

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all of that area of the city zoned as commercial. (1993 Code, § 7-101, modified)

¹Municipal code reference

Building, utility and housing codes: title 12.

Please also note that Ord. #720, June 2001, creates the position of public safety director/chief and states: "Any future reference in the code to either police chief or fire chief will be recognized as a reference to the public safety director/chief."

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire codes adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. [Deleted.]
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations and penalties.
- 7-208. Appendices to the code adopted.
- 7-209. Amendments to code adopted.

7-201. Fire codes adopted. The International Fire Code,² 2012 edition, NFPA 101 Life Safety Code,³ 2012 edition, are hereby adopted as the official fire codes of the city, one (1) copy of each code has been filed with city hall and is available for public use and inspection. (1993 Code, § 7-201, as replaced by Ord. #844, June 2008, and Ord. #948, Dec, 2013)

7-202. Enforcement. The International Fire Code, 2012 edition, Life Safety Code, 2012 edition, herein adopted by reference shall be enforced by the chief of the fire department or his appointee. He shall have the same powers as the state fire marshal. (1993 Code, § 7-202, as replaced by Ord. #844, June 2008, and Ord. #948, Dec. 2013)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the International Fire Code, 2012 edition, Life Safety Code, 2012 edition, herein adopted, it shall be held to mean the City of East Ridge, Tennessee. (1993 Code, § 7-203, as replaced by Ord. #844, June 2008, and Ord. #948, Dec. 2013)

7-204. [Deleted]. (1993 Code, § 7-204, as deleted by Ord. #844, June 2008, and Ord. #948, Dec. 2013)

¹Municipal code reference

Building, utility and residential codes: title 12.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

³Copies of this code are available from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, MA 02269-9101.

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. (1993 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the city council variances from the provisions of the International Fire Code, 2012 edition, Life Safety Code, 2012 edition 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. (1993 Code, § 7-206, as replaced by Ord. #844, June 2008, and Ord. #948, Dec. 2013)

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, 2012 edition, Life Safety Code, 2012 edition, 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 and orders affirmed or 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 up to five hundred dollars (\$500.00) 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. (1993 Code, § 7-207, as replaced by Ord. #844, June 2008, and Ord. #948, Dec. 2013)

7-208. Appendices to the code adopted. The following appendices/ annexes to the International Fire Code, 2012 edition, and as further amended in this chapter, are hereby adopted as part of the official fire code of the city.

International Fire Code, 2012 edition:

- Appendix B - Fire Flow Requirements for Buildings
- Appendix C - Fire Hydrant Locations and Distribution
- Appendix D - Fire Apparatus
- Appendix E - Hazard Categories
- Appendix F - Hazard Ranking
- Appendix G - Cryogenic Fluids--Weight and Volume Equivalents
- Appendix H - Hazardous Material Management Plan and Hazardous Materials Inventory Statement
- Appendix I - Fire Protection Systems - Noncompliant Conditions

Appendix J - Building Information Sign
 (as added by Ord. #844, June 2008, and replaced by Ord. #948, Dec. 2013)

7-209. Amendments to code adopted. The following sections of the International Fire Code, 2012 edition, are hereby amended, as hereinafter provided:

(1) All reference to the International Existing Building Code and International Electrical Code are deleted in their entirety and substituting in lieu thereof shall be the appropriate reference to the International Building Code, 2012 edition, and/or the International Residential Code, 2012 edition, and/or the National Electrical Code provisions adopted by the city.

(2) Section 101.1 is deleted in its entirety and the following language is substituted in lieu thereof:

Section 101.1 Title. These regulations shall be known as the International Fire Code hereinafter referred to as "this code."

(3) Section 105.4.6 is deleted in its entirety.

(4) Section 109 Violation and penalties shall be deleted in its entirety and replaced with East Ridge City Code, Title 7, Chapter 2, Section 7-207.

(5) Section 111.4 is deleted in its entirety and the following language is substituted in lieu thereof:

Section 111.4. Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be punishable by a penalty of up to five hundred dollars (\$500).

(6) Section 113.2 is amended by adopting a non-refundable annual fee schedule for operational permits, construction permits, inspections, and tests which shall be as follows:

Operational Permits

Amusement Buildings (special amusement building)	\$50.00
Compressed gases (storage and use)	\$50.00
Cutting and Welding	\$50.00
Hazardous Materials	\$50.00
High-piled Storage	\$50.00

Hot work operations	\$50.00
LP-gas	\$50.00
Places of assembly	\$50.00
Temporary membrane structures and tents	\$50.00

When more than one (1) permit is required for the same location, the fire code official is authorized to consolidate such permits into a single permit provided the each provision is listed in the permit.

Construction Permits

Automatic fue-extinguishing systems	\$100.00
Fire alarm and detection systems and related equipment	\$100.00

Inspections/Tests

Fire & Life Safety Inspection for Certificate of Occupancy	\$50.00
Environmental Reviews	\$50.00
Fire Alarm Acceptance Test	\$50.00
Fire Sprinkler Acceptance Test	\$50.00
Kitchen Hood Suppression Test	\$50.00
Re-inspection Fee	\$25.00

The above fees in section 113.2 are to be allocated for fire prevention, public education materials, and training.

(7) Section 113.3 Work commencing before permit issuance is deleted in its entirety and the following language is submitted in lieu thereof;

(8) Section 113.3 Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 100% of the usual permit fees in addition to the required permit fees.

(9) Section 903.2.1.1 (note 1) is deleted in its entirety and the following language is submitted in lieu thereof;

Section 903.2.1.1 (note 1) Group A-1. (1) The fire area exceeds 5,000 square feet (465 m²).

(10) Section 903.2.1.3 (note 1) is deleted in its entirety and the following language is submitted in lieu thereof;

Section 903.2.1.3 (note 1) Group A-3. (1) The fire area exceeds 5,000 square feet (465 m²).

(11) Section 903.2.1.4 (note 1) is deleted in its entirety and the following language is submitted in lieu thereof;

Section 903.2.1.4 (note 1) Group A-4. (1) The fire area exceeds 5,000 square feet (465 m²).

(12) Section 903.2.3 (note 1) is deleted in its entirety and the following language is submitted in lieu thereof;

Section 903.2.3 (note 1) Group E. (1) Throughout all Group E fire areas greater than 5,000 square feet (465 m²) in area.

(13) Section 903.2.4 (note 1) is deleted in its entirety and the following language is submitted in lieu thereof;

Section 903.2.4 (note 1) Group F-1. (1) A Group F-1 fire area exceeds 5,000 square feet (465 m²).

(14) Section 903.2.7 (note 1) is deleted in its entirety and the following language is submitted in lieu thereof;

Section 903.2.7 (note 1) Group M. (1) A Group M fire area exceeds 5,000 square feet (465 m²).

(15) Section 903.2.9 (note 1) is deleted in its entirety and the following language is submitted in lieu thereof;

Section 903.2.9 (note 1) Group S-1. (1) A Group S-1 fire area exceeds 5,000 square feet (465 m²).

(16) Section 903.2.10 (note 1) is deleted in its entirety and the following language is submitted in lieu thereof;

Section 903.2.10 (note 1) Group S-2 enclosed parking garages. (1) Where the fire area of the enclosed parking garage exceeds 5,000 square feet (465 m²); or (as added by Ord. #844, June 2008, and replaced by Ord. #948, Dec. 2013)

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. Tenure and compensation of members.

7-306. Chief responsible for training and maintenance.

7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city manager. 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 subordinate officers and firemen as the city manager shall appoint. (1993 Code, § 7-309, 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. (1993 Code, § 7-310, modified)

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 city manager. (1993 Code, § 7-311, modified)

7-304. Records and reports. The chief of the 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

¹Municipal code reference

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

matters to the mayor as the mayor requires. The mayor shall submit a report on those matters to the mayor or the city manager as they may require. (1993 Code, § 7-312, modified)

7-305. Tenure and compensation of members. The chief shall have the authority to suspend any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor. However, only the city manager shall dismiss either the fire chief or subordinate officers and firemen. (1993 Code, § 7-313, modified)

7-306. 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. (1993 Code, § 7-314, modified)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, 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 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1993 Code, § 7-316, modified)

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 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, § 58-2-601, et seq.¹

¹State 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.

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
(continued...)

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

(...continued)

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, § 12-9-101, et seq., is the Interlocal Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

²State 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.)

CHAPTER 5

FIREWORKS

SECTION

7-501. Definition.

7-502. Manufacture, sale and discharge of fireworks.

7-503. Bond for fireworks display required.

7-504. Disposal of unfired fireworks.

7-505. Exceptions.

7-506. Seizure of fireworks.

7-501. 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 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. (1993 Code, § 7-401)

7-502. Manufacture, sale and discharge of fireworks. (1) The manufacture of fireworks is prohibited within the municipality.

(2) Except as hereinafter provided it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the city manager shall have power to grant permits for supervised public displays of fireworks by the City of East Ridge, fair association, 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 of East Ridge, and shall be of such 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 endanger any person.

(3) Applications for permits shall be made in writing in advance of the date of the display. After such privilege shall have been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (1993 Code, § 7-402)

7-503. Bond for fireworks display required. The permittee shall furnish a bond in an amount deemed adequate by the city manager 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. (1993 Code, § 7-403)

7-504. 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. (1993 Code, § 7-404)

7-505. 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. (1993 Code, § 7-405)

7-506. 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. (1993 Code, § 7-406)