

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS

SECTION

- 7-101. Storage of explosives, flammable liquids, liquified petroleum gas.
 7-102. Fireworks.
 7-103. Regulating open-air fires.

7-101. Storage of explosives, flammable liquids, liquified petroleum gas. The storage of explosives and blasting agents at any location within the corporate limits is prohibited.

The storage of quantities of more than one hundred fifty (150) gallons of flammable liquids in outside above ground tanks at any location within the corporate limits is prohibited.

The bulk storage of liquified petroleum gas at any location within the corporate limits is prohibited. (2004 Code, § 7-101)

7-102. Fireworks. The manufacture, distribution, sale, storage, possession, use or discharge of fireworks at any location within the corporate limits is prohibited.

This prohibition shall not apply to any public display of fireworks when conducted under proper supervision and after written permission has been obtained from the chief of police and the fire chief. (2004 Code, § 7-102)

7-103. Regulating open-air fires. (1) Definitions. Except where specifically defined herein, all words used in this ordinance shall carry their

¹Municipal code references

Building, gas and electrical codes: title 12.

False emergency alarms: § 11-503.

Fires in streets: § 16-112.

customary meanings. The word "shall" is always mandatory and not merely directory.

(a) "Fire chief" shall mean the officer charged with the administration of the fire department. This person is responsible for all fire prevention, investigation, and suppression activities within the Town of Rossville.

(b) "Fire extinguishing equipment" shall mean an approved ten (10) pound ABC type fire extinguisher, a garden type hose connected to a reliable water supply; or any other equipment approved in writing in advance by the fire chief or his designee.

(c) "Open burning." The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

(d) "Recreational fire." An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of three feet (3') or less in diameter and two feet (2') or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

(e) "Vegetative materials." Twigs, branches, tree limbs, untreated or unpainted wood that contains no glues or resins, and other similar materials. Paper and cardboard are not considered vegetative materials.

(f) "Wood." Dry, clean fuels, such as twigs, branches, limbs, manufactured fireplace logs, charcoal, cord wood, or untreated dimensional lumber. "Wood" does not include wood that is green with leaves or needles, rotten, wet, oil-soaked, or treated with paint, glue, or preservatives. Clean pallets may be used for recreational fires when cut into less than three foot (3') lengths.

(2) Open-air fires regulated. (a) 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 Town of Rossville without having first obtained a burn permit from the Rossville Fire Department. The Rossville Fire Department shall be solely responsible for administering permits which shall be in form and substance similar to the "open burn permit" attached to the ordinance comprising this section.

(b) There shall be no fee for said permit. The Rossville Fire Department or Rossville Town Hall, after consulting with the city fire chief or his designees, shall only issue the permit to burn after confirming that weather conditions are suitable for burning.

(c) Persons setting fires shall be responsible for staying with the fire until it is out and for supplying a water hose or adequate equipment to control the fire, if needed. Except for school bonfire, scout troop fires, cooking fires and designated ornamental fires, all fires must be completely out by dusk. Persons setting fires must comply with all Tennessee state and Fayette County laws.

(d) The following items are strictly prohibited from burning: Wet combustibles, garbage, shingles, tires, any petroleum products, or petroleum based products, any CPVC (chlorinated polyvinyl chloride) products, PVC (polyvinyl chloride) products, or polymerization of vinyl chloride monomer products) materials from salvage operations, treated or painted materials

(e) Burning of trees, brush, etc. for the purpose of clearing land in preparation for construction of a single family dwelling may be permitted at the discretion of the fire chief or his designee. Burning of materials in a commercial or industrial area may be permitted solely at the discretion of the town fire chief or person of authority delegated by the town fire chief.

(f) Residents shall burning only branches, limbs or vegetation grown on the property of the burn site. The homeowner must always obtain a permit to burn.

(g) Fires used for the reductions of combustibles on the premises on which they fall by the person in control of the premises may be conducted, provided that the following conditions are met:

(i) All materials must be dry and readily combustible;

(ii) The area at least ten feet (10') surrounding the fire must be sufficiently cleared to prevent the spread of fire;

(iii) A hose, long enough to reach the burn material, with nozzle connected to a continuous water supply shall be present or the correct fire extinguisher;

(iv) There shall be at least one (1) person attending the fire at all times;

(v) Burning shall not occur within twenty-five feet (25') of any structure or property line;

(vi) Piles of combustibles shall remain small (less than five feet (5') in diameter) and there shall only be one (1) pile burned at a time;

(vii) All burning shall occur after 9:00 A.M. and must be completed before official local sunset; and

(viii) In the event a fire official (Rossville Fire Department officer or acting officer) arrives at the scene of a burn and any of the above conditions have not been met or other special conditions exist, the fire official will cause the fire to be extinguished immediately.

(h) A bon fire may be allowed, with written approval by the fire chief or his designee. The bon fire must be supervised by a person twenty-one (21) years or older with approved fire extinguishing equipment. The fire department must be notified at least three (3) days in advance during regular business hours prior to the ignition of a bon fire. If an organization wants to build a large bon fire, the fire department may require a fire apparatus with town firefighters remain on site during the ceremony.

(i) Heating on construction job sites with a valid building permit may be conducted between September 1 and April 15 provided the burning is in a suitable metal barrel or container with an ash screen in place on top of the container as a spark arrester.

(i) Only untreated wood may be used. This is not to be construed to allow burning of painted or chemically treated wood; or garbage, for comfort heating.

(ii) Open burning for comfort heat is allowed when the ambient temperature does not exceeds forty-five degrees Fahrenheit (45° F).

(iii) Fire extinguishing equipment must be located within fifteen feet (15') of the container.

(iv) Fires shall be extinguished when no worker is in attendance.

(v) Fire containers shall be located a minimum of twenty-five feet (25') from any structure or tree.

(j) 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 to appear in town court. Any person starting a fire after being denied a permit to burn will be issued a citation on the first offense. Any violation of this section is a misdemeanor punishable upon conviction thereof, by a fine of fifty dollars (\$50.00) plus court costs for each violation. Each day shall be considered a separate violation. Constant offenders shall be fined according to the situation of the violation.

(3) Location requirements for burning. (a) Homeowner/renter- Open burning cannot be located closer than twenty-five feet (25') to any structure.

(b) Contractor- Open burning cannot be located closer than twenty-five feet (25') to any structure. Burning may not be located closer than one hundred feet (100') to any wooded land.

(c) Developer- Open burning cannot be located closer than twenty-five feet (25') to any structure. When exceptions are granted to the one hundred forty-four (144) cubic feet size limit an area no less than fifty feet (50') of bare soil must be located around the burn pile. Burning may not be located closer than one hundred feet (100') to any wooded land.

(4) Exceptions. (a) Open burning, as listed below, may be conducted subject to specified limitations. This grant of exception shall in no way relieve the person responsible for such burning from the consequences, damages, injuries, or claims resulting from such burning.

(i) Fires used for cooking of food or for ceremonial, recreational or comfort-heating purposes, including barbecues, campfires, and outdoor fireplaces.

(ii) Fires set by or at the direction of responsible fire control persons solely for training purposes, of fire department training.

(iii) Fires consisting solely of vegetation grown on the property of the burn site.

(iv) Fires disposing of "wood waste" solely for the disposition of such wood waste as provided in *Tennessee Code Annotated*, § 68-201-115(c). Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.

(v) Fires solely for the burning of bodies of dead animals, including poultry, where no other safe and/or practical disposal method exists. Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils, vegetation grown on the property of the burn site, and wood waste.

(vi) Smokeless flares or safety flares for the combustion of waste gases, provided other remaining applicable conditions of these regulations are met.

(vii) Fires consisting solely of vegetation, manufactured lumber products not chemically treated to prevent insect or rot damage, such as plywood, fiberboard, and paneling, uncoated paper and uncoated cardboard subject to the following conditions.

(viii) Fires consisting solely of materials resulting from a natural disaster and when conducted in conformity with the following conditions.

(ix) Fires set at the direction of law enforcement agencies or courts solely for the purpose of destruction of controlled substances and legend drugs seized as contraband. Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils, and wood waste. The provisions of Rule 1200-3-4-.03(4) as it pertains solely to "other rubber products" and "other plastics" are waived for incidental plastic or rubber containers of said contraband.

(x) A governmental collective burn site for vegetation, branches, limbs, disposing of structural and household materials and vegetation the person responsible for such burning must notify the Division of Forestry of the proposed location.

(xi) No open burning shall be allowed when a ban is in effect.

(xii) If the smoke produced from an open burning site has become a nuisance or irritation to residence in the area the permit can be revoked by the fire official. (Ord. #2015-6, Nov. 2015)

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Gasoline trucks.
- 7-205. Variances.
- 7-206. Modifications.
- 7-207. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the *International Fire Code*,² 2015 edition, omitting the section pertaining to automatic sprinkler systems for one- and two-family dwellings, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code and is hereinafter referred to as the fire code. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the fire code has been filed with the town recorder and is available for public use and inspection. Said fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #2017-7, Jan. 2016, modified)

7-202. Enforcement. The 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.

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the Town of Rossville, Tennessee.

7-204. 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.

¹Municipal code reference

Building, utility and residential codes: title 12.

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

7-205. Variances. The chief of the fire department may recommend to the governing body variances from the provisions of the 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 governing body.

7-206. Modifications. Within the fire code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Rossville who had 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.

7-207. Violations and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire 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 governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the town code shall not be held to prevent the enforced removal of prohibited conditions.

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.

7-301. 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 town and shall be and remain the property of the town. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the board of mayor and aldermen shall appoint. (2004 Code, § 7-201)

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; and

(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (2004 Code, § 7-202)

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, under the direction of the board of mayor and aldermen. (2004 Code, § 7-203)

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 such written reports on those

¹Municipal code reference

Emergency vehicles: title 15, chapter 2.

matters to the mayor as the mayor requires. The mayor shall submit a report on those matters to the board of mayor and aldermen as the board of mayor and aldermen requires. (2004 Code, § 7-204)

7-305. Tenure and compensation of members. The chief 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. (2004 Code, § 7-205)

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 and subject to the requirements of the board of mayor and aldermen. (2004 Code, § 7-206)

7-307. Chief to be assistant to state officer. Pursuant to requirements of *Tennessee Code Annotated*, § 68-102-108, the chief is 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. (2004 Code, § 7-207)

CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS**SECTION**

7-401. Restrictions on fire service outside town limits.

7-401. Restrictions on fire service outside town limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the town limits unless the fire is on town property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the town as to endanger the town property, or unless the board of mayor and aldermen has developed policies for providing emergency services outside of the town limits or entered into a contract or mutual aid agreement pursuant to the authority of

- (1) The Mutual Aid and Emergency and Disaster Assistance Agreement of 2004, *Tennessee Code Annotated*, § 58-8-101, *et seq.*;
- (2) *Tennessee Code Annotated*, § 12-9-101 *et seq.*¹; and
- (3) *Tennessee Code Annotated*, § 6-54-601. (2004 Code; § 7-301, modified).

¹*Tennessee Code Annotated*, § 12-9-101, *et seq.* is the Interlocal Governmental Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.