

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. RESERVE FIRE FORCE.
5. FIREWORKS.

CHAPTER 1

FIRE DISTRICT²

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The fire limits of the city are hereby described as follows:

That area bounded on the west by Jackson Street, on the east by Daisy Street, on the south by Second South Street and on the north by Third Street. (1979 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

Charter reference

Fire protection: § 5(15).

²The significance of the fire district is that Chapter 30 of the Standard Building Code, applicable to the City of Morristown 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 4, 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.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Modifications.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. 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 Fire Prevention Code,² (NFPA No. 1-2000 edition), including each reference in NFPA 1, chapter 32, thereof, published by the National Fire Protection Association, Inc., Batterymarch Park, Quincy, MA 02269. Each reference in NFPA 1, chapter 32 to an NFPA code or standard shall be deemed to be the edition thereof printed in the National Fire Codes, 2000 edition. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the Fire Prevention Code has been filed with the city recorder and is available for public use and inspection. The Fire Prevention Code, is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #2643, Aug. 1991, modified, as amended by Ord. #2961, Oct. 1998, and Ord. #3103, June 2002)

7-202. Modifications. The Fire Prevention Code adopted in 7-201 above is modified by deleting therefrom sections 1-5, titled Board of Appeals, in its entirety; § 7-206 below shall control appeals.

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 City of Morristown, Tennessee. (1979 Code, § 7-203)

¹Municipal code reference

Building, utility, and housing codes: title 12.

Charter reference

Fire protection: § 5(15).

²Copies of this code are available from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, MA 02269-9101.

7-204. Storage of explosives, flammable liquids, etc. (1) The fire district referred to in NFPA 495 in Annex A 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 fire district referred to in NFPA 30 in Annex A 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 fire district referred to in NFPA 30 in Annex A 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 fire district referred to in NFPA 58 in Annex A 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. (1979 Code, § 7-204, modified)

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. (1979 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. (1979 Code, § 7-206)

7-207. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Fire Prevention Code hereby 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. (1979 Code, § 7-209)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

7-301. Established; membership.

7-302. Chief of fire department--police powers; enforcement of fire prevention regulations.

7-303. Authority to inspect buildings for fire hazards; report to city council.

7-304. Clothing and equipment to be furnished to firemen.

7-305. Damage, injury to, etc., fire apparatus.

7-301. Established; membership.¹ In order to protect life, avoid injury, and preserve property from fire within the city, a paid-on-call fire department is hereby organized and established. Such fire department shall consist of such fire apparatus as the city now has and may hereafter obtain and personnel to be composed of a chief and such number of members as may be established by the city council. Such personnel shall be subject to such rules and regulations as may be adopted and approved by the city council. (1979 Code, § 7-301)

7-302. Chief of fire department--police powers; enforcement of fire prevention regulations. The chief of the fire department is hereby authorized to exercise police powers at times of fire, and to summon to his assistance such additional help as he may deem necessary to control the fire. The fire chief is hereby authorized to enforce all provisions of this code relative to fire prevention. (1979 Code, § 7-302)

7-303. Authority to inspect buildings for fire hazards; report to city council. The chief of the fire department is hereby vested with power and authority to inspect all buildings within the city. He shall have the right to inspect the condition of all buildings within the city with a view to determining whether or not they contain fire hazards, and shall have the right to give notice to the owner or occupant of any building containing such fire hazards to remove or remedy the same. He shall report the conditions of such buildings to the city council for such action as the city council may deem proper to take in the premises. It shall be unlawful for any owner or occupant of any building in the city to refuse to allow the fire chief the right to inspect such building. (1979 Code, § 7-303)

¹ Municipal code reference

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

7-304. Clothing and equipment to be furnished to firemen. The city council will furnish members of the fire department rubber coats or other suitable clothing and fire helmets to be worn at fires, drills, and on duty only. Such clothing shall remain the property of the city. All of such paraphernalia shall remain at the fire hall when not in use. (1979 Code, § 7-304)

7-305. Damage, injury to, etc., fire apparatus. No person shall injure, damage, meddle with, misplace, or in any way interfere with or destroy any fire apparatus or hinder the protection of the same. (1979 Code, § 7-305)

CHAPTER 4

RESERVE FIRE FORCE

SECTION

- 7-401. Created; membership.
- 7-402. Qualifications for members.
- 7-403. Appointment; identification card; authority when on duty; compensation; reports of city administrator concerning roster.
- 7-404. Roster of members generally.
- 7-405. Orders to duty; relief from duty; record of duty.
- 7-406. Rules and regulations.
- 7-407. Fire chief responsible for organization, supervision, etc.

7-401. Created; membership. There is created a reserve fire force to consist of not more than thirty-five members. (1979 Code, § 7-401)

7-402. Qualifications for members. Members of the reserve fire force shall be residents of the city, more than eighteen years of age, and of good moral character. No person shall be a member who has been convicted of a crime. (1979 Code, § 7-402)

7-403. Appointment; identification card; authority when on duty; compensation; reports of city administrator concerning roster. Members shall be appointed by, and shall serve at the will of the city council. The city administrator shall make periodic reports, at least each year, recommending to the city council any necessary additions or deletions to the roster of the reserve fire force. Each member shall be issued a card signed by the city administrator evidencing his appointment. When ordered to duty, and until relieved as herein provided, each reserve fireman shall have the same powers and authority as regular firemen, except as herein provided, and shall be paid ten dollars for each day or fraction of a day he serves. (1979 Code, § 7-403)

7-404. Roster of members generally. The recorder shall maintain in his office a current roster of the reserve fire force, and shall provide the fire chief and the city administrator copies. (1979 Code, § 7-404)

7-405. Orders to duty; relief from-duty; record of duty. The city administrator, or in his absence the fire chief, or in his absence such ranking officer in charge, is authorized to order all reserve firemen, or as many as deemed necessary, to duty whenever in his opinion the circumstances warrant. The city administrator, or in his absence the fire chief, or in his absence such ranking officer in charge, may issue orders relieving reserve firemen from duty. Orders to duty and orders relieving from duty issued by them shall be entered

on the fire department record and signed by the city administrator or the fire chief. The city council may issue orders to duty and relief from duty which shall prevail over orders of the city administrator or fire chief. (1979 Code, § 7-405)

7-406. Rules and regulations. The fire chief shall prepare rules and regulations subject to approval of the city council for the governing of the reserve fire force, a copy of which shall be provided each reserve fireman. The rules and regulations shall contain at least the following:

(1) No member shall have the authority to act as a reserve fireman unless ordered to duty and only as long as the orders are effective.

(2) The reserve fire force shall be separate and distinct from the regular fire force, and no reserve fireman regardless of rank shall have authority over any regular fireman.

(3) Reserve firemen shall serve only for the special purpose for which ordered to duty, and shall not attempt to perform the general duties of the regular firemen, except as expressly ordered by the fire chief.

(4) The time within which members shall report for duty after receipt of orders and the circumstances under which they may be excused from duty. (1979 Code, § 7-406)

7-407. Fire chief responsible for organization, supervision, etc. The fire chief shall be responsible for the organization of the reserve fire force, which shall be under his supervision, direction, and control. (1979 Code, § 7-407)

CHAPTER 5

FIREWORKS

SECTION

7-501. Fireworks.

7-501. Fireworks. (1) It shall be unlawful for any person, firm or corporation to possess, store, sell or give away any pyrotechnics, commonly known as fireworks, within the corporate limits of the City of Morristown, subject to the following exception:

This chapter shall not apply to the possession and use of fireworks for public displays by holders of a permit for public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal.

(2) Any person, firm or corporation found guilty of violating this chapter shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) and the fireworks confiscated as contraband and destroyed. (Ord. #2677, May 1992)