

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.
5. FALSE EMERGENCY ALARMS.

CHAPTER 1

FIRE DISTRICT²

SECTION

7-101. Fire district described.

7-101. Fire district described. The corporate fire district shall be as follows: Starting at a point at the midpoint of Carter Avenue where Carter Avenue intersects Devonia Street and going East on Carter Avenue to the midpoint of Clinton Street; then going North on Clinton Street to the midpoint of Crescent Avenue; then going West on Crescent Avenue to the midpoint of an alley between Trenton Street and Roane Street; then going North on this alley to the midpoint of Georgia Avenue; then going East on Georgia Avenue following the Schools property line to the midpoint of Emory Drive where Cumberland

¹Charter references

Article II, sec. 18(14) and (8)-(2b)

Municipal code reference

Building, utility and housing codes: title 12.

Emergency services responders: title 20, ch. 2.

²Municipal code reference

Zoning ordinance: title 14.

The significance of the fire district is that Chapter III of the Standard Building Code, applicable to the City of Harriman 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 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.

Street intersects; then following Emory Street across Roane Street to the midpoint of the Rail Road right of way; then going South follow the Rail Road right of way to the midpoint of Crescent Avenue; then going East on Crescent Avenue to the midpoint of Devonia Street; then travel South on Devonia Street to the midpoint of Carter Avenue.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Modifications.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations and penalties.

7-201. Fire code adopted. A certain document, one (1) copy of which is on file in the Office of the Harriman City Clerk, being marked and designated as the NFPA 101 Life Safety Code as published by the National Fire Prevention Association² and International Fire Code,³ 2012 edition including Appendices B, C, D, E, F, G, H, and I as published by the International Code Council, are hereby adopted as the Fire Code of the City of Harriman, in the State of Tennessee for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the Office of the City of Harriman are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with additions, insertions, deletions and changes, if any, prescribed in § 7-204 of this chapter. (as replaced by Ord. #06-04-07, May 2006, Ord. #0111-04, Feb. 2011, and Ord. #0413-05, April 2013)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the fire inspector. He shall have the same powers as the state fire marshal.

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code may be purchased from the National Fire Prevention Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

³Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

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 Harriman, Tennessee.

7-204. Modifications. Section 101.1 Insert: City of Harriman;
Section 109.4. Insert: each offense, \$50, as prescribed by law;
Section 111.4. Insert: \$50, as prescribed by law.
(as replaced by Ord. #06-04-07, May 2006, Ord. #0111-04, Feb. 2011, and Ord. #0413-05, April 2013)

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.

7-206. Variations. The chief of the fire department may recommend to the city council 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 city council.

7-207. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code and the NFPA 101 Life Safety 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 fifty dollars (\$50.00) as prescribed by law, for each offense. 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 amended by Ord. #06-04-07, May 2006)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Creation, composition, compensation, and medical coverage for members, etc.
- 7-302. Inspections, drills, etc.
- 7-303. Command and authority at fires.
- 7-304. Equipment to be used only within corporate limits generally.
- 7-305. Chief to be assistant to state officer.
- 7-306. Damaging, tampering with, or obstructing fire hydrants, etc.

7-301. Creation, composition, compensation, and medical coverage for members, etc. There is hereby created a city fire department to be composed of a chief, a first assistant chief, a second assistant chief, and as many other members or firemen as the city council shall authorize the board of fire department commissioners to appoint.

Members of the fire department shall receive such compensation as the city council shall prescribe. In addition, the mayor is authorized to provide for hospitalization, medical, and surgical aid for any member of the fire department or any person impressed into service during an emergency when such member or other person is injured in line of duty. (1972 code, sec. 7-201)

7-302. Inspections, drills, etc. Twice a year the board of fire department commissioners shall carefully inspect each company of the fire department and shall satisfy itself that each company is in an efficient operating condition.

The chief of the fire department shall make such inspections of the companies of the department as are necessary to satisfy himself that the fire department is in an efficient operating condition. He shall require drills, with or without notice, and may test each company as to its ability and efficiency.

The assistant chiefs of the fire department shall make frequent inspections of the companies and shall satisfy themselves that each company is in efficient operating condition, that the membership is as required, that the rules and regulations of the board of fire department commissioners are being complied with, and that this chapter is being observed. (1974 code, sec. 7-202)

7-303. Command and authority at fires. The chief of the fire department, or, in his absence, the assistant chiefs in the order of their rank, shall have full power and command over all members of the fire department at fires. Such

¹Charter references

Article II, sec. 25 and article IX.

commanding officer shall direct and adopt such measures as he shall deem most advisable for the extinguishing of fires and for the care and protection of property endangered thereby. He shall have power to summon any and all residents of the city present at a fire to aid in extinguishing such fire and in removing or caring for personal property endangered by the fire.¹ He shall also have the power and authority to order and have any wall torn down that has become dangerous to life. When reasonably necessary in order to prevent the spread of a fire, he may direct the destruction of any building or any part thereof. (1974 code, sec. 7-203)

7-304. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless such fire is on city owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger such city property or unless expressly authorized in writing by the city council and board of fire department commissioners. (1974 code, sec. 7-204)

7-305. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code annotated, section 68-17-108, the chief of the fire department is designated as an assistant to the state commissioner of insurance and banking and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 8, chapter 17 and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1974 code, sec. 7-205)

7-306. Damaging, tampering with, or obstructing fire hydrants, etc. It shall be unlawful for any person to willfully, maliciously, or negligently damage, tamper with, or obstruct any fire hydrant or any city apparatus or equipment used or intended for fighting fires. (1974 code, sec. 7-206)

¹Charter reference
Article II, section 18(22).

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Definition.
- 7-402. Manufacture, sale, and discharge of fireworks.
- 7-403. Bond for fireworks display required.
- 7-404. Disposal of unfired fireworks.
- 7-405. Exceptions.
- 7-406. Seizure of fireworks.

7-401. Definition. "Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. (1974 code, sec. 7-301)

7-402. Manufacture, sale, and discharge of fireworks.

- (1) The manufacture of fireworks is prohibited within the city.
- (2) The storing, offering for sale, exposing for sale, or selling at retail any fireworks is permitted within the city on the following conditions:
 - (a) Upon approval of the police chief; and
 - (b) Upon approval of the fire chief. The police chief and the fire chief shall consider the effect of the business on traffic flow, its location, the nature of the business, the type of structure, zoning regulations, etc.
- (3) The fire chief shall have power to grant permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the chief of the fire department of the city, and shall be of such a character, and be so located, discharged or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or dangerous to any person.
- (4) Applications for permits for public displays shall be made in writing in advance of the date of the display. After such privilege shall have

been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only.

(5) No permit granted hereunder shall be transferrable. (1973 code, sec. 7-302, as amended by ord. 875-A, sec. 1, and ord. 882, sec. 1, as replaced by ord. 887, sec. 1)

7-403. Bond for fireworks display required. The permittee shall furnish a bond in an amount deemed adequate by the fire chief for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees, or subcontractors. (1974 code, sec 7-303)

7-404. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (1974 code, sec. 7-304)

7-405. Exceptions. Nothing in this chapter shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped directly out of the city; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. (1974 code, sec. 7-305)

7-406. Seizure of fireworks. Policemen and firemen shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter. (1974 code, sec. 7-306)

CHAPTER 5

FALSE EMERGENCY ALARMS

SECTION

7-501. Definitions.

7-502. Notifications.

7-501. Definitions. (1) "False emergency alarm." Any signal actuated by an emergency alarm to which the fire department responds which is not the result of fire or other actual emergency and not caused by a violent act of nature.

(2) "Owner and/or operator." A person or persons who resides in or operates a business in which an emergency alarm is connected. (as added by Ord. #0714-02, Aug. 2014)

7-502. Notifications. The following schedule of notice, warnings, penalties, and costs shall be assessed to the owners and/or operators of emergency alarm systems for false emergency alarms transmitted to the fire department within any twelve (12) month period commencing from the first false alarm.

First false alarm - Verbal notification by a fire department officer.

Second false alarm - Warning letter and notice to insure that the alarm system is in proper working order. Once the second false emergency alarm has been received the fire chief shall send, by certified mail, a notice to the owner and/or operator that further false emergency alarms will result in the imposition of a penalty and/or costs of providing such service.

Third false alarm - A penalty of fifty dollars (\$50.00) shall be imposed.

Fourth and more - A penalty of fifty dollars (\$50.00) for each false alarm and a fee for the actual costs of such response by the fire department including the costs of equipment, fuel, personnel, administration, and other such factors as determined by the fire chief. (as added by Ord. #0714-02, Aug. 2014)