

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
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CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows: The local commercial districts as shown on the official municipal zoning map of Portland. (1980 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
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- 7-208. Gasoline trucks.
- 7-209. Variances.
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7-201. Fire code adopted. Certain documents, copies of which are on file in the office of the City Recorder, City of Portland, being marked and designated as the International Fire Code, 2009 edition and NFPA 101,² 2006 edition, including all appendices as published by the International Code Council and NFPA, be and is hereby adopted as the Fire Code of the City of Portland in the State of Tennessee 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 as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the City of Portland are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in § 7-202 of this chapter. (1980 Code, § 4-101, as amended by Ord. #567, April 1998, and Ord. #04-06, April 2004; replaced by Ord. #05-04, April 2005, and Ord. #09-36, Aug. 2009, and amended by Ord. #15-28, June 2015)

¹Municipal code reference

Building, utility and housing codes: title 12.
Fireworks: title 7, chapter 6.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

7-202. Amendments. The following sections are hereby revised:

- (1) Section 101.1 Insert: "City of Portland"
- (2) Section 109.3 Insert: Fifty Dollars (\$50.00)
- (3) Section 111.4 Insert: Fifty Dollars (\$50.00) (1980 Code, § 4-102, and replaced by Ord. #09-36, Aug. 2009)

7-203. Existing ordinances. Any matters in the fire code which are contrary to existing ordinances of the City of Portland shall prevail. (1980 Code, § 4-103, modified)

7-204. Responsible official. Within the fire code, when reference is made to the duties of certain official named therein, that designated official of the City of Portland who has duties corresponding to those of the named official in the fire code shall be deemed to be the responsible official insofar as enforcing the provisions of the fire code are concerned. (1980 Code, § 4-104)

7-205. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the fire inspector of the city. He shall have the same powers as the state fire marshal. (1980 Code, § 7-202)

7-206. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Portland, Tennessee. (1980 Code, § 7-203)

7-207. Storage of explosives, flammable liquids, etc. 1. The district referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

2. The district referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

3. The district referred to in § 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

4. The district referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire district as set out in § 7-101 of this code. (1980 Code, § 7-204)

7-208. 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. (1980 Code, § 7-205)

7-209. Variances. The chief of the fire department may recommend to the city council variances from the provisions of the fire prevention 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 governing body. (1980 Code, § 7-206)

7-210. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code herein 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 city council or by a court of competent jurisdiction, within 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. (1980 Code, § 7-207)

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. Chief to be assistant to state officer.

7-308. Fire hydrants within corporate limits.

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 appointed by the city council and such number of physically-fit subordinate officers and firemen as the council shall appoint. (1980 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 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. (1980 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

¹Municipal code reference

Offense of making a false alarm: § 11-503.

Offense of running over fire hose: § 15-204.

Right of way of fire equipment: § 15-501.

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

Ord. #446 (Dec. 7, 1992) created the position of public safety officer. Wherever this municipal code refers to the fire chief, it shall be deemed to be a reference to the public safety officer. See title 20, chapter 5, for further reference to the department of public safety.

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. (1980 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 to the city council once each month, and at the end of the year a detailed annual report shall be made. (1980 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office for one year subject to reappointment by the city council. 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 mayor but may be dismissed only by the city council.

All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe. (1980 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 for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1980 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. (1980 Code, § 7-308)

7-308. Fire hydrants within corporate limits. All future water mains and fire hydrants shall be installed in such a manner to provide adequate fire flows. All water mains shall be at least six inches in diameter. However, larger mains shall be installed when necessary to insure that a minimum of 500 gallons per minute (gpm) at 20 pounds per square inch (psi) residual pressure is available at all fire hydrants.

Fire hydrants that currently exist on mains that will not flow at least 500 gallons per minute at 20 pounds per square inch of pressure will not be used by the fire department for connection to the pumper connection of the fire apparatus. Such fire hydrants shall be painted solid red in color to indicate to

firefighters that this hydrant will not flow adequate gallons per minute to be used in firefighting operations. All such fire hydrants shall be identified by the fire chief, color-coded, and a list of such fire hydrants shall be compiled and attached to a cover letter from the fire chief to the responsible water provider. The cover letter shall contain at least the following words. "The attached list of fire hydrants have been found to have inadequate fire flows and will not be used by the fire department for pumping operations except in the event of immediate and imminent threat of life safety." Such letter shall be generated annually with a copy to the mayor. (as added by Ord. #04-06, April 2004)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

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

7-401. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the city council. Provided, however, and notwithstanding the above such equipment of the fire department may be used in fighting fires within an area and in a radius of eight (8) miles of the corporate limits of the city. (1980 Code, § 7-307)

CHAPTER 5

FIRE HYDRANTS OUTSIDE THE CITY LIMITS

SECTION

7-501. Prohibited.

7-501. Prohibited. The installation of any fire hydrants beyond the existing city limits without the approval of the mayor and aldermen is prohibited. This action is taken because the Portland Utility System is unable to protect and control the fire hydrants located in the remote areas of the system. (1980 Code, § 7-401)

CHAPTER 6

FIREWORKS

SECTION

7-601. Ordinance 567 amended.

7-602. Permit required.

7-603. Period of time for sale.

7-601. Ordinance 567 amended. 1. The Standard Fire Prevention Code--1994 Edition, Chapter 20, currently prohibits the sale and use of Class "C" Fireworks and Ordinance Number 567 adopted by the Mayor and Board of Aldermen of the City of Portland on April 6, 1998 endorses said Fire Prevention Code with Appendix A, B, C, and D; and

2. Ordinance Number 567, be and is hereby amended to permit the sale and use of Class "C" Fireworks within the City Limits of Portland, Tennessee. (Ord. #572, § 1, June 1998)

7-602. Permit required. An application for fireworks permit--for a season retailer be and is hereby required to be obtained from the state fire marshal's office, with the signature of the Mayor of Portland, and a permit from the Codes Officer of the City of Portland, Tennessee, to permit the sale of Class "C" Fireworks within the City Limits. (Ord. #572, § 1, June 1998)

7-603. Period of time for sale. The period of time for the sale of fireworks shall be that as set forth in T.C.A. § 68-104-101(8). The period of time for use of permissible fireworks shall be from June 20th through July 5th and December 10th through January 2nd of each year. A fee of one thousand two hundred dollars (\$1,200.00) per fireworks stand per season shall be paid. (Ord. #572, § 2, June 1998, as amended by Ord. #06-03, Oct. 2006)