

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

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CHAPTER 1

FIRE CODE

SECTION

- 7-101. Fire code adopted.
- 7-102. Definitions.
- 7-103. Penalty.

7-101. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,² 2009 edition (with city amendments), as recommended by the International Code Council and the National Fire Code for Existing Occupancies, 2003 edition, as published by the National Fire Protection Association, Inc., Batterymarch Park, Quincy, MA 02269-9101, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city clerk and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #72-2, July 1972, as amended by Ord. #83-13, Aug. 1983, Ord. #92-3, May 1993, Ord. #95-8, July 1995, Ord. #02-02, Feb. 2002, Ord. #07-11, Nov. 2007, and Ord. #11-04, April 2011)

¹Charter reference

Authority to render fire service outside corporate limits: article XI, § 10.

Municipal code references

Alarm system standards: title 20, chapter 4.

Building, utility and housing codes: title 12.

Sprinkler systems in commercial buildings: title 12, chapter 9.

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

7-102. Definitions. Wherever the word "municipality" is used in the fire prevention code, it shall be held to mean the City of Bartlett, Tennessee. Wherever the term "corporation counsel" is used in the fire prevention code, it shall be held to mean the attorney for the City of Bartlett. (Ord. #72-2, July 1972)

7-103. Penalty. Any person who shall violate any of the provisions of the fire prevention code or fail to comply therewith, or who shall violate or fail to comply with any order made hereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the fire code or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of up to fifty dollars (\$50.00). (Ord. #72-2, July 1972, modified)

CHAPTER 2

FIRE DEPARTMENT¹

SECTION

- 7-201. Established.
- 7-202. Appointment of fire chief.
- 7-203. Powers and duties of fire chief.
- 7-204. Fire marshal to enforce fire prevention code.
- 7-205. Qualification of firemen.
- 7-206. Appeal of fire chief's order.
- 7-207. Annual report of fire chief required.
- 7-208. Power of fire marshal to grant variances.
- 7-209. Fire control extended beyond corporate limits.
- 7-210. City to determine limitations.
- 7-211. Immunity and protection from liability.

7-201. Established. In order to protect life, avoid injury and preserve property within the city limits from fire, that the Board of Mayor and Aldermen, City of Bartlett be and is hereby empowered to organize a fire department, which shall consist of such apparatus as the city now has and such as hereafter may be provided, and of a personnel to be composed of a chief, assistant chief, fire marshal, battalion commander, lieutenants and not less than thirty (30) men, and that upon organization, the members of the fire department shall be subject to such rules and regulations as may be hereinafter adopted and approved by the board of mayor and aldermen. (Ord. #52-1, March 1952, as amended by Ord. #92-3, May 1992)

7-202. Appointment of fire chief. The fire chief shall be appointed by the mayor on the basis of examination to determine his qualifications. His appointment shall continue during good behavior and satisfactory service. (Ord. #72-2, July 1972, as amended by Ord. #92-3, May 1992, modified)

7-203. Powers and duties of fire chief. The chief shall be authorized to exercise police powers at times of fire and summon to his assistance such additional help as he may deem necessary to control the fire. Further, and the

¹Charter reference

Authority to render fire service outside
the corporate limits: article XI., § 10.

Municipal code reference

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

fire chief shall, and is hereby authorized to enforce all fire prevention ordinances contained in the city ordinances. (Ord. #52-1, March 1952)

7-204. Fire marshal to enforce fire prevention code. The fire prevention code shall be enforced by the Fire Marshal in the Fire Department of the City of Bartlett which is hereby established and which shall be operated under the supervision of the chief of the fire department. (Ord. #72-2, July 1972, modified)

7-205. Qualification of firemen. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the mayor the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the fire department, and hiring done after examination shall be for an indefinite term with removal only for cause. (Ord. #72-2, July 1972, modified)

7-206. Appeal of fire chief's order. Whenever the fire marshal 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 the decision of the fire marshal to the board of mayor and aldermen within thirty (30) days from the date of the decision appealed. (Ord. #72-2, July 1972, modified)

7-207. Annual report of fire chief required. A report of the fire chief shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain all proceedings under this code; with such statistics as the fire marshal shall also recommend any amendments of the code which, in his judgment, shall be desirable. (Ord. #72-2, July 1972, modified)

7-208. Power of fire marshal to grant variances. The fire marshal shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the course 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 fire marshal 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. (Ord. #72-2, July 1972, modified)

7-209. Fire control extended beyond corporate limits. The authorization to use fire fighting equipment and personnel outside the corporate

limits of the City of Bartlett required approval by the state legislature. This authorization was achieved under House Bill No. 211, Chapter No. 57. Thereafter the acceptance and ratification of the legislative grant of power was adopted largely in the same form and terms as provided in this chapter. Section 1 (C) of House Bill No. 211, Chapter No. 57, further gives to the city full discretion to regulate and limit the extension of fire control beyond the corporate limits. The City of Bartlett, Tennessee, is empowered in its governmental capacity to use its fire fighting equipment and personnel outside its corporate limits, when and under such circumstances, limitations and conditions as its governing body may in its sole discretion determine. (Ord. #13, Feb. 1961)

7-210. City to determine limitations. The fire fighting equipment and personnel of the City of Bartlett may be used outside the corporate limits of said City of Bartlett, without limitations as to distance or area, except as limited by the mayor of the City of Bartlett. (Ord. #13, Feb. 1961, as amended by Ord. #65-7, Oct. 1965, modified)

7-211. Immunity and protection from liability. Whenever the fire-fighting equipment and personnel of the City of Bartlett are so used or employed in fighting fires, or affording fire protection outside the corporate limits of said city, the City of Bartlett and its officials, agents, servants and employees authorizing or performing such service shall be entitled to all the immunities and protections from liability to which they are entitled with respect to similar services within the corporate limits of said City of Bartlett, Tennessee. (Ord. #13, Feb. 1961)

CHAPTER 3

MISCELLANEOUS

SECTION

- 7-301. Explosives and blasting agents restricted.
- 7-302. Storage of flammable liquids restricted.
- 7-303. Bulk plants restricted.
- 7-304. Restricted bulk storage of petroleum restricted.
- 7-305. Specified transportation routes for explosives.
- 7-306. Fire lane designated by fire marshal.
- 7-307. Regulating containers and location of liquified petroleum gas.

7-301. Explosives and blasting agents restricted. The limits referred to in the adopted fire code, in which storage of explosives and blasting agents is restricted, are hereby established as follows: Corporate limits, City of Bartlett, Shelby County, Tennessee. (Ord. #72-2, July 1972, as amended by Ord. #92-3, May 1992)

7-302. Storage of flammable liquids restricted. The limits referred to in the adopted fire code in which storage of flammable liquids in outside above-ground tanks is restricted, are hereby established as follows: Corporate limits, City of Bartlett, Shelby County, Tennessee. (Ord. #72-2, July 1972, as amended by Ord. #92-3, May 1992)

7-303. Bulk plants restricted. The limits referred to in the adopted fire code, in which new bulk plants for flammable or combustible liquids are restricted, are hereby established as follows: Within corporate limits, City of Bartlett, Shelby County, Tennessee. (Ord. #72-2, July 1972, as amended by Ord. #92-3, May 1992)

7-304. Restricted bulk storage of petroleum restricted. The limits referred to in the adopted fire code, in which bulk storage of liquefied petroleum is restricted, are hereby established as follows: Within corporate limits, City of Bartlett, Shelby County, Tennessee. (Ord. #72-2, July 1972, as amended by Ord. #92-3, May 1992)

7-305. Specified transportation routes for explosives. The routes referred to in the adopted fire code for vehicles transporting explosives and blasting agents are hereby established as follows: as stated on permit. (Ord. #72-2, July 1972, as amended by Ord. #92-3, May 1992)

7-306. Fire lane designated by fire marshal. The fire lanes referred to in the adopted fire code are hereby established as follows: Fire lanes as listed by the fire marshal. (Ord. #72-2, July 1972, as amended by Ord. #92-3, May 1992)

7-307. Regulating containers and location of liquefied petroleum gas. All liquefied petroleum gas containers (100 lbs. or less) located within the city limits of Bartlett awaiting sale, transfer, or exchange at a commercial business shall not be placed or stored on a sidewalk or in front of any building that has parking in the front. Containers shall be positioned in a remote location as to reduce the exposure of damage by a collision and shall have protection consisting of a reinforced pipe, piling, post, column, etc. Placement of these containers will require the approval of the design review commission, code enforcement, and the fire marshal. Protection shall consist of schedule 0 steel four (4) inch pipe, three (3) feet high above grade with three (3) foot bury depth concrete filled on four (4) foot centers at ends. (Ord. #91-13, Oct. 1991)