

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.
5. FIRE SERVICE OUTSIDE CITY LIMITS.
6. EXPLOSIVES
7. MULTI-FAMILY DWELLINGS

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The fire limits that will be afforded fire protection services are the corporate limits of the city and other areas as determined by the city's governing body.. (Ord. #1989-61, Feb. 1990, Ord. # 2005-21, May 2005)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Amendment.
- 7-203. Appeals board.
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- 7-205. Conflict between adopted codes.
- 7-206. Fire official to utilize codes.
- 7-207. Violation and penalties.

7-201. Fire code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §6-54-502, the City of Hendersonville hereby adopts the 2006 edition² of the International Fire Code in its entirety to include the Appendixes and NFPA 101, Life Safety Code, 2006 edition in its entirety to include the Appendixes. The same are adopted and incorporated reference as fully as if set out at length herein, except where modified herein. (Ord. # 1995-43, Jan. 1996, Ord. 1998-12, Mar. 1998, Ord. 2003-08, April, 2003, Ord. 2004-35, October, 2004, Ord.# 2011-3, February 2011)

7-202. Amendment. Section 308.3.1 is amended to read as follows:

308.3.1. Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated or stored on combustible balconies or within ten (10) feet (3048 mm) of combustible construction.

Exceptions. (1) One and two family dwellings. (2) Where buildings and decks are protected by an automatic sprinkler system. (Ord. 2005-32, September, 2005, Ord. # 2011-3, February 2011)

7-203. Appeals Board. The appeals board referenced in the codes being adopted herein shall be construed to mean the Board of Adjustment and Appeals created in the International Building Code, 2006 edition, duly adopted by the city. The board shall keep one set of minutes and shall deliberate matters involving both codes. The fire official and the

¹Municipal code reference

Building, utility, etc. codes: title 12

²Copies of this code and any amendments may be purchased from the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Creek, VA 22041-3405

director of codes shall each serve on the unified board as an ex-officio member without regard to whether the deliberation involves the International Fire Prevention Code, 2006 edition or the NFPA 101, Life Safety Code, 2006 edition. They shall not vote, and they shall not be counted as members for determining the existence of a quorum. (Ord. # 1995-43, Jan. 1996, Ord. # 2011-3, Feb. 2011)

7-204. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the herein adopted code has been placed on file in the recorder's office for the use and inspection of the public. (Ord. #1995-43, Jan. 1996)

7-205. Conflict between adopted codes. In the event of conflict between the requirements of the codes hereby adopted and other codes or ordinances of the city, the most restrictive provisions shall apply. (Ord. #1995-43, Jan. 1996)

7-206. Fire official to utilize codes. The fire official may utilize any of the codes, standards, manuals and recommended practices contained within the National Fire Codes as a guide and/or reference in the enforcement of fire protection and prevention provisions of the adopted codes. (Ord. #1986-42, Jan. 1987)

7-207. Violation and penalties. It shall be unlawful for any person to violate the codes adopted by this chapter, to permit or maintain such a violation, to refuse to obey any provision thereof, or to fail to refuse to comply with any such provision or regulation, except for a variation which is allowed by the action of the Board of Adjustments and Appeals. Proof of such unlawful act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant or the person in charge shall not be deemed to relieve any of the others.

Any person who shall violate any of the provisions of the codes hereby adopted or of this chapter shall be guilty of an offense, and shall, upon conviction, be fined in an amount not to exceed five hundred dollars (\$500.00). The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. Each day that a violation is allowed to continue shall constitute a separate offense. All such persons shall be required to correct or remedy such violations or defects within reasonable time. (Ord. #1995-43, Jan. 1996)

CHAPTER 3

FIRE DEPARTMENT²

SECTION

- 7-301. Establishment.
- 7-302. Appointments.
- 7-303. Oath of office.
- 7-304. Duties of fire chief
- 7-305. Duties of the fire suppression bureau.
- 7-306. Duties of the fire prevention bureau.
- 7-307. Police powers at fire's.
- 7-308. Records.
- 7-309. Fire department to comply with laws.
- 7-310. Uniforms.

7-301. Establishment. A fire department for the City of Hendersonville, Sumner County, Tennessee, is hereby established as authorized by the city charter, state statutes, the Constitutions of the State of Tennessee and the United States. The fire department shall consist of a professional, municipal department operating within the guidelines established by the city's governing body and meeting all federal, state and local guidelines and certification requirements. (Ord. #1989-61, Feb. 1990)

7-302. Appointments. The mayor is hereby authorized and shall appoint a fire chief, subject to the approval of the board of mayor and aldermen. Other members of the fire department shall be appointed by the fire chief, subject to the approval of the mayor. (Ord. #1989-61, Feb. 1990)

7-303. Oath of office. The fire chief shall before entering upon his duties, take and subscribe, before the mayor, an oath or affirmation that he has all the qualifications named in the charter for the office of employment he is about to assume and that he will support the Constitution and laws of the United States, and the State of Tennessee, and the charter and ordinances of the city, and that he will faithfully discharge the duties of his office or employment. Other members of the fire department shall take this oath from the fire chief. (Ord. #1989-61, Feb. 1990)

¹Municipal code reference

7-304. Duties of the fire chief. The fire chief shall directly supervise the fire suppression and prevention bureaus of the fire department in the city, its planning region and all other areas contiguous to the city as determined by the city's governing body. The fire chief shall be responsible for the enforcement of all fire codes that have been officially adopted by the city's governing body, and shall detail qualified members of the fire department as the fire marshal, inspectors, investigators, as shall be necessary for the proper enforcement of the codes in order to ensure the overall fire protection needs of the citizens of Hendersonville and its planning region and other areas contiguous to the city as determined by the governing body, and the orderly and expeditious processing of requests for permits. The fire chief shall also be responsible for the enforcement of any duly adopted ordinances of the city dealing with fire suppression and prevention. The fire chief is directly responsible for the administration and direction of the fire suppression bureau and directly responsible for the hiring, training and disciplinary duties of the department, as they may occur, by the authority and under the conditions and circumstances outlined in §7-302 and as specified in the city's personnel ordinance and in the duly adopted Personnel Rules and Regulations of the City of Hendersonville. (Ord. #1989-61, Feb. 1990)

7-305. Duties of the fire suppression bureau. It shall be the duty of the fire suppression bureau to take all proper steps for fire suppression and all other aspects of the overall fire protection needs of the city, its official planning region and other areas contiguous to the city as so determined by the city's governing body, under the supervision of the fire chief and other officers appointed by the fire chief under his authority granted by the city's governing body. (Ord. #1989-61, Feb. 1990)

7-306. Duties of the fire prevention bureau. The fire prevention bureau shall have among its duties the enforcement of all laws and ordinances of the city covering the following:

- (1) The prevention of fires;
- (2) The storage, sale, and use of combustible, flammable, or explosive materials;
- (3) The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;
- (4) The maintenance and regulation of fire escapes;
- (5) The means and adequacy of exit in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which numbers of persons work, live or congregate, from time to time, for any purpose;
- (6) The investigation of the cause, origin and circumstances of fires, arson, false alarm calls and bomb threats; and

- (7) The maintenance of fire cause and loss records.

The fire prevention bureau shall have other such duties and powers and perform such other tasks as are set forth in the departmental policies established by the fire chief, with his approval and under supervision. All investigations of the personnel who comprise the fire prevention bureau shall begin immediately upon the occurrence of a fire, attempted fire or false call.

Before any permits may be issued as required by the ordinances of the city or by the duly adopted codes of the city, the fire marshall or his assistant shall timely inspect and approve the receptacles, processes, vehicles, buildings, or storage places to be used for any such purposes. The fire prevention bureau shall also be responsible for all requirements specifically delineated in International Fire Code, 2006 edition, and the NFPA 101, Life Safety Code, 2006 edition which have been duly adopted by the city's governing body. (Ord. #1989-61, Feb. 1990, Ord. 2011-3, February 2011)

7-307. Police powers at fires. The fire chief or any assistant of such chief in charge at any fire shall have the same police powers at such fire as the chief of police, under such regulations as may be prescribed by ordinance and in the duly adopted fire codes of the city.

The fire official conducting operations in connection with the extinguishment and control of any fire, explosion or other emergency shall have full power and authority to direct all operations of the fire extinguishment or control and to take all the necessary precautions to save life, protect property, and prevent further injury or damage. In the pursuit of such operation, including the investigation of the cause of such emergency, the fire official may control or prohibit the approach to the scene of such emergency by any vehicle, vessel, or thing and all persons.

No person shall obstruct the operations of the fire department in connection with extinguishing any fire, or actions relative to other emergencies, or disobey any lawful command of the fire official in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department at the fire scene.

The fire official in charge of an emergency scene shall have the authority to establish fire line barriers to control access to the vicinity of such emergency, and to place, or cause to be placed, ropes, guards, barricades, or other obstructions across any street or alley to delineate such fire line barrier. No person, except authorized by the fire official in charge of law emergency, may cross such fire line barriers.

The fire chief or fire official in charge of an emergency scene is authorized to issue passes entitling the holders thereof to cross fire line barriers. Such passes shall not authorize trespass at the scene of an emergency. Credentials that clearly establish the authority and identity of the holder thereof to enter the premises, whether or not issued by the fire official, may be honored by the fire official in charge of the emergency scene if concurred with by the person in charge of the premises involved in the emergency.

No person, except a person authorized by the fire official in charge of an emergency scene or a public officer acting within the scope of public duty, shall remove, unlock, destroy, or tamper with or otherwise molest in any manner any locked gate, door or barricade, chain, enclosure sign, tag, or seal that has been lawfully installed by the fire department or by its order or under its control. (Ord. #1989-61, Feb. 1990)

7-308. Records. The fire department shall keep a comprehensive and detailed daily record in permanent form showing:

- (1) All known or reported fires occurring within the corporate fire limits defined in this chapter.
- (2) Other miscellaneous activities of the fire department. (Ord. #1989-61, Feb. 1990)

7-309. Fire department to comply with laws. All fire department personnel shall obey and comply with the laws and ordinances of the city, including the personnel ordinance and the duly adopted personnel rules and regulations and other such orders and administrative rules, regulations and policies as set forth by the city's fire chief. (Ord. #1989-61, Feb. 1990)

7-310. Uniforms. All fire department personnel shall wear such uniform and badge as the fire chief and the governing body of the city have authorized. (Ord. #1989-61, Feb. 1990)

CHAPTER 4

FIREWORKS

SECTION

7-401. Fireworks defined.

7-402. Permit required.

7-403. Unlawful to sell or store fireworks in corporate boundaries.

7-404. Violation and penalty.

7-401. Fireworks defined. The term "fireworks" as used herein is defined as any device containing explosive forces which when fired, shot, or exploded, makes a noise or produces a flare or colored lights, and said term "fireworks" shall be deemed to include but shall not be limited to the following: Fire Crackers, Squibbs, Roman Candles, Sky Rockets, and Torpedoes. (Ord. #1974-5, March 1974)

7-402. Permit required. It is hereby made unlawful for any person, or persons, to shoot, fire or explode any fireworks with in the city limits, corporate boundaries, of the City of Hendersonville, Tennessee, unless such person or persons obtain a permit from the city fire marshall; however, no permit shall be issued except for special occasions, holidays and times, and circumstances as may be designated and/or provided hereafter, by this board of mayor and aldermen by motion. (Ord. #1974-5, March 1974, as amended by Ord. #1993-31, July 1993)

7-403. Unlawful to sell or store fireworks in corporate boundaries. It is hereby made unlawful for any person, or persons, or corporation to sell or store fireworks in the corporate boundaries of the City of Hendersonville, whether it be to sell at retail or at wholesale; provided, however, this chapter shall not apply to any person, or persons, or corporation, duly authorized by law to store or sell fireworks at the time of annexation of their property, whether owned or leased, into the corporate limits of the city for so long as the property is owned or leased by that person, or persons, or corporation, and continuously used for the sale or storage of fireworks, whether on a year-round basis, or only during holiday periods. (Ord. #1974-5, March 1974, as amended by Ord. #1988-65, May 1988)

7-404. Violation and penalty. Any person or persons violating this chapter shall be punishable by a fine of not more than \$500.00 or not more than 30 days in jail, or both, for each violation. (Ord. #1974-5, March 1974, modified)

CHAPTER 5

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-501. Restrictions on fire service outside city limits.

7-501. 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 agreement³ 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.²

¹ Ord. # 1983-16 approved a mutual aid agreement between the City of Hendersonville and the City of Gallatin. Mutual aid agreements are of record in the recorder's office.

²State 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

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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 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 en route 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
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individual contracts, whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties which the fire protection is to be provided. (Counties may compensate municipalities for the extension of fire services.)

CHAPTER 6**EXPLOSIVES****SECTION**

7-601. Use of explosives generally.

7-602. Pre-blast survey required.

7-603. Permit requirements.

7-604. Storage.

7-601. Use of explosives generally. Any person using explosive materials within the City shall ensure that the loading and firing of such materials are performed by a certified individual who shall observe all reasonable safety precautions. (Ord. # 1998-36, July 1998)

7-602. Pre-blast survey required. Prior to any blasting operation, the site will be inspected by the Hendersonville Fire Marshall or his designee, and a pre-blast survey will be required of the blasting contractor for all structures within 1,000 feet of the area where blasting is to be conducted. (Ord. # 1998-36, July 1998)

7-603. Permit requirements. Prior to any blasting operation, a blasting permit must be obtained. As a condition of being granted such a permit, applicants shall provide proof of the required certification from the State of Tennessee. (Ord. # 1998-36, July 1998)

7-604. Storage. No explosive materials used pursuant to this chapter may be stored over night within the corporate limits of the City. (Ord. # 1998-36, July 1998)

CHAPTER 7

MULTI-FAMILY DWELLINGS

SECTION

- 7-701. Applicability
- 7-702. Sprinklers
- 7-703. Exceptions Deleted
- 7-704. Conflict With Other Code Requirements
- 7-705. Effective Date

7.701. Applicability. The provisions of this Chapter shall apply to all multi-family dwellings containing three (3) or more distinct dwelling units.

(1) Exception. One or two-story townhouse type units protected by noncombustible tenant separations of not less than 2 hour may be exempt from this chapter provided every dwelling unit has an exit door opening directly to the street or yard at ground level.

7.702. Sprinklers. All multi-family dwellings as defined in 7-701 shall be protected by a sprinkler system meeting the requirements of Section 18-3.5 of the Life Safety Code, 1997 Edition.

(1) Alternative Protection. Multi-family dwellings as defined in 7-701, in lieu of sprinklers, may provide 2 hour noncombustible tenant separation provided each dwelling unit has either:

- (a) An exit door opening directly to the street or yard at ground level, or
- (b) Direct access to an outside stair complying with Section 5-2.2 of the Life Safety Code, 1997 Edition, that serves a maximum of two units both of which are located on the same floor, or
- (c) Direct access to an interior stair serving only that unit and separated from all other portions of the building by fire barriers having 1 hour fire resistance rating with no openings therein.

7-703. Exceptions Deleted. The exceptions to the requirement for sprinkling contained in Section 18-3.5.2 of the Life Safety Code, 1997 Edition, shall be deleted without substitution.

7-704. Conflict With Other Code Requirements. In the event of any conflict between this chapter and other codes or ordinances of the City, the most restrictive provision requiring the greatest level of protection shall apply.

7-705. Effective Date. This ordinance shall apply to all permits issued after the effective date of this ordinance. (Ord. 1999-7, June 1999)