

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN LIMITS.
5. OPEN BURNING.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire district described.

7-101. Fire district described. The corporate fire district shall be and shall include those areas zoned and designated as business and industrial districts. (1992 Code, § 7-101)

¹Municipal code reference
Building, utility, etc. codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Fire flow testing and marking of hydrants.
- 7-208. Standards for fire hydrants and water mains.
- 7-209. Fire hydrant color code.
- 7-210. Violations and penalties.

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 prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,² 1994 edition as recommended by the Southern Building Code Congress International, Inc. and the National Fire Protection Association Codes, 1994 edition 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 fire prevention code has been filed with the recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1992 Code, § 7-201)

7-202. Enforcement. The fire prevention 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. (1992 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Surgoinsville, Tennessee. (1992 Code, § 7-203)

¹Municipal code reference

Building, utility and housing codes: title 12.

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

7-204. Storage of explosives, flammable liquids, etc. (1) The district referred to in section 1901.4.2 of the fire prevention code, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

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

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

(4) The district referred to in section 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in § 7-101 of this code. (1992 Code, § 7-204)

7-205. 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. (1992 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and aldermen 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 board of mayor and aldermen. (1992 Code, § 7-206)

7-207. Fire flow testing and marking of hydrants. NFPA 291, (most current edition) Fire Flow Testing and Marking of Hydrants, is hereby adopted by reference and incorporated into this code as if it were set out at length herein and shall be controlling within the corporate limits. (Ord. #34-2003, Jan. 2004)

7-208. Standards for fire hydrants and water mains. 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 (6) inches in diameter. However, larger mains shall be installed when necessary to insure that a minimum of five hundred (500) gallons per minute (gpm) at twenty (20) pounds per square inch (psi) residual pressure is available at all fire hydrants. Additional gallons per minute above the minimum five hundred (500) gpm shall be available if the needed fire flow to structures in the area demands such additional flows. The fire hydrants shall be installed in such a manner that

there shall be a fire hydrant within five hundred (500) feet of the front entrance of every structure of more than three hundred (300) square feet. The distance to the fire hydrant shall be measured along the route that would be accessible to the fire department to lay fire hose from the hydrant to the building. (Ord. #34-2003, Jan. 2004)

7-209. Fire hydrant color code. Fire hydrants that currently exist on mains that will not flow at least five hundred (500) gallons per minute at twenty (20) pounds per square inch of pressure will not be used by the fire department for connection to the pumper connection of fire apparatus. Such fire hydrants shall be painted red in color to indicate to firefighters that his 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 town administrator. (Ord. #34-2003, Jan. 2004)

7-210. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard 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 modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1992 Code, § 7-207)

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Review committee.
- 7-305. Records and reports.
- 7-306. Tenure and compensation of members.
- 7-307. Chief responsible for training and maintenance.
- 7-308. Chief to be assistant to state officer.
- 7-309. Mutual aid and contracts.
- 7-310. Departmental general operating guidelines.
- 7-311. Compensation to the Town of Surgoinsville for services rendered.

7-301. Establishment, equipment, and membership. There is hereby established a municipal volunteer fire department to be supported and equipped from appropriations of the board of mayor and aldermen. Any funds raised by the municipal volunteer fire department as a whole, or by any individual or group of volunteer firefighters in the name of the municipal volunteer fire department, shall be turned over to and become the property of the town and that the chief shall make recommendations to the town administrator for the acquisition of equipment, supplies, etc. and maintenance required to maintain and keep operational; meeting departmental goals and objectives. The town shall use such funds in the equipping of the municipal volunteer fire department. Any and all gifts to the municipal volunteer fire department shall be turned over to, and become the property of the town. All other apparatus, equipment, and supplies of the municipal volunteer fire department shall be purchased by or through the town and shall remain the property of the town. The municipal volunteer fire department shall be composed of a chief appointed by the town administrator and the board and such number of physically fit subordinate officers and firefighters as required. Firefighters shall be at least eighteen (18) years of age and be licensed drivers in the State of Tennessee.

The department shall be equipped with such apparatus and other equipment as may be required from time to time and as the town is able to furnish same, to maintain its efficiency as recommended and requested by the State of Tennessee for the adequate and proper protection of life and property

¹Municipal code reference

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

in the Town of Surgoinsville, Tennessee from fire and related threats. (Ord. #35-2003, Jan. 2004)

7-302. Objectives. The municipal volunteer 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 perform such rescue as its equipment and/or the training of its personnel makes practicable.
- (6) To perform pre-incident assessments, as needed.
- (7) To serve as the emergency management agency for that town.
- (8) To work with the water utility district to insure that adequate water supplies for fire protection are available.
- (9) To perform public fire prevention and education activities.
- (10) To assist in the mitigation of hazardous materials incidents and terrorist attacks to the extent possible that the level of equipment and training will allow.
- (11) To perform code enforcement activities as directed by the Tennessee State Fire Marshal, where applicable. (Ord. #35-2003, Jan. 2004)

7-303. Organization, rules, and regulations. (1) The fire chief of the municipal volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department.

(2) The chief shall determine the number and kind of companies, in consideration of the equipment furnished by the Town of Surgoinsville, of which the department is composed and shall determine which company(s) and personnel respond to alarms, and shall have general and absolute control of the equipment and personnel making up the fire department.

(3) The fire chief shall have the authority to adequately discipline and/or suspend any member of the municipal volunteer fire department for violating the departmental guidelines and/or the policies and procedures of the town or whenever he deems it necessary for the continuing efficient operation of the department.

(4) The chief shall formulate a set of rules and regulations known as the Town of Surgoinsville Municipal Volunteer Fire Department's General Operating Guidelines to regulate operations of the department. The Town of Surgoinsville's Policy and Procedures Manual shall also govern the department where the guidelines are not addressed. The town's policy and procedures are the ultimate authority.

(5) In accordance with and subject to the rules, regulations and requirements of the State of Tennessee and he shall be accountable only to the town administrator.

(6) The chief and/or his assistants are hereby authorized, directed and required to assist all legal authorities in suppressing the crime of arson and the causes, origin and circumstances of all fires and to report same to the duly constituted authorities.

(7) Any person, firm or corporation so notified by the fire department to abate any fire hazard or fire hazards shall comply therewith and promptly notify the fire department.

(8) No person shall enter any place where fire apparatus or equipment is housed nor shall person or persons handle or otherwise interfere with such apparatus or equipment belonging to the department, except firefighters and other officials of the town duly and properly authorized to do so by the fire chief.

(9) All volunteer members: fire chief, officers and firefighters--active or lifetime are employees of the Town of Surgoinsville. They shall be entitled to all provisions and obligations, per status, set forth under Tennessee Code Annotated, §§ 58-2-111, 6-54-603, 29-20-107, 50-3-2014, and 29-20-403. (Ord. #35-2003, Jan. 2004)

7-304. Review committee. Any disciplined and or suspended member shall have the option of appealing the decision of the fire chief to the town administrator. The town administrator shall, after affording the aggrieved member an opportunity to present his position, in writing, at a regular or special meeting, affirm the decision of the fire chief, modify the decision of the fire chief, or remove the decision of the fire chief. (Ord. #35-2003, Jan. 2004)

7-305. Records and reports. The chief or his duly authorized representatives of the municipal volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, donations, training and education, and work of the department. The chief or his designee shall submit a written report on such matters to the town administrator prior to each regular monthly meeting. At the end of the year, a detailed annual report shall be made and submitted to the town administrator. (Ord. #35-2003, Jan. 2004)

7-306. Tenure and compensation of members. (1) The chief shall hold office so long as his conduct and efficiency are satisfactory to the town administrator and board of mayor and aldermen.

(2) The town administrator shall have the authority to suspend the fire chief for a period not to exceed thirty (30) days. In the event such suspension is required for the proper functioning of the administration of the department, the town administrator shall announce at the next regular meeting of the board of mayor and aldermen, the fact of the suspension and make

recommendations to the board regarding the chief's future status. The suspended fire chief shall be allowed to state, in writing, his position regarding the suspension and make recommendations if he so desires. The board of mayor and aldermen, shall by majority vote, decide upon the final status of the fire chief.

(3) At the beginning of each fiscal year, the board of mayor and aldermen may exercise the option of appointing a new fire chief or re-appointing the incumbent fire chief.

(4) All personnel of the municipal volunteer fire department shall receive such compensation for their services as the board of mayor and aldermen may prescribe. (Ord. #35-2003, Jan. 2004)

7-307. Chief responsible for training and maintenance.¹ The chief of the municipal volunteer fire department, under the direction and subject to the requirements of the town administrator, shall be fully responsible for the training of the firefighters and for the maintenance of all property and equipment of the municipal volunteer fire department.

The chief and/or his designee shall conduct suitable drills and instructions in the operation and handling of equipment, rescue work, salvage, a study of the buildings in the town, fire prevention, water supplies, and all other matters generally considered essential to good firemanship and safety of life and property pertaining to fire, and shall and is hereby authorized to cooperate with all state and federal agencies in reference thereto.

All active members shall be certified to a minimum of Firefighter II by the State of Tennessee Commission on Firefighting, per the commission's policies.

All non-certified members not certified by the Tennessee Firefighting Commission, shall not be allowed to engage in any active firefighting activities, i.e., interior structural firefighting, but shall be utilized in a supportive role, e.g., refreshments, traffic control, assist in non-firefighting activities, as stipulated by departmental guidelines and/or the incident commander and/or ultimately the fire chief.

No active members shall have less than forty (40) hours of fire and fire related training annually. All training under § 7-306 shall be documented and filed.

All non-active non-certified members from shall be classified as non-structural firefighting personnel.

Fire department personnel shall hold not less than two (2) practice or training sessions a month.

¹State law reference

Local governments--powers unaffected: Tennessee Code Annotated, § 7-24-408.

All members are encouraged to certify and educate themselves to their highest potential. (Ord. #35-2003, Jan. 2004)

7-308. Chief to be assistant to state officer. (1) Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief is designated as an assistant to the State Commissioner of Insurance and is subject to all 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.

(2) The Town of Surgoinsville Municipal Volunteer Fire Department shall maintain the status of "duly recognized fire department" by meeting all the requirements under Tennessee Code Annotated, title 68, chapter 102, part 3 issued by the State of Tennessee Department of Commerce and Insurance--State Fire Marshal's Office. (Ord. #35-2003, Jan. 2004)

7-309. Mutual aid and contracts. Where mutual aid and or contract(s) agreements have been signed and/or are adopted by the town, now and in the future, between the Town of Surgoinsville and/or other cities and/or towns, and/or other volunteer fire departments and/or individuals, the fire department is hereby authorized to respond to calls for service and/or assistance outside the corporate limits when service and/or assistance is requested from another fire department or under contract with which the town has a valid mutual aid agreement and/or valid contract with or interest.¹ (Ord. #35-2003, Jan. 2004)

7-310. Departmental general operating guidelines. The Town of Surgoinsville Municipal Volunteer Fire Department's General Operating Guidelines and the Town of Surgoinsville's Policy and Procedures Manual shall be used to regulate internal operations of the department. The departments' general operating guidelines shall have the approval of the town administrator and the fire chief before becoming an official guideline. The purposes of the guidelines are to give guidance, latitude, and regulation to incidents and functions carried out within and by the municipal volunteer fire department.

¹State law references

Interlocal Cooperation Act: Tennessee Code Annotated, § 12-9-101.

Contracts and mutual aid agreements: Tennessee Code Annotated, § 6-54-601.

Mutual assistance as governmental function: Tennessee Code Annotated, § 6-54-602.

Rights, duties and immunity of officers and employees: Tennessee Code Annotated, § 6-54-603.

The guidelines shall be amended and modified by the fire chief as needed.¹
(Ord. #35-2003, Jan. 2004)

7-311. Compensation to the Town of Surgoinsville for services rendered. Whereas Tennessee Code Annotated, § 68-212-121 permits a municipality to recover the cost of hazardous waste and substance spills in connection with "driving on a Tennessee road, highway, interstate or other thoroughfare..." the Town of Surgoinsville may seek compensation for services and response to such incidents. Billing will be based on manpower, equipment usage, supplies and other required resources used by the towns' responding departments. The town administrator will be responsible for billing.
(Ord. #35-2003, Jan. 2004)

¹Town of Surgoinsville's Municipal Volunteer Fire Department General Operating Guidelines.

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. The board shall have full power and authority to authorize the use of the town'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 town 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 5

OPEN BURNING

SECTION

7-501. Specific materials that may not be burned.

7-502. Burning prohibited.

7-503. Exemptions to prohibited burning.

7-504. Permit required for certain burning practices.

7-505. Violations.

7-506. Enforcement.

7-501. Specific materials that may not be burned. It is illegal to open burn any trash, wood scraps, brush, limbs, leaves and other debris upon property within the town. (Ord. #57-2006, Aug. 2006)

7-502. Burning prohibited. After the effective date of these regulations, no person shall cause, suffer, allow, or permit open burning of any kind except as specifically permitted herein. (Ord. #57-2006, Aug. 2006)

7-503. Exemptions to prohibited burning. Open burning, as described in this section, may be conducted provided that no public nuisance is or will be created by such burning. Fires used for cooking food, fires for ceremonial purposes or recreational purposes or comfort heating fires, including barbecues and outdoor fireplaces, and fires set for the training and instruction of firefighters. This grant of exemption shall in no way relieve the person from the consequences, damages, or claims resulting from such burning. This exception does not relieve the person of the responsibility of using fire safe practices nor from getting a permit from any other agency that may require such. The open burning, as referred to in this section, shall conform to regulations set forth by the Tennessee Department of Environment and Conservation Division of Air Pollution Control. (Ord. #57-2006, Aug. 2006)

7-504. Permit required for certain burning practices. Large controlled open burning is permissible only with the approval of the Surgoinsville Volunteer Fire Chief or his designee and obtaining a permit from the Town of Surgoinsville. (Ord. #57-2006, Aug. 2006)

7-505. Violations. Violations of this chapter shall be subject to a fine of fifty dollars (\$50.00) per day of violation. (Ord. #57-2006, Aug. 2006)

7-506. Enforcement. The fire chief or his designee is hereby authorized and directed to enforce the provisions of this chapter. (Ord. #57-2006, Aug. 2006)