

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE DISTRICT²

SECTION

- 7-101. Fire district described.
- 7-102. Fire district significance.

7-101. Fire district described. The corporate fire district shall be as follows:

All of that area bounded by a line beginning at the intersection of the Bush Brothers eastern property line and the Clinch River, thence along said property line in a northerly direction to the intersection of such line and Eagle Bend Road; thence in a westerly direction along Eagle Bend Road to a point 200 feet east of the intersection of Eagle Bend Road and North Charles Seivers Blvd; thence along a line, parallel to and 200 feet northeast and southeast of the center line of North Charles Seivers Blvd, in a northwesterly and northeasterly direction to the intersection of such line and Weaver Avenue; thence along Weaver Avenue in a northwesterly direction to the intersection of Weaver Avenue and North Charles Seivers Blvd; thence northeast along North Charles

¹Municipal code references

Building, utility and housing codes: title 12.

²The significance of the fire district is that Chapter III of the Standard Building Code, applicable to the City of Clinton through title 4 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits Hazardous (Group H) occupancies within the fire district. Chapter IV, Section 408 of the Standard Building Code defines Hazardous (Group H) occupancy in both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials.

Seivers Blvd to the intersection of North Charles Seivers Blvd and Washington Avenue; thence northwest along Washington Avenue to the intersection of Washington Avenue and Baxter Street; thence south along Baxter Street to the intersection of Baxter Street and West Weaver Avenue; thence northwest along Weaver Avenue to the intersection of Weaver Avenue and North Main Street; thence south along North Main Street to the intersection of North Main Street and W Avenue; thence west along W Avenue to the intersection of W Avenue and Marshall Street; thence south along Marshall Street to the intersection of Marshall Street and West Shipe Street; thence east along an extension of the center line of West Shipe Street crossing the Southern Railway tracks to East Shipe Street; thence east along East Shipe Street to the intersection of East Shipe Street and Main Street; thence south along Main Street to the intersection of North Main Street and West Lamar Avenue; thence west along West Lamar Avenue to the intersection of West Lamar Avenue and North Hicks Street; thence south along North Hicks Street and West Church Street; thence west along West Church Street to the intersection of West Church Street and Marshall Street; thence south along Marshall Street to the intersection of Marshall Street and Broad Street; thence east along Broad Street to the intersection of South Bowling Street; thence south along an extension of the center line of South Bowling Street, and being parallel to and approximately 300 feet west of the center line of Main Street, to the intersection of said line and Timothy Avenue; thence east along Timothy Avenue to the intersection of Timothy Avenue and Main Street and, continuing along Meadowbrook Street, to a point 200 feet to the east of Main Street; thence north along a line, lying parallel to and 200 feet east of Main Street, to the intersection of said line and Clinch Avenue; thence east along Clinch Avenue to the intersection of Clinch Avenue and the Clinch River; thence north along the west bank of the Clinch River to the point of beginning. (1969 Code, § 7-101, as replaced by Ord. #482, Dec. 2005)

7-102. Fire district significance. The significance of the fire district is that chapter 3 of the International Building Code, applicable to the City of Clinton through title 12 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits hazardous (group H) occupancies within the fire district. Chapter 3 section 307 of the International Building Code and Appendix E of the International Fire Code defines high hazardous (group H) occupancies in both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials. (as added by Ord. #482, Dec. 2005)

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Gasoline trucks.
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Variances.
- 7-206. 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 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,² 2009 edition, and all the Appendices and References listed herein 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 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. The fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1969 Code, § 7-201, replaced by Ord. #288, and Ord. #371, March 1997; amended by Ord. #416, Sept. 2001, and replaced by Ord. #475, Dec. 2005, and Ord. #589, Aug. 2011)

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. (1969 Code, § 7-202, as replaced by Ord. #371, March 1997, Ord. #475, Dec. 2005, and Ord. #589, Aug. 2011)

7-203. 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

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.

expeditious delivery of gasoline. (1969 Code, § 7-204, as replaced by Ord. #371, March 1997, Ord. #475, Dec. 2005, and Ord. #589, Aug. 2011)

7-204. Storage of explosives, flammable liquids, etc. (1) The district referred to in chapter 33 of the International Fire 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 chapter 34 of the International Fire Code, in which storage of flammable liquids in outside above ground tanks is prohibited, is declared to be the fire district as set out in § 7-101 of this code.

(3) The district referred to in chapter 34 of the International Fire Code, in which 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 chapter 38 of the International Fire 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. (1969 Code, § 7-205, as replaced by Ord. #371, March 1997, Ord. #475, Dec. 2005, and Ord. #589, Aug. 2011)

7-205. Variiances. The chief of the fire department may recommend to the city council 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 city council. (1969 Code, § 7-207, as replaced by Ord. #371, March 1997, Ord. #475, Dec. 2005, and Ord. #589, Aug. 2011)

7-206. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International 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 modified by the city council or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable by a penalty of fines not less than fifty dollars (\$50.00) and not more than five hundred dollars (500.00) and cost for each separate violation. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. (as added by Ord. #475, Dec. 2005, and replaced by Ord. #589, Aug. 2011)

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. Chief responsible for training and maintenance.

7-306. Chief to be assistant to state officer.

7-307. Age limits for firemen.

7-308. [Deleted.]

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 and such number of physically-fit subordinate officers and firemen as the city manager shall appoint. (1969 Code, sec. 7-301, modified)

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. (1969 Code, sec. 7-302)

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 director of operations. (1969 Code, sec. 7-303, modified)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and

¹Municipal code reference

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

work of the department. He shall submit such written reports on those matters to the city manager as the city manager requires. The city manager shall submit a report on those matters to the city council as the city council requires. (1969 Code, sec. 7-304, modified)

7-305. 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 city manager. (1969 Code, sec. 7-306)

7-306. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, section 68-17-108, the fire 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 17, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1969 Code, sec. 7-307)

7-307. Age limits for firemen. No person shall be initially employed or appointed as a fireman who has not attained the age of eighteen (18) years or who has attained the age of fifty (50) years. No person shall be continued in service as a fireman after the end of the month in which he attains the age of sixty-five (65) years. (1969 Code, sec. 7-308, as amended by ord. No. 344)

7-308. [~~Deleted.~~] (1969 Code, sec. 7-309, as replaced by Ord. #262, and deleted by Ord. #391, June 1998)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

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

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

(1) The Local Government Emergency Assistance Act of 1987, as amended, codified in Tennessee Code Annotated, section 58-21-601 et seq.¹

¹Charter references

State law references

Tennessee Code Annotated, Section 58-2-601 et seq., as amended by Public Acts 1988, Ch. 499, authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

This statute, as amended, does not require written agreements between the local governments, but authorizes them to develop policies and procedures for requesting and responding to requests for emergency assistance, including provisions for compensation for service rendered.

The statute specifies which municipal officers may request and respond to requests for emergency assistance and provides for the appointment by municipal governing bodies of additional municipal officers with the same authority.

The statute provides that the senior officer of the requesting party will be in command at the scene of the emergency.

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its
(continued...)

- (2) Tennessee Code Annotated, section 12-9-101 et seq.¹
- (3) Tennessee Code Annotated, section 6-54-601.²

(...continued)

employees shall be liable for any property damage or bodily injury at the actual scene of any emergency due to actions performed in responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

¹State law reference

Tennessee Code Annotated, section 6-54-601 authorizes municipalities (1) To 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. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide such communities with firefighting assistance. (3) Provide fire protection outside their city 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.)

²State law reference

Tennessee Code Annotated, section 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.

CHAPTER 5

MISCELLANEOUS

SECTION

7-501. Outside open fires restricted.

7-501. Outside open fires restricted. It shall be unlawful for any person to make, permit, or add to any outside open fire within the fire district.

An "outside open fire" is any fire on the outside of a building except a fire in an incinerator which is so constructed as to prevent the escape of burning materials. (1969 Code, sec. 7-102)