TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER
1. FIRE CODE.
2. FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE CITY LIMITS.
4. [DELETED.]

CHAPTER 1

FIRE CODE

SECTION
7-102. Enforcement.
7-103. Available in recorder's office.
7-204. Definition of "municipality."
7-105. Variances.
7-106. Appeals.
7-108. Violations.

7-101. National Fire Prevention Code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of regulating governing conditions hazardous to life and property from fire or explosions, the National Fire Prevention Code, (NFPA 1-2012 and NFPA 101), published by the National Fire Prevention Association, Inc., Battery March Park, Quincy, MA 02169-7471, is hereby adopted by reference and included as a part of this code. Each reference in NFPA 1 to an NFPA code or standard shall be deemed to be the edition thereof printed in the National Fire Code, 2012 edition. Said National Fire Prevention Codes are adopted and incorporated as fully as if set out at length herein, with the exclusion of the residential one- and two-family dwellings (see International Residential Code, 2012 edition and 2008

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1Municipal code reference
Building, utility and housing codes: title 12.

2"Fire District" formerly § 7-101, was deleted in its entirety by Ord. #12-282, May 2012.

3Municipal code reference
Building, utility, and residential codes: title 12.
7-102. **Enforcement.** The National Fire Code herein adopted by reference shall be enforced by the Bureau of Fire Prevention in the fire department of the city which is hereby established and which shall be operated under the supervision of the chief of the fire department. (1971 Code, § 7-202, as amended by Ord. #01-025, Nov. 2001, and renumbered by Ord. #12-282, May 2012, and replaced by #Ord. #14-326, Jan. 2014)

7-103. **Available in recorder's office.** The Commission of the City of Alcoa hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days to the passage of the ordinance comprising this section and all public hearing and notice requirements in Tennessee Code Annotated, § 6-54-502, et seq., have been or will be met by the time of the final passage of the ordinance comprising this section. (as added by #Ord. #14-326, Jan. 2014)

7-104. **Definition of"municipality."** Whenever the word "municipality" is used in the National Fire Codes herein adopted, it shall be held to mean the City of Alcoa, Tennessee. (1971 Code, § 7-203, as amended by Ord. #01-025, Nov. 2001, and renumbered by Ord. #12-282, May 2012, and Ord. #14-326, Jan. 2014)

7-105. **Variances.** The chief of the bureau of fire prevention shall have power to modify any of the provisions of the National Fire 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 code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the bureau of fire prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (1971 Code, § 7-204, as amended by Ord. #01-025, Nov. 2001, and renumbered by Ord. #12-282, May 2012, and Ord. #14-326, Jan. 2014)

7-106. **Appeals.** Whenever the chief of the fire department 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 chief of the fire department to the Board of Building Code Appeals of the City of Alcoa within 30 days from the
Change 12, January 14, 2014

date of the decision appealed. (1971 Code, § 7-205, as renumbered by Ord. #12-282, May 2012, and Ord. #14-326, Jan. 2014)

7-107. New materials, processes, and occupancies requiring permits. The city manager, the chief of the fire department and the fire code 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 said code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (1971 Code, § 7-206, as renumbered by Ord. #12-282, May 2012, and Ord. #14-326, Jan. 2014)

7-108. Violations. It shall be unlawful for any person to violate any provisions of this chapter or the National Fire Codes 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 taken; or fail to comply with such an order as affirmed or modified by the chief of the bureau of fire prevention of the municipality 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. (1971 Code, § 7-207, as amended by Ord. #01-025, Nov. 2001, and renumbered by Ord. #12-282, May 2012, and Ord. #14-326, Jan. 2014)
CHAPTER 2

FIRE DEPARTMENT\(^1\)

SECTION

7-201. Administration.

7-201. Administration. (1) The fire department shall be composed of a fire chief and such officers, firemen, and other employees as the city manager shall determine.

(2) The fire chief shall have control of the officers, firemen, and other employees constituting the fire department under such rules and regulations as the city manager shall prescribe or approve.

(3) The fire chief shall have the right to suspend any of the officers, firemen, and other employees under his management and control. If any such person be suspended, the fire chief shall certify the fact, together with the cause for the suspension, to the city manager, who shall hold a hearing as provided in this section.

(4) Charges against any member of the fire department, other than those made by the city manager, must be made to the city manager, verified by the oath of the complainant, except that charges made by any member of the board of commissioners or the fire chief or recorder need not be in writing nor verified. When charges are made, as above provided, it shall be the duty of the city manager to file said charges with the recorder, who shall summon said person, setting forth in the summons the nature of the charges made, to appear before the city manager and make defense thereto. Three days shall be allowed the accused to prepare his defense. The said charges shall be tried and determined by the city manager. If the city manager shall find him guilty he shall discharge or discipline said person. The recorder shall issue subpoenas for, and the chief of police, or some member of the force, shall summon such witnesses as may be asked for by either party, and the accused may be represented by counsel.

(5) Any member of the fire department may be suspended or discharged against whom any of the following charges shall be substantiated, to-wit:

\(^1\)Charter reference

Fire department: art. 18.

Municipal code reference


Special privileges with respect to traffic: title 15, chapter 4.
(a) Any act of insubordination or disrespect toward a superior officer;
(b) Acts of oppression and tyranny over those under their control;
(c) Neglect of duty;
(d) Violation of the rules governing the fire department;
(e) Absence without leave;
(f) Immoral conduct, drinking on duty, drunkenness, gambling, or conduct unbecoming a public employee.
(g) Any legal offense;
(h) Any conduct injurious to the peace and welfare of the public;
(i) Incapacity, mental or physical. (1971 Code, § 7-301, as renumbered by Ord. #12-282, May 2012)

7-202. Records. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. (1971 Code, § 7-302, as renumbered by Ord. #12-282, May 2012)
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 board of mayor and aldermen 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:


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...
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.

1 State 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.

2 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 firefighting 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 4

[DELETED]

This chapter was deleted by Ord. #01-025, Nov. 2001, and renumbered by Ord. #12-282, May 2012.