

Chapter 17

FIRE PREVENTION¹

- Art. I. In General, §§ 17-1 -- 17-15**
Art. II. Bureau Of Prevention, §§ 17-16 -- 17-41

ARTICLE I. IN GENERAL

Sec. 17-1. Code adopted-NFPA.

All current volumes of the NFPA Fire Prevention Code, 1997 Edition (published by the National Fire Protection Association, Inc.), and including NFPA 101 Life Safety Code, 1997 Edition, one (1) copy of which are and have been on file in the office of the city council clerk for more than fifteen (15) days, are hereby adopted as the official fire prevention codes of the City of Chattanooga. (Code 1986, § 17-1; Ord. No. 9234, § 1, 9-12-89; Ord. No. 9654, § 99, 1-6-92; Ord. No. 10172, § 1, 3-7-95; Ord. No. 10690, § 1, 4-14-98)

Sec. 17-2. Lighted materials prohibited in beds of hotels, etc.; penalty.

It shall be unlawful for any person to ignite any match or flammable material, or to smoke any cigar, cigarette or pipe while in or on a bed in any hotel, or while in or on a bed in any house or building where rooms are rented for sleeping purposes. Anyone convicted of violating this section shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense in the discretion of the city court.

(Code 1986, § 17-4; Ord. No. 9234, § 3, 9-12-89)

Cross reference-Hotels and roominghouses, § 11-186 et seq.

Secs. 17-3 -- 17-15. Reserved.

ARTICLE II. BUREAU OF FIRE PREVENTION

Sec. 17-16. Established.

A bureau of fire prevention is hereby established in the fire department.

¹ **Cross references**--General duty of persons using airport to guard against fire, § 8-43; buildings and building regulations, Ch. 10; civil defense, Ch. 13; electricity, Ch. 14; fire department, § 16-26 et seq.; gas regulations, Ch. 19; housing, Ch. 21; plumbing, Ch. 27; following and parking near fire apparatus restricted, § 24-14; vehicles crossing fire hoses restricted, § 24-15; plumbing, Ch. 27; fire protection in trailer camps, § 34-35.

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(Code 1986, § 17-16; Ord. No. 9654, § 100, 1-6-92)

Sec. 17-17. Designation of chief.

The mayor shall designate an officer or member of the fire department as chief of the bureau of fire prevention, who shall hold his office at the pleasure of the mayor.

(Code 1986, § 17-17; Ord. No. 9654, § 101, 1-6-92)

Sec. 17-18. Members of fire department designated as inspectors.

The chief of the fire department and chief of the bureau of fire prevention may designate such members of the fire department as inspectors as shall from time to time be authorized by the mayor.

(Code 1986, § 17-18; Ord. No. 9654, § 101, 1-6-92)

Sec. 17-19. Employment of technical inspectors.

The chief of the fire department and chief of the bureau of fire prevention shall recommend to the mayor the employment of technical inspectors, who, when authorization therefor is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department and appointments made after examination shall be for an indefinite term, with removal only for cause.

(Code 1986, § 17-19; Ord. No. 9654, § 101, 1-6-92)

Sec. 17-20. Duties of officers of bureau.

(a) The officers of the bureau of fire prevention shall enforce all laws and ordinances covering the following:

- (1) The prevention of fires.
- (2) The storage and use of explosives and inflammables.
- (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 maintenance of protection and the elimination of hazards in buildings and structures, including those under construction.

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- (6) 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.
- (7) The investigation of the cause, origin and circumstances of fires.

(b) They shall have such other powers and perform such other duties as are set forth in other sections of this chapter, and as may be conferred and imposed from time to time by law.
(Code 1986, § 17-20)

Sec. 17-21. Right of entry for inspection or investigation.

The chief of the fire department, chief of the bureau of fire prevention or any other inspector may, at any reasonable hour, enter any building or premises in the city for the purposes of making any inspection or investigation which, under the provisions of this chapter, he may deem necessary to be made.

(Code 1986, § 17-21)

Sec. 17-22. Inspection of hazardous manufacturing processes and storage, etc., of explosives and inflammables.

The chief of the fire department or chief of the bureau of fire prevention shall inspect, or cause to be inspected by the bureau of fire prevention or the officers and members of the fire department, as often as they deem necessary, all especially hazardous manufacturing processes, storage or installations of gases, chemicals, oils, explosives and flammable materials, all interior fire alarms and automatic sprinkler systems, and such other hazards or appliances as they shall designate, and shall make such orders as may be necessary for the enforcement of the law and ordinances governing the same and for safeguarding life and property from fire.

(Code 1986, § 17-22)

Sec. 17-23. Inspection of places of assembly.

The chief of the fire department and the chief of the bureau of fire prevention shall inspect, or cause to be inspected by the bureau of fire prevention, or by the officers and members of the fire department each place of assembly at such times, including times of occupancy and use, as to insure compliance with all laws, regulations and orders dealing with overcrowding, use of decorations and maintenance of exitways, exits and fire appliances in such places of assembly.

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(Code 1986, § 17-23)

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Sec. 17-24. Inspection of buildings and premises.

The chief of the fire department and chief of the bureau of fire prevention shall inspect, or cause to be inspected by the bureau of fire prevention or the officers and members of the fire department, as often as they deem necessary, all buildings and premises, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or violative of the provisions or intent of this chapter. The chief of the fire department, chief of the bureau of fire prevention or any inspector, upon the complaint of any person or whenever he deems it necessary, shall inspect any building or premises in the city.

(Code 1986, § 17-24)

Sec. 17-25. Issuance of order to remedy dangerous condition.

(a) Whenever any person making inspection, as provided herein, finds any building or other structure which for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus, fire alarm boxes or fire extinguishing equipment, or by reason of age or dilapidation or from any other cause, is especially hazardous or liable to fire, and which is so situated as to endanger other property or the occupants of any premises, he shall order such dangerous condition to be remedied in such manner as may be specified by the chief of the bureau of fire prevention.

(b) Whenever any person making inspection, as provided herein, finds in any building combustive or explosive matter or dangerous accumulations of rubbish or unnecessary accumulations of waste paper, boxes, shavings or highly flammable material, so situated as to endanger property or the occupants of premises, or finds obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or the egress of occupants in case of fire, he shall order the same to be removed or remedied; provided that, if any substance or material is found on premises in violation of the provisions of this chapter relating to the storage and possession of such substance or material it may be confiscated immediately.

(Code 1986, § 17-25)

Sec. 17-26. Service of orders.

The service of any order issued pursuant to sections 17-22 and 17-25 of this Code may be made upon the occupant of the premises to which such order relates, either by delivering a copy of it to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the entrance door of the premises. Whenever it may be necessary to serve an order upon the owner of premises, such order may be served either by delivering to and leaving with such owner a copy of the order, or if he is absent from the city, by mailing such copy by registered mail to his

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last known post office address. If buildings or other premises are owned by one (1) person and occupied by another under lease or otherwise, the orders issued in connection with the enforcement of this chapter shall apply to the occupant, except where the orders require the making of additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises. In such cases the orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

(Code 1986, § 17-26)

Sec. 17-27. Appeals from orders.

If no appeal is taken as provided herein, any order issued pursuant to sections 17-22 and 17-25 of this Code shall be complied with forthwith by the owner or occupant whose duty it is to comply. Such person may, within twenty-four (24) hours after the service of such an order, appeal to the mayor or his designee, who shall, within five (5) days, review such order and file his decision affirming, modifying or revoking the same. Unless revoked by him, such order shall be complied with according to his decision within the time fixed by him; provided that, any such owner or occupant may, within five (5) days after the decision of the mayor or his designee, file his petition with the city council, praying a review of such decision. The city council shall hold a hearing thereon within not less than five (5) days nor more than ten (10) days from the time the petition is filed, and shall make such order on the premises as right and justice may require and such decision shall be final. Parties appealing to the city council shall file with the city council within two (2) days a bond approved by it in an amount fixed by it, conditioned to pay all costs of such appeal in case the appellant fails to sustain his appeal or the same is dismissed for any cause. At such hearing the chief of the bureau of fire prevention or chief of the fire department shall present the facts concerning the conditions to be corrected, and the owner of the premises may present evidence and shall be entitled to be represented by counsel if he so desires.

(Code 1986, § 17-27; Ord. No. 9654, § 102, 1-6-92)

Sec. 17-28. Powers of chief of bureau when order not complied with.

If the owner or occupant of any premises, after confirmation of an order by the city council or by the mayor or his designee, if no appeal is taken to the city council, within twenty-four (24) hours after the service of such order, if no appeal is taken to the mayor or his designee, fails or refuses to comply with the terms of such order, the chief of the bureau of fire prevention may, in his discretion, order any building especially hazardous or liable to fire, which threatens other property or the safety of the occupants, repaired or demolished, as necessity may require, by the city at the expense of the owner, and may, in his discretion, confiscate any combustible or explosive matter or other material creating a fire hazard which was ordered removed.

(Code 1986, § 17-28; Ord. No. 9654, § 102, 1-6-92)

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Sec. 17-29. Investigation of causes for fires.

The bureau of fire prevention shall investigate the cause, origin and circumstances of every fire occurring in the city by which property has been destroyed or damaged and, as far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall be begun immediately upon occurrence of a fire by the inspector in whose district the fire occurs, and if it appears to the officer making such investigation that such fire is of suspicious origin, the chief of the fire department shall immediately be notified of the facts, shall immediately take charge of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

(Code 1986, § 17-29)

Sec. 17-30. Fires to be reported; information to be given.

Every fire shall be reported in writing to the bureau of fire prevention within two (2) days after the occurrence of the same by the officer in whose jurisdiction such fire has occurred. Such report shall be in such form as shall be prescribed by the chief of the fire department and shall contain a statement of all facts relating to the cause, origin and circumstances of such fire, the extent of the damage thereof, the insurance upon such property and such other information as may be required.

(Code 1986, § 17-30)

Sec. 17-31. City attorney and police to assist in investigation.

The city attorney and police department upon the request of the chief of the bureau of fire prevention, shall assist the inspectors in the investigation of any fire which is, in their opinion, of a suspicious origin.

(Code 1986, § 17-31)

Cross reference-City attorney, § 2-41 et seq.

Sec. 17-32. Records and statistics of fires.

The chief of the fire department shall keep, in the office of the bureau of fire prevention, a record of all fires occurring in the city and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made dally from the reports made by the inspectors under the provisions of this chapter. All such records shall be public.

(Code 1986, § 17-32)

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Sec. 17-33. Annual report of bureau.

The annual report of the bureau of fire prevention shall be made on or before the first day of February and transmitted to the mayor. Such report shall contain all proceedings under this chapter, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department and chief of the bureau of fire prevention shall also recommend therein any amendments to this chapter which, in their judgment, will be desirable.

(Code 1986, § 17-33; Ord. No. 9654, § 95, 1-6-92)

Sec. 17-34. Fire drills in schools.

The chief of the fire department and chief of the bureau of fire prevention shall require the principals or persons in charge of public, private or parochial schools and other educational institutions in the city to have two (2) fire drills each month, and to keep all doors and exits unlocked during school hours.

(Code 1986, § 17-34)

Sec. 17-35. Permits--Nature and scope.

A permit shall constitute written permission to establish, maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property. Such permit shall not take the place of any other permit or license required by law or by this Code. No permit shall be transferable, and any change in use or occupancy of premises shall require a new permit.

(Code 1986, § 17-35)

Sec. 17-36. Same--Duration; to be kept on premises.

Every permit granted under the provisions of this chapter shall be for such period as the issuing officer may determine, but in no event for a period longer than one (1) year from the date of its issuance. Such permit shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by any officer of the fire or police departments or the bureau of fire prevention.

(Code 1986, § 17-36)

Sec. 17-37. Same--Where applications filed; form.

Applications for permits required by this chapter shall be made to the bureau of fire prevention, if issued by the chief of the bureau, and to the city inspection department, if issued by the building inspector. Applications shall be made in such form and detail as the issuing officer may prescribe.

(Code 1986, § 17-37)

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Sec. 17-38. Same--When one only required.

One (1) permit only shall be required for retail establishments dealing in, or manufacturing plants using, two (2) or more flammable, combustible or explosive materials to be kept in the establishment at the same time, but each of the materials shall be listed in the permit.

(Code 1986, § 17-38)

Sec. 17-39. Same--Preliminary inspection to be made.

Before any permit is issued, the issuing officer or his assistants shall inspect and approve the receptacles, vehicles, buildings or storage places to be used under such permit.

(Code 1986, § 17-39)

Sec. 17-40. Same--Appeal from refusal.

Whenever the issuing officer shall reject or refuse to grant an application for a permit, or when it is claimed that provisions of this chapter or any ordinance relating thereto do not apply, or when it is claimed that the true intent and meaning of this chapter or any regulations made hereunder have been misconstrued or wrongly interpreted, the person aggrieved may appeal from the decision of the issuing officer in writing as provided in section 17-27 of this Code.

(Code 1986, § 17-40)

Sec. 17-41. Same--When to be required for new materials, processes or occupancies, or trades.

The chief of the fire department, chief of the bureau of fire prevention and building inspector shall act as a committee to determine and specify any new materials, processes or occupancies, and trades for which a permit shall be required in addition to those required by this chapter. The chief of the bureau of fire prevention shall post a list of any permits so required in a conspicuous place in his office, and shall also maintain in his office detailed and descriptive drawings and specifications showing approved and acceptable methods of storing, handling or protecting such new materials and conducting such processes and trades.

(Code 1986, § 17-41)