therefrom section 108, titled "Board of Appeals," in its entirety; § 7-106 below shall control appeals.

**7-105. 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.

**7-106. Variances.** The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the international fire 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 board of mayor and aldermen.

**7-107. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

## CHAPTER 2

### VOLUNTEER FIRE DEPARTMENT<sup>1</sup>

#### SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Funding; purchases.
- 7-203. Objectives.
- 7-204. Organization, rules, and regulations.
- 7-205. Records and reports.
- 7-206. Tenure and compensation of members.
- 7-207. Chief responsible for training and maintenance.
- 7-208. Chief to be assistant to state officer.

**7-201. Establishment, equipment, and membership.** There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen and from other contributions. All apparatus, equipment, and supplies of the fire department shall be purchased with the approval of the fire chief in accordance with municipal purchasing requirements and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the board of mayor and aldermen, and such number of subordinate officers and firemen as appointed by the fire chief. The fire department shall consist of no more than fifty (50) volunteers in addition to the fire chief and all officers. (Ord. #43, June 2004, modified)

**7-202. Funding; purchases.** The board of mayor and aldermen shall provide for the operations of the fire department in its annual budget. Any funds raised by or gifts given to the fire department, or by any individual or group of volunteer firemen in the name of the volunteer fire department may be accepted by the board of mayor and aldermen. All equipment, materials, supplies, etc. purchased with contributed funds shall become the property of the City of Harrogate. The board of mayor and aldermen may reject any gift or contribution it deems not to be in the best interest of the City of Harrogate. (Ord. #43, June 2004, modified)

- 7-203. 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;

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<sup>1</sup>Municipal code reference

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

- (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;
- (7) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable;
- (8) To serve as the emergency management agency of the city;
- (9) To protect the health and safety of the citizens from hazardous materials to the extent possible that the level of equipment and training will allow;
- (10) To provide public fire education materials and information to the citizens in order that they may protect themselves from harm. (Ord. #43, June 2004, modified)

**7-204. Organization, rules, and regulations.** The chief of the City of Harrogate Volunteer Fire Department shall under the direction of the board of mayor and aldermen set up the organization of the department, make assignments to individuals, based on input, suggestions and recommendations from members of the volunteer fire department and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (Ord. #43, June 2004)

**7-205. Records and reports.** The chief of the City of Harrogate Volunteer Fire Department shall prepare a report to be presented monthly to the meeting of the board of mayor and aldermen. The chief shall also prepare the annual departmental budget to be approved by the board of mayor and aldermen, keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such reports to the mayor and board of aldermen as they require. (Ord. #43, June 2004, modified)

**7-206. Tenure and compensation of members.** The chief of the City of Harrogate Volunteer Fire Department shall have the authority to suspend 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 mayor and board of aldermen. However, only the board of mayor and aldermen shall dismiss the fire chief.

All personnel of the Harrogate Volunteer Fire Department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (Ord. #43, June 2004, modified)

**7-207. Chief responsible for training and maintenance.** The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the volunteer fire department under the direction and subject to the requirements of the board of

mayor and aldermen. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (Ord. #43, June 2004, modified)

**7-208. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief 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 commissioner in the execution of the provisions thereof. (Ord. #43, June 2004)

## CHAPTER 3

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-301. Fire service outside city limits.

**7-301. Fire service outside city limits.** The board shall have full power and authority to authorize the use of the city's fire-fighting equipment and personnel outside the corporate limits to suppress and extinguish fires subject to such conditions and limitations of such action as the board may impose pursuant to the authority of:

(1) Tennessee Code Annotated, § 58-8-101, et seq., the Mutual Aid and Emergency Disaster Assistance Agreement Act of 2004, which authorizes municipalities to respond to requests from other governmental entities affected by situations in which its resources are inadequate to handle. The act provides procedures and requirements for providing assistance. No separate mutual aid agreement is required unless assistance is provided to entities in other states, but a municipality may, by resolution, continue existing agreements or establish separate agreements to provide assistance. Assistance to entities in other states is still provided pursuant to Tennessee Code Annotated, § 12-9-101, et seq. "Assistance" is defined in the act as "the provision of personnel, equipment, facilities, services, supplies, and other resources to assist in firefighting, law enforcement, the provision of public works services, the provision of emergency medical care, the provision of civil defense services, or any other emergency assistance one governmental entity is able to provide to another in response to a request for assistance in a municipal, county, state, or federal state of emergency."

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

(3) Tennessee Code Annotated, § 6-54-601, which authorizes municipalities to:

(a) 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.

(b) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide such communities with firefighting assistance.

(c) 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 4

### FIREWORKS

#### SECTION

- 7-401. Scope of chapter.
- 7-402. Permits and fees.
- 7-403. Separate sales tax numbers required.
- 7-404. Enforcement.
- 7-405. Permit revocation.
- 7-406. Compliance with zoning ordinance and building codes.
- 7-407. Violations and penalty.

**7-401. Scope of chapter.** Any individual who sells or offers for sale fireworks from a permanent or temporary structure shall be subject to the provisions of this chapter. (Ord. #59, Feb. 2007)

**7-402. Permits and fees.** (1) It is unlawful for any person to sell or offer for sale from a permanent or temporary structure any item of fireworks without first having secured a state fire marshal permit and a permit issued by the City of Harrogate. Permits will be issued by the City of Harrogate and enforced by the city's fire chief. Only DOT Class "C" common fireworks will be sold in the City of Harrogate.

(2) Permits are not transferable and must be renewed each year.

(3) No more than one (1) permit shall be issued per location per year.

(4) Permits to sell fireworks from a temporary structure to the general public are valid only from June 20 through July 5 and December 10 through January 2.

(5) The permit fee for retail sales of fireworks to the public, whether annual or temporary is five hundred dollars (\$500.00) per year.

(6) A permit to sell fireworks in the City of Harrogate must be obtained at least thirty (30) days prior to the date on which the applicant begins making sales.

(7) Applicants must be able to demonstrate that the sales are reported to the State of Tennessee using City of Harrogate Situs Code 1304.

(8) Each application must include the following: (a) The application must include the name, address, and telephone number of the applicant. The applicant must be the owner of the business on the property, or have a contractual agreement with the owner of the business on the property. If a contractual agreement is in effect, whether verbal or written, the business owner on the property must provide a statement that the agreement exists. The applicant's name must be the same as the name on the state fire marshal permit. The applicant is liable for all violations of this ordinance by persons under his/her supervision.



(b) A copy of the state fire marshal permit. (For a state permit to be obtained by a retailer, the city recorder or mayor must sign on behalf of the retailer an application for fireworks permit that the state requires before a state permit is issued to a retailer for a specific location.)

(c) A person that applies for a retail fireworks permit must show proof that a state sales tax number has been obtained for sales tax purposes.

(d) A permit for the sale of fireworks will not be issued unless the applicant has provided a current certificate of insurance with a minimum aggregate of two million dollars (\$2,000,000.00) liability insurance with the City of Harrogate named as an additional insured on the insurance policy.

(e) The application must disclose the location where the applicant will conduct the business of selling fireworks and the dates for which the right to do business is desired.

(9) Each permit will be valid for one (1) permanent and/or one (1) temporary structure per location. (Ord. #59, Feb. 2007, modified)

**7-403. Separate sales tax numbers required.** A separate sales tax number is required for each location where consumer fireworks are to be sold. Only one (1) permanent and/or temporary structure will be permitted per location. (Ord. #59, Feb. 2007)

**7-404. Enforcement.** The city's fire chief is hereby designated as the enforcement official for this chapter. (Ord. #59, Feb. 2007, modified)

**7-405. Permit revocation.** The fire chief may revoke any permit upon failure of a retailer to correct any of the following conditions within twenty-four (24) hours after the fire chief or codes official gives written notice.

(1) When the permittee or the permittee's operator violates any lawful rule, regulation, or order of the city's fire chief or codes official.

(2) When the permittee's application contains any false or untrue statements.

(3) When the permittee fails to timely file any report or pay any tax, fee, fine, or charge.

(4) When the permittee or the permittee's operator violates any fireworks ordinance or statute.

When any activities of the permittee constitute a distinct hazard to life or property, the fire official may revoke the permit immediately. (Ord. #59, Feb. 2007, modified)

**7-406. Compliance with zoning ordinance and building codes.** Only tents meeting the most current adopted fire codes of the City of Harrogate

may be used for the temporary retail sale of fireworks. Any permanent or temporary structure from which fireworks are sold must meet all requirements of the City of Harrogate's zoning ordinance. (Ord. #59, Feb. 2007)

**7-407. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.