

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. PUBLIC SAFETY.
2. POLICE SERVICES.
3. FIRE SERVICES.
4. FIRE CODES.

CHAPTER 1

PUBLIC SAFETY

SECTION

- 6-101. Public safety department.
6-102. Public safety director.
6-103. POST Commission compliance
6-104.--6-108. Deleted.

6-101. Public safety department. The public safety department shall consist of the police services and fire services functions for the city. (1981 Code, § 1-401, as replaced by Ord. #2016-13, July 2016)

6-102. Public safety director. The public safety director shall be recommended by the city manager and approved by the board of mayor and aldermen. The director shall have full responsibility for organizing both all police and fire functions, including staffing of personnel, purchasing appropriate equipment, and training of said personnel. The director shall be responsible for the appointment of all officers and employees, and shall report directly to the city manager of Millington, Tennessee. (1981 Code, § 1-402, as replaced by Ord. #2016-13, July 2016)

6-103. POST Commission compliance. The public safety director shall designate a police inspector as the administrative police inspector. Such administrative police inspector shall be responsible for direct supervision of all police officers in order to comply with requirements of the Tennessee Peace Officers Standards and Training (POST) Commission. (1981 Code, § 1-405, as replaced by Ord. #2016-13, July 2016)

6-104.--6-108. Deleted. (as deleted by Ord. #2016-13, July 2016)

CHAPTER 2

POLICE SERVICES

SECTION

- 6-201. Policemen subject to inspector's orders.
- 6-202. Policemen to preserve law and order, etc.
- 6-203. Policemen to wear uniforms and be armed.
- 6-204. When policemen to make arrests.
- 6-205. Policemen may require assistance in making arrests.
- 6-206. Police records.
- 6-207. Reserve policemen.
- 6-208. Reserve policemen qualifications.
- 6-209--6-216. Deleted.

6-201. Policemen subject to inspector's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the administrative police inspector may officially issue. (1981 Code, § 1-801, as replaced by Ord. #2016-13, July 2016)

6-202. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1981 Code, § 1-802, as replaced by Ord. #2016-13, July 2016)

6-203. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the city shall authorize and shall carry a service weapon and such other equipment designated by the administrative police inspector at all times while on duty (unless otherwise expressly directed by the administrative police inspector for a special assignment). (1981 Code, § 1-803, as replaced by Ord. #2016-13, July 2016)

6-204. When policemen to make arrests. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1981 Code, § 1-804, as replaced by Ord. #2016-13, July 2016)

6-205. Policemen may require assistance in making arrests. It shall be unlawful for any person to willfully refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (1981 Code, § 1-805, as replaced by Ord. #2016-13, July 2016)

6-206. Police records. The police shall keep a comprehensive and detailed daily record in permanent form, showing:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police. (1981 Code, § 1-806, as replaced by Ord. #2016-13, July 2016)

6-207. Reserve policemen. A reserve policemen is defined as any person whose primary responsibility is to support the full-time police officer in the prevention and detection of crime, apprehension of offenders, assisting in the prosecution of the offenders with specifically assigned duties and/or job description and serves on a volunteer basis. Reserve officers shall not be compensated or provided any fringe benefits normally provided for city employees. Reserve officers may only work twenty (20) hours per week or a total of no more than one hundred (100) hours per month for any Tennessee law enforcement agency or combination of agencies. (1981 Code, § 1-807, as replaced by Ord. #2016-13, July 2016)

6-208. Reserve policemen qualifications. Individuals seeking to serve as a reserve policeman shall meet the same psychological and physical health requirements as candidates to be a policeman and must complete a course of instruction provided by the department. (1981 Code, § 1-808, as replaced by Ord. #2016-13, July 2016)

6-209.--6-216. Deleted. (as deleted by Ord. #2016-13, July 2016)

CHAPTER 3

FIRE SERVICES

SECTION

6-301. Objectives.

6-302. Organization, rules, and regulations.

6-303. Records.

6-304. Chief responsible for training.

6-305. Chief to be assistant to state officer.

6-301. Objectives. Fire services shall have as its objectives:

- (1) To protect life and property from the adverse effects of fires.
- (2) To provide basic life support medical treatment.
- (3) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.
- (4) To respond to and mitigate natural or manmade disasters.
- (5) To provide fire prevention and community education. (1981 Code, § 1-601, as replaced by Ord. #2016-13, July 2016)

6-302. Organization, rules, and regulations. The public safety director shall set up the organization of fire services, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation. (1981 Code, § 1-602, as replaced by Ord. #2016-13, July 2016)

6-303. Records. Fire services shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work performed. (1981 Code, § 1-603, as replaced by Ord. #2016-13, July 2016)

6-304. Public safety director to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the public safety director is designated as an assistant to the state commissioner of commerce and 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 commissioner in the execution of the provisions thereof. (1981 Code, § 1-604, as replaced by Ord. #2016-13, July 2016)

6-305. Equipment use outside city. No fire equipment shall be used outside the corporate limits with the exception of use permitted under mutual aid agreements or use authorized in the discretion of the senior fire official on duty. Fire equipment may further be used:

- (1) If a fire is on city property; or

(2) If, in the opinion of the senior fire official on duty, a fire is in proximity to property owned by or located within the city so as to endanger city property or property within the city; or

(3) If expressly authorized by board of mayor and aldermen. (as added by Ord. #2016-13, July 2016)

CHAPTER 4

FIRE CODES

SECTION

- 6-401. Fire code adopted with local modifications.
- 6-402. Life safety code adopted.
- 6-403. Enforcement.
- 6-404. Fire lanes.
- 6-405. Fireworks regulated
- 6-406. Available in clerk's office.
- 6-407. Violations and penalties.

6-401. Fire code adopted with local modifications. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501, et seq., and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Fire Code,¹ 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code except as otherwise specifically stated in this chapter, and is hereinafter referred to as the "fire code." The fire code shall not apply to one- and two-family residential dwellings. The fire code shall further be subject to the following local modifications:

(1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the City by inserting "City of Millington" as the name of the jurisdiction.

(2) Chapter 1, Scope and Administration: Section 102.7.1 Conflicts. is hereby amended locally in the City by deleting "provisions of this" and substituting "most restrictive."

(3) Chapter 1, Scope and Administration: Section 105 Permits. is hereby amended locally in the City by inserting the following addition:

"105.2.5 Fire Prevention Committee and Issuance of Permits. The city manager, the public safety director, and the fire inspector shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the fire code. The public safety director shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

¹Copies of this code (and any amendments) is available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(4) Section 108 -- Board of Appeals is deleted locally and instead the following is adopted in its place:

"Fire Code Board of Appeals. A board of appeals is hereby established to rule on matters related to this code and its enforcement. This board shall be comprised of the public safety director and the city manager as those persons may change from time to time. Their terms shall be indefinite. No member of the board of appeals shall sit in judgment on any case in which the member holds a direct or indirect property or financial interest in the case. The board of appeals shall have the authority to establish rules and regulations for conducting its business that are consistent with the provisions of this code. The board of appeals shall provide for the reasonable interpretation of the provisions of this code and issue rulings on appeals of decisions involving the enforcement of this code. The ruling of the board of appeals shall be consistent with the letter of the code or when involving issues of clarity, insuring that the intent of the code is met with due consideration for public safety and firefighter safety. The board of appeals shall have authority to grant alternatives or modifications to procedures outlined in Section 1.4 of the code. The board of appeals shall not have authority to waive requirements of the code. Any person with standing shall be permitted to appeal a decision involving the fire code to the board of appeals when it is claimed that one of the following conditions exists:

- (1) The true intent of the code has been incorrectly interpreted.
- (2) The provisions of the code do not fully apply.
- (3) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

An appeal shall be submitted to the public safety director in writing within thirty (30) calendar days of a notification of a violation or a ruling about an issue relating to this code. The appeal shall outline the nature of the appeal and the requested remedy. Meetings of the board of appeals shall be held at the time the board of appeals determines, and within thirty (30) calendar days, of the filing of the notice of appeal. All hearings before the board of appeals shall be open to the public. The board of appeals shall keep minutes of its proceedings showing the vote of each member and any of its actions. A quorum shall consist of not less than two (2) members. Every decision of the board of appeals shall be entered in the minutes of the board meeting. A decision of the board of appeals shall be final subject to such remedy as the aggrieved party might have through legal, equitable or other avenues of appeal under state law of final decisions of administrative bodies."

(5) Chapter 1, Scope and Administration: Section 109.4 Violation penalties. is hereby amended locally in the City by deleting the section in its entirety and inserting in its place:

"109.4. Violation penalties. Any person, firm, corporation, tenant, owner or agent who shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and permitted thereunder, or directive of the fire code official and/or the building code official, or of the permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."

(6) Chapter 1, Scope and Administration: is hereby amended locally in the City by adding this section in its entirety:

"114. VARIANCES

114.1 Application. The public safety director shall have power to authorize modifications to any of the provisions of the fire prevention codes upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes, provided that the spirit of the codes shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the public safety director and fire inspector thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

114.2 Rejected Variances. Whenever the public safety director shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the public safety director to the Board of Mayor and Aldermen within 30 days from the date of the decision."

(7) Chapter 1, Scope and Administration. Section 111.4 Failure to comply. The International Fire Code 2012 Edition shall be augmented in Section 111.4 to add \$50.00 per day per offense as the amount of the applicable fine.

(8) Chapter 5, Fire Service Features. Section 506.1 Where required is hereby amended locally in the City by adding the following exception at the end of the paragraph:

Exception: Residential units without security gates, fire sprinkler system, fire alarm and not more than three stories in height are exempted from this requirement.

(9) Chapter 9, Fire Protection Systems. Section 903.2.8 Group R is hereby amended locally in the City by adding the following exception at the end of the paragraph:

Exception: This section shall not apply to detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories in height where each dwelling extends from

the foundation to the roof, is open on at least two sides with each dwelling having a separate means of egress and their accessory structures as regulated by the International Residential Code 2012 Edition. (as added by Ord. #2016-13, July 2016)

6-402. Life safety code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501, et seq., the Life Safety Code,¹ 2012 edition, as prepared and adopted by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code. (as added by Ord. #2016-13, July 2016)

6-402. Enforcement. The fire code and life safety code shall be enforced by the public safety director or his designee who shall have the same powers as the state fire marshal. (as added by Ord. #2016-13, July 2016)

6-403. Fire lanes. (1) All premises within the city which fire services may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. Fire lanes shall be provided for all buildings which are set back more than one hundred fifty feet (150') from a public road or exceed thirty feet (30') in height and are set back over fifty feet (50') from a public road. Fire lanes shall be at least twenty feet (20') in width with the road edge closest to the building at least ten feet (10') from the building. Any dead-end road more than three hundred feet (300') long shall be provided with a turnaround at the closed end at least eighty feet (80') in diameter.

(2) The designation and maintenance of fire lanes on private property shall be accomplished as specified by the public safety director. It shall be the responsibility of the property owner or owners to properly mark fire lanes(s) as specified by the public safety director including signs and curb and parking lot striping.

(3) A written document, agreeable to the public safety director and for the benefit of the city, may be required for emergency access over all fire lanes.

(4) It shall be unlawful for any person to park or cause to be parked a motor vehicle on, or otherwise, obstruct, in any manner, any marked fire lane in the city. No vehicle shall be left unattended at any time in any marked fire lane within the city.

(5) Loading and unloading on or across any marked fire lane shall be limited to only the time necessary for said purpose and the operator of such

¹Copies of this code (and any amendments) are available from The National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

vehicle shall always be within reasonable distance of said vehicle for the purpose of removing said vehicle which is preventing complete access to the fire lane by fire services.

(6) Whenever any motor vehicle without a driver is found parked or stopped in any marked fire lane in the city in violation of this section, the officer finding such vehicle may affix to such vehicle a citation for the driver and/or owner to answer for such violation in accordance with § 15-701 *et seq.*, of this municipal code, and any person, firm or corporation violating any of the parking restrictions imposed by this section shall be subject to all of the provisions of said § 15-703, shall be guilty of a misdemeanor, and shall be fined as provided in said § 15-705.

(7) Whenever any motor vehicle is found parked or stopped in any marked fire lane in the city, or obstructing the same, the officer finding such vehicle may cause the same to be removed by towing or otherwise and the owner of such vehicle shall be liable for the cost of such removal.

(8) Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this section shall be guilty of a misdemeanor and upon conviction of any such violation other than as provided in subsection (6) hereof shall be fined under the general penalty clause for this municipal code. (as added by Ord. #2016-13, July 2016)

6-404. Fireworks regulated. It shall be unlawful for any person, firm or corporation to possess, store, sell, manufacture, use, ignite or discharge fireworks within the city limits. This section shall not apply to the possession, use, discharge and ignition of fireworks for public display by employees of the city in lawful performance of their official duties nor shall it apply to any individual, firm or corporation who has first obtained a permit from the State of Tennessee to possess, store, use, ignite or discharge fireworks as part of a lawful fireworks display. The public safety director or any member of the police department may seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered for sale, stored, held or used in violation of this section. (as added by Ord. #2016-13, July 2016)

6-405. Key lock boxes. All facilities which provide proprietary services, such as, but not limited to, hotels, motels, hazardous, factory/industrial, etc., as well as buildings or parts of buildings served by an internal automatic fire detection or suppression system, having a connection to a central monitoring station facility, shall have a fire key lock box. approved prior to installation by fire services. The lock box installed shall:

(1) Be installed after applying for and receiving a permit from fire services.

(2) Be located at or near the recognized public entrance, at a location approved by the public safety director or his designee.

(3) Be located at a height of not less than six feet (6') and not more than twelve feet (12') above final grade.

(4) Be located where no steps, displays, signs, or other fixtures or structure protrusions shall be located under the key lock box which would allow intruders to access the box without assistance.

(5) Contain clearly marked keys to the locks within the building as identified during the plans review and permit process. (as added by Ord. #2016-13, July 2016)

6-406. Available in clerk's office. The board of mayor and aldermen of the City of Millington hereby declares that one (1) copy of the aforesaid codes and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of the ordinance comprising this chapter and that all notice and public hearing requirements in Tennessee Code Annotated, §§ 6-54-501, et seq., have been or will be met by the time of the final passage of the ordinance comprising this chapter. The fire code and life safety code shall further be maintained and kept available in the city clerk's office for public use, inspection and examination throughout the time when it is in effect. (as added by Ord. #2016-13, July 2016)

6-407. Violations and penalties. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of the fire code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the city or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter. Further, a permit issued to a violator may be revoked. (as added by Ord. #2016-13, July 2016)