

## **Chapter 12 FIRE PREVENTION AND FIRE / EMERGENCY SERVICES**

### ***ARTICLE I. IN GENERAL***

#### **Sec. 12-1. Monitored fire alarms required.**

All clubhouses/common buildings being built in subdivisions and communities inside the City of Mt. Juliet will be required to install a monitored fire alarm for the safety of the property and residents. The system hardware will consist of a minimum of one to two pull stations, one to four strategically placed smoke detectors, one to three horn/strobe appliances, and a strobe light alert in each restroom.

It is required that the system be monitored by an approved National Fire Protection Association (NFPA) 72 Chapter 3 Off-Site Alarm Monitored/Transmitted Company.

(Ord. No. 2017-37, § 1, 6-12-2017)

#### **Sec. 12-2. Monitored fire alarms required in new commercial construction and when existing commercial structures are renovated.**

For all commercial structures located inside the City of Mt. Juliet shall be required to have a monitored fire alarm systems. All existing commercial structures when renovated will be required to have a monitored fire alarm system. These requirements are in addition to the other fire prevention/protection currently being required.

It is required that the system be monitored by an approved National Fire Protection Association (NFPA) 72 Chapter 3 Off-Site Alarm Monitored/Transmitted Company.

(Ord. No. 2017-42, § 1, 7-10-2017)

#### **Secs. 12-3—12-20. Reserved.**

### ***ARTICLE II. FIRE AND EMERGENCY SERVICES***

#### **Sec. 12-21. Reserved.**

Editor's note(s)—Ord. No. 2012-58, § 10, adopted Sept. 24, 2012, repealed § 12-21, which pertained to fire protection and derived from Code 1997, § 7-1-101.

#### **Sec. 12-22. [Fire department reestablished.]**

There is hereby reestablished a Mt. Juliet Fire Department to be supported and equipped from appropriations by the board of commissioners and from other contributions. All apparatus, equipment, and supplies of the Mt. Juliet Fire Department shall be purchased with the approval of the fire chief in accordance with municipal purchasing requirements and shall be and remain the property of the City of Mt. Juliet. Mt. Juliet Fire Department shall be composed of a chief appointed by the city manager, and subordinate officers and personnel.

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In addition to the fire chief, the Mt. Juliet Fire Department shall consist of career (paid) personnel, and fire/EMS officers and such paid personnel shall be provided for in the annual operating budget of the city.

(Ord. No. 2012-58, § 1, 9-24-2012)

### **Sec. 12-23. [Fire department budget.]**

The board of commissioners of the City of Mt. Juliet shall provide for the operations of the Mt. Juliet Fire Department in its annual budget. Any funds raised by any individual or group may be accepted by the board of commissioners of the City of Mt. Juliet and may be used for purposes designated by the respective contributors. All equipment, materials, supplies, etc. purchased with contributed funds shall become the property of the City of Mt. Juliet. The board of commissioners may reject any gift or contribution it deems not to be in the best interest of the City of Mt. Juliet.

(Ord. No. 2012-58, § 2, 9-24-2012)

### **Sec. 12-24. [Objectives.]**

The Mt. Juliet Fire Department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life because of fires.
- (3) To prevent the loss of property because of fires.
- (4) To confine fires to their places of origin.
- (5) To extinguish uncontrolled fires.
- (6) To perform such rescue work as is necessitated by the risk to the community and as its equipment and/or the training of its personnel makes practicable.
- (7) To provide emergent and non-emergent medical care at the highest level that the equipment and training of the personnel makes practicable.
- (8) To protect the health and safety of the citizens from the transportation, storage, or manufacture of hazardous materials to the extent possible that the level of equipment and training will allow.
- (9) To work with the local water utility to ensure that adequate water supplies for fire protection are available.
- (10) To provide community risk reduction materials, information, and programs to the citizens in order that they may protect themselves from harm.

(Ord. No. 2012-58, § 3, 9-24-2012)

### **Sec. 12-25. [Duties of fire chief.]**

- (a) The chief of the City of Mt. Juliet Fire Department shall, under the direction of the city manager, set up the organization of the department, make work assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the Mt. Juliet Fire Department.
- (b) The chief of the Mt. Juliet Fire Department shall prepare the annual departmental budget to be approved by the city manager, ensure that adequate records are maintained of all fires, inspections, apparatus,

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equipment, personnel, and work of the department. He shall submit such written reports to the city manager as the city manager requires. The city manager shall submit such written reports to the board of commissioners as the board of commissioners requires.

- (c) The chief of the Mt. Juliet Fire Department shall be fully responsible to ensure for the safety of the department personnel, for the training of the personnel, and for maintenance of all property and equipment of the Mt. Juliet Fire Department, under the direction and subject to the requirements of the city manager. Personnel shall be trained and certified or licensed in accordance with the standards of the Tennessee Commission on Firefighter Standards and Education, the standards and requirements of the Tennessee Department of Health Division of EMS, and adopted or recognized state or national standards.
- (d) Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief is designated as an assistant to the state commissioner of commerce and 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.

(Ord. No. 2012-58, §§ 4—7, 9-24-2012)

### **Sec. 12-26. [Use of personnel and/or equipment outside of city limits.]**

Personnel and/or equipment of the City of Mt. Juliet Fire Department may be used for response outside the city limits if:

- (1) In the opinion of the fire chief, a fire or other emergency incident is in such hazardous proximity to property owned or located within the city as to endanger the citizens or property within the city limits;
- (2) The board of commissioners has approved contracts, mutual aid agreements, or automatic aid agreements pursuant to the authority of (1) Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004, codified in Tennessee Code Annotated § 58-8-101 et seq. and/or (2) Tennessee Code Annotated, § 12-9-101 et seq. and/or (3) Tennessee Code Annotated, § 6-54-601.
- (3) Upon a mutual aid or assistance request from an emergency service agency, municipality, county, the Tennessee Mutual Aid System, or the Tennessee Emergency Management Agency pursuant to the authority and directives of the Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004 codified in Tennessee Code Annotated § 58-8-101 et seq. Such requests shall be subject to the following requirements:
  - a). Requests within Wilson County – shall be immediately filled with the oversight and management of the Battalion Chief on-duty or his/her designee.
  - b). Requests outside of Wilson County but within the State of Tennessee – shall be evaluated and approved by the Fire Chief or his/her designee with notification to the City Manager of the fulfillment of the request as soon as practicable.
  - c). Requests outside of the State of Tennessee – shall be evaluated by the Fire Chief or his/her designee and must be approved in advance by the City Manager or his/her designee.

(Ord. No. 2012-58, § 8, 9-24-2012)

### **Sec. 12-27. [Mitigation rates.]**

- (a) The Mt. Juliet Fire Department shall initiate mitigation rates for the delivery of emergency and non-emergency services by the fire department for personnel, supplies and equipment to the scene of emergency incidents as listed in [the mitigation rates found on file with the city]. The mitigation rates shall be based on

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actual costs of the services and that which is usual, customary and reasonable (UCR) as shown in [the mitigation rates found on file with the city], which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

- (b) A claim shall be filed to the responsible party(s) through their insurance carrier.
- (c) The fire department's city commission may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

(Ord. No. 2017-46, §§ 1—3, 8-28-2017)

### **Sec. 12-28. Adequate emergency services fee.**

The City of Mt. Juliet establishes an "adequate emergency service permit fee" for all new construction in the amount of \$0.20 cents per square foot, as well as a fee of \$0.20 cents per square foot for expansions to existing non-single-family construction. (Calculation is figured on entire square footage)

(Ord. No. 2018-27, § 1, 7-9-2018; Ord. No. 2019-34, § 1, 7-9-2019)

### **Sec. 12-29. Divisions**

The Mt. Juliet Fire Department shall be comprised of the following divisions whose purpose is to provide for the safety of the residents and visitors of the City of Mt. Juliet and to meet the departmental objectives.

- a) **Administration** - responsible for all administrative aspects of the Department, including budget, planning, personnel matters, hiring and promotional processes, purchasing, fleet, facilities, policies/procedures/guidelines, and Department-related ordinances.
- b) **Community Risk Reduction** - responsible for fire related code inspections, plans review, fire origin and cause determination, arson investigation, public life safety education programs. The Division is also responsible for child safety seat inspections and installations, Special and Public Event programs, and other accident and injury prevention programs.
- c) **Emergency Medical Services** - responsible for the delivery of emergency medical services within the corporate limits of Mt. Juliet pursuant to T.C.A. §§ 7-61-102 through 7-61-104. Additionally, responsible for non-emergent medical care as the community need necessitates, regardless of whether such care is provided directly by Department personnel or through cooperative agreements with other agencies and/or providers. This division is responsible for medical supplies, training, personnel certification and licensure, and coordination with county and state officials and agencies.
- d) **Operations** - responsible for all shift related operations, including safety, staffing, equipment, response, mitigation, station operations. The Operations Division also ensures coordination and compliance for national standards, accreditation, and ISO rating.
- e) **Training** - responsible for ensuring that all certified and licensed personnel receive initial and ongoing training across all fire, EMS, rescue, and risk reduction disciplines. These responsibilities include delivery and coordination of initial recruit and ongoing training. The Training Division is also responsible for assisting Fire Administration with all entry-level hiring and promotional processes as set out by the succession plan, policies, and procedures.

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Sec. 12-30. National Incident Management System/Incident CommandThe Fire Department recognizes and utilizes the National Incident Management System and the Incident Command System on all responses and for planned events. An incident commander shall be assigned on all responses in accordance with T.C.A. § 6-21-703.

### **ARTICLE III. ADDRESS NUMBERS**

#### **Sec. 12-31. Address numbers.**

All structures in the city containing a telephone or mailbox shall have the street number prominently displayed on the mailbox in numbers which are a minimum of three inches in height. If the address has no mailbox, the numbers shall be displayed on the building or post near the street and shall be clearly legible from the road. The street number shall be the same number designated as the address by the 911 telephone system.

(Code 1997, § 7-2-101)

#### **Secs. 12-32—12-44. Reserved.**

### **ARTICLE IV. ALARM SYSTEMS<sup>1</sup>**

#### **Sec. 12-45. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Activate* means to set off an alarm system indicating in any manner an incidence of burglary, robbery, fire, etc.

*Alarm system* means any device which is designed to be used for the detection of fire or unauthorized entry into a building or property. The term "alarm system" means any device for alerting others of fire or of the commission of an unauthorized entry except systems installed in motor vehicles, self-contained smoke detectors and medical alert alarms. The term "alarm system" includes direct dial telephone devices, audible alarms and monitored alarms.

*Automatic dialing device* means an alarm system which automatically sends over by telephone a message or coded signal indicating the existence of an emergency situation that the alarm system is designed to detect.

*False alarm* means the activation of an alarm system that results in contact to the Mt. Juliet Police Department and is not caused by:

- (1) Criminal activity or unauthorized entry;
- (2) Severe weather conditions;
- (3) Fire causing structural damage to the protected premises, which is demonstrated in writing from the fire department within 15 days of the occurrence;

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<sup>1</sup>Editor's note(s)—Ord. No. 2012-19, § 2(Att.) adopted Mar. 26, 2012, repealed the former Art. IV, §§ 12-45—12-53, and enacted a new Art. IV as set out herein. The former Art. IV pertained to similar subject matter and derived from Code 1997, §§ 7-3-101—7-3-108; and Ord. No. 98-3, adopted Feb. 9, 1998.

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- (4) Telephone line malfunction, which is demonstrated in writing from the service provider within 15 days of the occurrence.

*Fire officer* means the director of the county emergency management authority (WEMA).

*Hearing officer* means an employee of the City of Mt. Juliet designated by the chief of police to act as an impartial arbitrator at hearings related to the enforcement of the herein chapter.

*Law enforcement officer* means the chief of police of the city.

*Responsible party* means the person designated as the "responsible party" in the alarm registration filed with the city.

(Ord. No. 2012-19, § 2(Att.), 3-26-2012)

### **Sec. 12-46. Enforcement, violation and penalty.**

- (a) Any person may cause a false alarm.
- (b) It shall be a violation of this Code for any person to have a functioning alarm system in the city without having obtained a permit as required by this Code.
- (c) It shall be a violation to lease or sell an alarm system in the city without ensuring compliance with this Code.
- (d) It shall be a violation of this Code to set off a false alarm to test a system.
- (e) Service charges for false alarms or other violations shall be \$25.00 each.

(Ord. No. 2012-19, § 2(Att.), 3-26-2012)

### **Sec. 12-47. Notification required; permit fees.**

- (a) Every person who shall own, operate or lease any alarm system within the city, shall, prior to use of the alarm system, give notice to the law enforcement officer, on forms to be provided and obtain a permit.
- (b) The information on the forms shall include:
- (1) The type, make and model of each alarm device and, if the alarm system is monitored, by whom;
  - (2) Whether installed in a residential or commercial premises;
  - (3) The name, address, business and home telephone number of the owner or lessee of the alarm system;
  - (4) The name, address, and telephone number of the responsible party.
  - (5) Within ten days following any change of circumstances which renders obsolete any of the information submitted, the alarm user shall file an amendment to his information setting forth the currently accurate information. No additional fee shall be required unless the change has terminated the permit.

(Ord. No. 2012-19, § 2(Att.), 3-26-2012)

### **Sec. 12-48. Registration fee.**

Each responsible party shall pay an annual registration fee, only once per calendar year, of \$10.00 for each alarm system on residential property and \$25.00 for each alarm system on commercial property. Registration fees shall be due on March 31 for alarms beginning with the letter A—G, June 30 for alarms beginning with the letter H—M, September 30 for alarms beginning with the letter N—S, December 31 for alarms beginning with the letter

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T—Z of each year. Permit fees shall be placed in the city general fund. Fees for direct monitoring by the city, when not prohibited by T.C.A § 62-32-321(a)(2)(A), shall be \$120.00 per month.

(Ord. No. 2012-19, § 2(Att.), 3-26-2012; Ord. No. 2016-12, 3-28-2016)

### **Sec. 12-49. Employee training.**

Each owner, operator, or lessee shall be responsible for training employees, servants or agents in the proper operation of his alarm system. Training shall include the numbers to call after a false alarm and how to shut the system off after activation.

(Ord. No. 2012-19, § 2(Att.), 3-26-2012)

### **Sec. 12-50. Address identification.**

Each person renting or owning property shall comply with section 12-48, pertaining to address numbers, and shall post the alarm registration sticker near the front door so as to be clearly visible from the front of the building.

(Ord. No. 2012-19, § 2(Att.), 3-26-2012)

### **Sec. 12-51. Audible alarms.**

All audible alarms shall be equipped with an automatic shutoff to function within 20 minutes of the alarm sounding. This section shall not apply to fire alarms.

(Ord. No. 2012-19, § 2(Att.), 3-26-2012)

### **Sec. 12-52. Automatic dialing devices.**

Automatic dialing devices shall:

- (1) Not call the 911 emergency line. Such devices shall be restricted to dialing the nonemergency police communications phone numbers. No automatic dialer shall dial any fire communications phone number. (See T.C.A § 7-86-118).
- (2) Have a clearly understandable recording.
- (3) Be programmed to repeat its message a minimum of two times.
- (4) Automatically reset itself so as to not continuously call police communications phone numbers.
- (5) Be programmed to give the owner's or resident's name and the exact street number and name.
- (6) Be programmed to state that it is an alarm. The device shall not say a burglary or robbery is in progress.
- (7) State the hours the property is occupied if the alarm is used as a robbery or panic alarm as well as burglar alarm.
- (8) State whether the device has notified a third party and the identity of the third party.

(Ord. No. 2012-19, § 2(Att.), 3-26-2012)

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### **Sec. 12-53. False alarms.**

Required reports of corrective action and disconnection.

- (1) The responsible party shall bear responsibility for false alarms.
- (2) A response to an alarm shall result when fire or police department personnel discover or are notified of an activation of an alarm system. If the user or user's agent calls the dispatcher within five minutes of activation it shall not be considered a false alarm unless an officer has already arrived on the scene or a fire truck has moved in response to the alarm.
- (3) For all false alarms in excess of three in a permit year, the responsible party shall be billed a \$25.00 service charge per false alarm for allowing a false alarm to be conveyed to the police department.
- (4) Activations caused by violent acts of nature shall not be considered false alarms provided the owner of the alarm notifies the hearing officer of the violent act of nature within 15 days of the event. No act of nature shall be deemed to be a violent act of nature unless some physical damage is done to the property of the alarm system. (See T.C.A. § 62-32-321).

(Ord. No. 2012-19, § 2(Att.), 3-26-2012)

### **Sec. 12-54. Appeals.**

- (a) A hearing officer shall be appointed by the chief of police to hear appeals from alarm users on the issue of whether the alarm system in question activated a false alarm.
- (b) Upon receipt of any false alarm bill from the city, the responsible party shall have ten days to make a written request for a hearing before the hearing officer.
- (c) At the hearing, which must be scheduled and conclude within 15 days from receipt of the request the responsible party shall have the right to present evidence.
- (d) The hearing officer shall make written findings available to the alarm user and the chief of police within ten days from the date the hearing is concluded.
- (e) A decision by the chief of police to accept or reject the hearing officer's findings shall be made within ten days from the receipt of the above findings by the chief of police.
- (f) Until all of the steps set forth in this section have been completed, the false alarm in question will be considered to have been genuine and will not be considered the basis for the prima facie presumption that the involved alarm system is malfunctioning.
- (g) Upon receipt of the chief of police's finding, the alarm user may appeal, in writing, to the Mt. Juliet city court within 30 days.

(Ord. No. 2012-19, § 2(Att.), 3-26-2012)

### **Sec. 12-55. Service charge assessments.**

- (a) It is hereby determined that all false alarms constitute a public nuisance. The responsible party shall be billed a \$25.00 service charge per false alarm occurrence after the third such false alarm in any year. Each service charge incurred shall be billed and payment shall be made within 30 days. Failure to make payment within 30 days may result in the responsible party's permit being revoked and collection action to be taken.

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- (b) Any permit revoked shall not be reinstated until all outstanding false alarm service charges are paid in full together with a \$25.00 reinstatement fee.

(Ord. No. 2012-19, § 2(Att.), 3-26-2012)

**Sec. 12-56. Notices.**

- (a) Notice or billing from the city to any responsible party shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. Mail, first class postage, prepaid, addressed to the permit holder at the address shown in the city's permit records. A certificate signed by the person who mailed the notice shall be prima facie evidence of the facts stated therein with respect to such notice.
- (b) Notice to the city of payment shall be effective when received at the appropriate city office.

(Ord. No. 2012-19, § 2(Att.), 3-26-2012)

**Secs. 12-57—12-81. Reserved.**

***ARTICLE V. BURNING***

**Sec. 12-82. Noxious or toxic fumes prohibited.**

No person shall burn matter in a manner which causes a health hazard or generates noxious or toxic fumes.

(Code 1997, § 7-4-101; Ord. No. 95-13, 8-14-1995)

**Sec. 12-83. Ash.**

No person shall burn materials in such a manner which will deposit ash on adjoining property.

(Code 1997, § 7-4-102)

**Sec. 12-84. Materials.**

The only materials permitted to be burned are natural vegetation and untreated wood products. No person shall burn plastics, shingles, tires, laminated or glued wood products, wiring, metal, or insulation. No person shall burn natural vegetation the is known to cause allergic reactions or other health issues, such as poison ivy, poison oak, etc.

(Code 1997, § 7-4-103)

**Sec. 12-85. Location, Size, and Weather Conditions.**

No person shall burn matter in the open (outside a container) within 50 feet of any structure.

Except for permitted commercial burning, all materials shall be burned in a commercially manufactured or constructed container such as a fire pit, fireplace, burn barrel, outdoor stove, etc. Residential open burning of approved materials is permitted so long as the size of the pile of materials does not exceed 36 square feet and no more than 4 feet in height.

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No person shall burn when wind conditions reach 10 mph or more, nor when a burn ban has been issued by the Fire Marshal or his/her designee.

(Code 1997, § 7-4-104)

**Sec. 12-86. Supervision.**

An adult shall attend any fire from the time it is set until it is extinguished.

(Code 1997, § 7-4-105)

**Sec. 12-87. State and federal laws.**

No person shall burn matter in a manner which violates state or federal law.

(Code 1997, § 7-4-106)

**Sec. 12-88. Importing materials.**

No person shall burn, in the city, materials obtained from clearing land or trash collection or demolition operations which occur outside of the city.

(Code 1997, § 7-4-107)

**Sec. 12-89. Commercial Burning.**

A burn permit is required for any burning of trees, stumps, brush, and other vegetation for site-clearing purposes. The burning of non-permitted materials is prohibited, and all material being burned shall have been generated on site. All burning shall be conducted in a three-sided, minimum six-foot deep pit. The pit may be dug for depth, may consist of earthen berm walls, or a combination of dug and earthen walls that meet the minimum requirements. The Fire Marshal or his/her designee reserves the right to impose additional safety requirements upon inspection and before issuing a permit, including, without limitation, requiring the applicant to use a pit that is greater than six feet in depth. The pit must be a minimum of 50 feet away from any structure, and the fire must be attended at all times, completely extinguished or covered with soil when workers or attendants are not on site and must be completely extinguished or covered with soil at dusk. A permit holder shall take those precautions, such as the use of commercial blowers or the guideline use for air curtain destructors, reasonably necessary to prevent smoke and embers from any such fire shall not negatively affect neighboring property owners or create a risk of fire spread.

Inspection of the burn pit and the site are required prior to burning. Although burning may be permitted over multiple days, a permit must be obtained prior to any burning.

**Secs. 12-90 – 12-99. Reserved**