

## TITLE 7

**FIRE PROTECTION AND FIREWORKS**

## CHAPTER

1. FIRE CODE.
2. VOLUNTEER FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE CITY LIMITS.
4. FIRE HYDRANTS OUTSIDE CITY LIMITS.

## CHAPTER 1

**FIRE CODE**<sup>1</sup>

## SECTION

- 7-101. Fire code adopted.
- 7-102. Definition of "municipality."
- 7-103. Gasoline trucks.
- 7-104. Variances.
- 7-105. Violations and penalties.

**7-101. 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 Uniform Fire Code (NFPA No.1), 2006 edition, as recommended by the National Fire Protection Association, 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 Uniform Fire Code has been filed with the city recorder and is available for public use and inspection. The Uniform Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1991 Code, 7-201, modified, as replaced by Ord. #7-5-8-4, June 2007)

**7-102. Definition of "municipality."** Whenever the word "municipality" is used in the uniform fire code herein adopted, it shall be held to mean the City of Kingston, Tennessee. (1991 Code, § 7-203, as replaced by Ord. #7-5-8-4, June 2007)

**7-103. Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

any time except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline. (1991 Code, § 7-205, as replaced by Ord. #7-5-8-4, June 2007)

**7-104. Variances.** The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the Uniform 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 mayor and aldermen. (1991 Code, § 7-206, as replaced by Ord. #7-5-8-4, June 2007)

**7-105. Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Uniform 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 board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable under the general penalty provision of this municipal code. 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. (1991 Code, § 7-207, as replaced by Ord. #7-5-8-4, June 2007)

## CHAPTER 2

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

#### SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Objectives.
- 7-203. Organization, rules, and regulations.
- 7-204. Records and reports.
- 7-205. Tenure and compensation of members.
- 7-206. Chief responsible for training and maintenance.
- 7-207. Chief to be assistant to state officer.

**7-201. Establishment, equipment, and membership.** There is hereby established a volunteer fire department to be supported and equipped from appropriations of the city council. Any funds raised by the volunteer fire department as a whole, or by any individual or group of volunteer firemen in the name of the volunteer fire department, and any gifts to the volunteer fire department shall be turned over to and become the property of, the city and the city shall use such funds in the equipping of the volunteer fire department. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the city and shall be and remain the property of the city. The volunteer fire department shall be composed of a paid chief appointed by the city manager, and such number of subordinate officers and firemen as the city council shall appoint. (1991 Code, § 7-301)

**7-202. 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. (1991 Code, § 7-302)

**7-203. 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 formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the

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<sup>1</sup>Municipal code reference

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

volunteer fire department under such rules and regulations as the city council may prescribe. (1991 Code, § 7-303)

**7-204. 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 such written reports on those matters to the mayor or to the city council as they may require. requires. (1991 Code, § 7-304)

**7-205. Tenure and compensation of members.** The fire chief shall have the authority to suspend or discharge any volunteer fireman when he deems such action to be necessary for the good of the department. The fire chief and full-time firemen may be suspended or discharged in accordance with the personnel policies of the city.

All personnel of the volunteer fire department shall receive such compensation for their services as the city council may from time to time prescribe. (1991 Code, § 7-305)

**7-206. 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 council. (1991 Code, § 7-306)

**7-207. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 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. (1991 Code, § 7-307)

## CHAPTER 3

FIRE SERVICE OUTSIDE CITY LIMITS

## SECTION

7-301. Restrictions on fire service outside city limits.

**7-301. 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 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, § 58-21-601, et seq.<sup>1</sup>

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<sup>1</sup>Charter references

State law references

Tennessee Code Annotated, § 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.

(continued...)

- (2) Tennessee Code Annotated, § 12-9-101, et seq.<sup>1</sup>
- (3) Tennessee Code Annotated, § 6-54-601.<sup>2</sup> (1991 Code § 7-401)

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(...continued)

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

<sup>1</sup>State law reference

Tennessee Code Annotated, § 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.)

<sup>2</sup>State law reference

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.(1991 Code,§ 7-401)

## CHAPTER 4

FIRE HYDRANTS OUTSIDE CITY LIMITS

## SECTION

- 7-401. May be installed outside corporate limits.
- 7-402. Location, size and type of hydrant.
- 7-403. Use of water.
- 7-404. Maintenance responsibilities and charges.
- 7-405. Color coding.

**7-401. May be installed outside corporate limits.** The City of Kingston may allow fire hydrants to be installed outside the corporate limits where lines exist with adequate fire flow or where hydrants are color coded in accordance with the system detailed in this chapter. These fire hydrants will be installed at the expense of the customer and shall become the property of the City of Kingston. (1991 Code, § 7-501)

**7-402. Location, size and type of hydrant.** The location of fire hydrants outside the corporate limits shall be such that it is mutually agreeable to the city, the customer, and appropriate fire-fighting agencies. The size and type fire hydrant shall be determined by the city. (1991 Code, § 7-502)

**7-403. Use of water.** No person, other than authorized agents of the city, fire departments, or fire companies, shall take water from fire hydrants, outside the corporate limits without the consent of the city. Fire departments and/or other fire-fighting agencies shall, within three (3) days after the use of fire hydrants, submit a report to the city of the location of the fire hydrant used and the estimated gallons of water utilized. The city will bill the fire company for the estimated amount of water used.

No water shall be taken from fire hydrants outside the corporate limits for any use other than for fire-fighting purposes, except by city personnel, fire departments or other fire-fighting agencies. (1991 Code, § 7-503)

**7-404. Maintenance responsibilities and charges.** Fire hydrants outside the corporate limits will be maintained by the city, and the customer will be charged an annual amount per fire hydrant as set by the water board. (1991 Code, § 7-504)

**7-405. Color coding.** All fire hydrants shall be color coded to conform to the following system:

(1) Red - fire hydrants with a flow which equals or exceeds five hundred (500) gallons per minute (gpm) at twenty (20) pounds residual pressure per square inch (psi); the use of pumper trucks is allowed.

(2) Yellow - fire hydrants with a capacity of less than five hundred (500) gallons per minute (gpm) at less than twenty (20) pounds residual pressure per square inch (psi); no pumper trucks may be used at these hydrants. (1991 Code, § 7-505)