

**TITLE 7**

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

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIREWORKS.
5. RAPID ENTRY SYSTEM.

**CHAPTER 1**

**FIRE DISTRICT**

**SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be that area zoned as the B-1 business district. (1995 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

**CHAPTER 2****FIRE CODE**<sup>1</sup>**SECTION**

- 7-201. Fire code adopted.
- 7-202. Modifications.
- 7-202. Enforcement.
- 7-204. Gasoline trucks.
- 7-205. Variances.
- 7-206. Available in recorder's office.
- 7-206. Violations and penalty.

**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 regulating exits, egress capacity, stairways, fire escapes, travel distance to egress, special locking arrangements in place of assembly occupancies, in any building or structure. The International Fire Code,<sup>2</sup> 2012 edition, including all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the fire code.

**7-202. Modifications.** The following section is hereby revised to read as follows:

**Definitions.** Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the City of Tusculum, Tennessee.

**7-203. 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. (1995 Code, § 7-202)

**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. (1995 Code, § 7-204)

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<sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

<sup>2</sup>Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**7-205. Variances.** The chief of the volunteer fire department may recommend to the board of commissioners 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 board of commissioners. (1995 Code, § 7-205)

**7-206. 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 been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**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 council 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 municipal code shall not be held to prevent the enforced removal of prohibited conditions.

## CHAPTER 3

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

#### SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure 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 volunteer fire department to be supported and equipped by appropriations by the board of commissioners by donations from the citizens of the community, and by fundraisers conducted by the department. The volunteer fire department shall be composed of a chief elected by fire department members and approved by the board of commissioners, and such number of subordinate officers and fire personnel as elected by the membership of the fire department. (1995 Code, § 7-301)

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#### <sup>1</sup>Charter references

For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

##### Fire chief

Appointment: § 6-21-701.

Duties: § 6-21-702.

Emergency: § 6-21-703.

##### Fire marshal: § 6-21-704

##### Firemen

Appointment: § 6-21-701.

Emergency powers: § 6-21-703.

#### Municipal code reference

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

**7-302. Objectives.** The 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 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. (1995 Code, § 7-302)

**7-303. Organization, rules, and regulations.** The chief of the volunteer 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. (1995 Code, § 7-303)

**7-304. Records and reports.** The chief of the volunteer 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 those matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1995 Code, § 7-304)

**7-305. Tenure of members.** The chief shall hold office so long as he is elected or re-elected by the membership of the fire department and approved by the board of commissioners. 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. (1995 Code, § 7-305)

**7-306. Chief responsible for training and maintenance.** The chief of the volunteer 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. (1995 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 volunteer fire department 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 fire prevention commissioner in the execution of the provisions thereof. (1995 Code, § 7-307)

## CHAPTER 4

### FIREWORKS

#### SECTION

7-401. Definitions.

7-402. Unlawful acts.

7-403. Violations.

7-404. Seizure and destruction of fireworks.

**7-401. Definitions.** As used in this chapter the following terms shall have the meaning ascribed to them as set forth in Tennessee Code Annotated unless clearly indicated otherwise:

(1) "Fireworks" means any pyrotechnics commonly known as "fireworks," and including all those substances subject to regulation as set forth in Tennessee Code Annotated, § 68-104-101 et seq.

(2) "Person" means any individual, firm, partnership, or corporation.

(3) "Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, salesman, agent, association, co-partnership, or one or more individuals. (1995 Code, § 7-401)

**7-402. Unlawful acts.** It shall be unlawful for any person to possess, sell, explode, ignite, use, discharge, throw, display, store, place, locate, ship into or out of, deliver, purchase, manufacture, or distribute any "fireworks" within the corporate limits of the City of Tusculum, Tennessee. (1995 Code, § 7-402)

**7-403. Violations.** Any person violating any provision of this chapter shall be subject to punishment as provided by the penalty clause section 5, Code Adopting Ordinance, Municipal Code of the City of Tusculum, Tennessee. (1995 Code, § 7-403)

**7-404. Seizure and destruction of fireworks.** Any lawful officer of the State of Tennessee, City of Tusculum, or State Fire Marshal Office, shall be authorized to seize and destroy as contraband any fireworks sold, displayed, used, or possessed in violation of this chapter, in accordance with those provisions as set forth in Tennessee Code Annotated, § 68-104-115, as amended, from time to time. (1995 Code, § 7-404)

## CHAPTER 5

### RAPID ENTRY SYSTEM

#### SECTION

7-501. Fire department repository unit--required.

7-502. Keys required.

7-503. Access to fire department repository unit.

7-504. Rules and regulations.

7-505. Update of keys and information.

7-506. Limitation of liability.

**7-501. Fire department repository unit--required.** (1) The owner or person in control of the following types of buildings shall install and maintain a fire department repository unit of a type approved by the fire chief:

(a) New construction of any apartment building or other rental building containing four (4) or more residential living units and in which access to the building or to common areas or mechanical or electrical rooms within the building is denied through locked doors.

(b) New construction of any non-residential building where a fire detection or suppression system is monitored by an alarm company or has an external audible alarm.

(c) New construction of any building or facility containing a quantity of hazardous materials which would require compliance with title III of SARA (Superfund Amendment Reauthorization Act).

(d) New installation of private security gates for subdivisions.  
(Ord. #13-02, May 2013)

**7-502. Keys required.** The owner or person in control of buildings or facilities described in § 7-501 required to have a fire department repository unit shall cause to be placed in such repository unit a key to the following areas:

(1) Locked points of access in the exterior of the building or facility;

(2) Locked points of access to common areas, such as hallways or utility rooms, contained within such buildings or facilities;

(3) Locked mechanical rooms;

(4) Locked electrical rooms;

(5) All other locked areas, other than individual apartments or rented rooms, as directed by the chief. (Ord. #13-02, May 2013)

**7-503. Access to fire department repository unit.** The owner or person in control of any building or facility described in § 7-501 required to have a fire repository unit shall be present, himself or through his agent, during access to such repository unit by the fire department except when the fire

department has responded to an emergency at the property. (Ord. #13-02, May 2013)

**7-504. Rules and regulations.** The fire chief may establish rules and regulations for the placement and maintenance of fire department repository units within the city, including approved types of fire department repository units. Proposed rules and regulations and any substantive amendment thereof will be submitted to the board of mayor and commissioners for approval and filed with the city recorder and shall become effective fourteen (14) days after approval by the board of mayor and commissioners. (Ord. #13-02, May 2013)

**7-505. Update of keys and information.** The owner or person in control of any building or facility described in § 7-501 required to have a fire department repository unit shall do the following:

(1) Provide keys capable of access to such fire department repository unit at all times to the fire department.

(2) Maintain current information of hazardous materials stored in the building or facility in the fire department repository unit or, if the volume of material is too large to place in the repository unit, shall file said information with the fire chief. (Ord. #13-02, May 2013)

**7-506. Limitation of liability.** The city assumes no liability for any of the following:

(1) Any defects in the operation of the repository unit, of any of the keys contained within such repository unit or any information stored within the repository unit or otherwise provided to the city;

(2) The failure or neglect to respond appropriately upon receipt of an alarm from an alarm system;

(3) The failure or neglect of any owner or person in control of a building or facility required to have a repository unit to provide access to the repository unit; or

(4) Any breach in the security of any property due to any person's access to a repository unit, whether that access is authorized or unauthorized. (Ord. #13-02, May 2013)