

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. MISCELLANEOUS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
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CHAPTER 1

MISCELLANEOUS

SECTION

- 7-101. Fire chief designated as a special police officer.
7-102. Open burning.
7-103. Fire hydrant access.

7-101. Fire chief designated as a special police officer. The City of Henderson Fire Chief is designated as a "Special Police Officer" for the purposes of issuing citations for violations of title 7 "Fire Protection and Fireworks" of the municipal code only. (1976 Code, § 7-101, as replaced by Ord. #475, April 2013)

7-102. Open burning. (1) It shall be unlawful for any person, firm, or corporation to start, or cause to be started, any open-air fire within the corporate limits of the City of Henderson without first having obtained a permit from the City of Henderson Fire Department. The city fire department shall be solely responsible for administering said permits.

(2) There shall be no fee for said burn permit. The fire department shall only issue the permit to burn after confirming weather conditions are suitable for burning.

(3) Persons setting fires shall be responsible for staying with the fire until it is out and for supplying a water hose or equipment to control the fire if needed.

¹Charter references
§§ 8(13) and 8(20).

Municipal code reference

Building, utility and housing codes: title 12.

(4) No one shall burn any household garbage, shingles, vinyl siding, tires, any petroleum products or any other item(s) in which burning is restricted by state law.

(5) Any person, firm or corporation who is caught burning without said permit, will be issued a warning citation on the first offense. All second offense violators shall be issued a citation. Any person starting a fire after being denied a permit to burn by the fire department will be issued a citation on the first offense. Any violations of this section shall be a misdemeanor punishable upon conviction thereof, by a fine of not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00), plus court cost for each violation. Each day shall be considered a separate violation. (1976 Code, § 7-102, as replaced by Ord. #377, June 2003, and Ord. #475, April 2013)

7-103. Fire hydrant access. No person shall park a motor vehicle or keep a fence, growth, trash, or other material near any fire hydrant that would prevent such hydrants from being immediately discernible or in any other manner hinder the fire department from gaining immediate access to a fire hydrant. Three feet (3') operating access shall be provided around the rear side of the hydrant. No required fire hydrant shall be installed more than ten feet (10') from an all weather surface roadway or parking lot unless approved by the fire chief. (as added by Ord. #475, April 2013)

CHAPTER 2

FIRE CODE

SECTION

- 7-201. Fire code adopted.
- 7-202. Amendments.
- 7-203. Appendices.
- 7-204. Violations.
- 7-205. Permit fees.
- 7-206. Conflicts with the Henderson Municipal Code.

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,¹ 2012 edition (the fire code) as amended below, 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 International Fire Code has been filed with the city recorder and is available for public use and inspection. Said International Fire Code is adopted and incorporated as full as if set out at length herein and shall be controlling within the corporate limits. (Ord. #321, Dec. 1998, as replaced by Ord. #475, April 2013)

7-202. Amendments. (1) Whenever the fire code refers to "Applicable Governing Authority" it shall be a reference to the City of Henderson Board of Mayor and Aldermen.

(2) Whenever the fire code refers to the "Board of Appeals" it shall be a reference to the board of zoning appeals.

(3) When the "fire official" or "fire code official" is named, it shall mean such person as the board of mayor and aldermen shall have appointed or designated as fire chief.

(4) Whenever the fire code refers to the fire prevention department it shall be deemed to be the Henderson Fire Department. (Ord. #321, Dec. 1998, as replaced by Ord. #475, April 2013)

¹Copies of this code may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

7-203. Appendices. The fire code herein adopted incorporates the following appendices to the International Fire Code, 2012 edition, by reference as if fully and completely copied at length herein:

Appendix B	Fire Flow Requirements for Buildings;
Appendix C	Fire Hydrant Locations and Distributions;
Appendix D	Fire Apparatus Access Road
Appendix E	Hazard Categories;
Appendix F	Hazard Rankings;
Appendix G	Cryogenic Fluids--Weight and Volume Equivalents;
Appendix H	Hazardous Materials Management Plan (HMMP) and Hazardous Material Inventory Statement (HMIS) Instructions

Appendix I Fire Protection Systems--Noncompliant Conditions.
(Ord. #321, Dec. 1998, as replaced by Ord. #475, April 2013)

7-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provisions of this code as herein adopted by reference and amended. The fire chief shall have the authority to take any and all steps necessary to ensure compliance with the fire code. The fire chief or any career fireman that is a Certified Fire Inspector by the State of Tennessee may issue written notices of the violation(s) with a deadline for making the corrections as outlined by the fire code. If the violation is not corrected within the time frame stated in the notice, the fire chief is hereby authorized to issue citations for violation(s) of the fire code. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon a hearing and conviction by the city (municipal) court judge of any such violation, such person shall be fined and/or punished within the limits and as provided by state laws for each violation. Foregoing notwithstanding, the city reserves the right and may elect to file a nuisance lawsuit in chancery court to ensure compliance with the fire code when necessary to protect persons or property. (Ord. #321, Dec. 1998, as replaced by Ord. #475, April 2013)

7-205. Permit fees. All fees are set forth in a "schedule of building permit fees" as authorized and approved from time to time by resolution of the board of mayor and aldermen and will be posted in the building and zoning department. (Ord. #321, Dec. 1998, as replaced by Ord. #475, April 2013)

7-206. Conflicts with the Henderson Municipal Code. On issues involving safety, when a conflict arises between the International Fire Code and the Henderson Municipal Code, the fire code provisions shall supercede and apply in those matters involving safety of the public. If conflicts exist concerning administrative matters and the organization of the fire department, the municipal code provisions shall supercede the fire code and municipal code

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provisions shall control such administrative matters. (as added by Ord. #475, April 2013)

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 and maintenance.

7-307. Fire 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 mayor and aldermen. 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 a combination department and shall consist of both career firemen as well as volunteer (paid per call) firefighters. The career members shall be composed of a fire chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the board of mayor and aldermen shall authorize. All career members will serve under the personal rules and regulations contained in title 4 of the municipal code. The fire chief shall appoint a sufficient number of volunteers (paid per call) firefighters for the efficient operation of the fire department. (1976 Code, § 7-301, as replaced by Ord. #475, April 2013)

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. (1976 Code, § 7-302, as replaced by Ord. #475, April 2013)

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

¹Municipal code reference

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

regulations as shall be necessary for the orderly and efficient operation of the fire department, under the direction of the board of mayor and aldermen. (1976 Code, § 7-303, as replaced by Ord. #475, April 2013)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, citations, apparatus, equipment, personnel, and work of the department. The fire chief shall submit any written reports on such matters as requested by the mayor and/or the board of aldermen. (1976 Code, § 7-304, as replaced by Ord. #475, April 2013)

7-305. Tenure and compensation of members. The fire chief shall serve at the pleasure of the board of mayor and aldermen. All career members (both full time and part time) will serve under the personnel rules and regulations contained in title 4 of the municipal code.

However, so that adequate discipline may be maintained within the volunteer members, the chief shall have the authority to suspend, demote or discharge volunteer members of the fire department when he deems such action to be necessary for the good of the department.

All members of the fire department, both career and volunteer (paid per call), shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1976 Code, § 7-305, modified, as replaced by Ord. #475, April 2013)

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 for maintenance of all property and equipment of the fire department, under the direction of the board of mayor and aldermen. (1976 Code, § 7-306, as replaced by Ord. #475, April 2013)

7-307. Fire 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 commissioner in the execution of the provisions thereof. (1976 Code, § 7-308, as replaced by Ord. #475, April 2013)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Fire service outside the city limits.

7-402. Use of fire equipment to protect city property and personnel.

7-401. Fire service outside the city limits.¹ Generally the equipment and personnel of the fire department shall only be used within the corporate limits with the following exceptions:

(1) Upon request of mutual aid as authorized by the fire chief or mayor pursuant to the authority of:

(a) 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.

(b) By resolution of the board of aldermen under the authority of 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.

(c) By resolution of the board of aldermen under the authority of Tennessee Code Annotated, § 6-54-601(a), which authorizes municipalities to:

(i) Enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide

¹Charter reference: § 8(20).

for firefighting service, and with industrial fire departments, to furnish one another with fire fighting assistance.

(2) When the fireman on duty, using the best information available, determines that there is an immediate threat to a life or lives and the response would improve the odds of survival to those threatened; or

(3) Extraction of automobile accidents victims in emergency situations when requested by a police officer, highway patrolman, sheriff's deputy or EMS on the scene.

The fireman on duty shall never leave the corporate limits until he/she confirms that adequately trained personnel are in route to the fire station to provide fire protection within the corporate limits. (1976 Code, § 7-307, as replaced by Ord. #475, April 2013)

7-402. Use of fire equipment to protect city property and personnel. The mayor, fire chief or assistant fire chief may authorize the use of fire equipment and personnel to protect any city owned property or city personnel while performing their official duties outside the corporate limits. (as added by Ord. #475, April 2013)

CHAPTER 5

FIREWORKS

SECTION

7-501. Fireworks generally unlawful.

7-502. Special events.

7-501. Fireworks generally unlawful. The detonation of fireworks and the sale thereof is hereby declared to be unlawful within the corporate limits of the City of Henderson. Any business that is annexed and that is licensed and operating to sell fireworks with a state year-long permit will be allowed to continue to operate. The term "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, explosion, deflagration or detonation and shall include but not be limited to; 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 (25/100) 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. (as added by Ord. #475, April 2013)

7-502. Special events. From time to time the city, civic organizations, non-profits, schools or the university may desire to sponsor a special events or celebration that may involve professional pyro-technic displays. Section 7-501 of this municipal code shall not apply to any discharge or display of fireworks by a licensed professional sponsored by the City of Henderson or any other group listed above that receives prior approval of the fire chief. (as added by Ord. #475, April 2013)