

ORDINANCE 2025-03

Sponsor: Clary

AN ORDINANCE AMENDING THE HENDERSONVILLE MUNICIPAL CODE TITLE 7, TO ADOPT A REVISED EDITION OF INTERNATIONAL FIRE CODE

WHEREAS, in compliance with State law, the City desires to amend the Hendersonville Municipal Code relative to the International Fire Code found in Title 7:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF HENDERSONVILLE, TENNESSEE, as follows:

Section One: That Title 7, of the Hendersonville Municipal Code is hereby deleted in its entirety and replaced with the following language:

**TITLE 7
FIRE PROTECTION AND FIREWORKS¹**

CHAPTER

- 1 FIRE DISTRICT**
- 2 FIRE CODE**
- 3 FIRE DEPARTMENT**
- 4 FIREWORKS**
- 5 FIRE SERVICE OUTSIDE OF CITY**
- 6 EXPLOSIVES**

**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.

¹Cross reference(s)—Building, utility and housing codes: title 12.

CHAPTER 2
FIRE CODE²

SECTION

- 7-201. Fire code adopted.**
- 7-202. Amendments.**
- 7-203. Available in recorder's office.**
- 7-204. Conflict between adopted codes.**
- 7-205. Fire official to utilize codes.**
- 7-206. Violation and penalties.**
- 7-207. 901.6.2 Records.**

7-201. Fire code adopted.

Pursuant to the authority granted by Tennessee Code Annotated, Section 6-54-502, the City of Hendersonville hereby adopts the 2021 edition of the International Fire Code in its entirety including Appendix B, Appendix C and Appendix D as prepared by the International Code Council, Inc. The City of Hendersonville also adopts NFPA 101, Life Safety Code, 2021 edition in its entirety. The same are adopted and incorporated by reference as fully as if set out at length herein, except where modified.

7-202. Amendments.

The following sections of the 2021 International Fire Code are hereby amended and replaced with the following language:

- (1) Section 101.2.1 is hereby amended to read as follows:

101.2.1 Appendices. Appendix B, Appendix C and Appendix D are hereby adopted and shall apply.

- (2) Section 109.1 is hereby amended to read as follows:

108.1 Board of Appeals. 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, 2021 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 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 Code, 2021 edition of the NFPA 101, Life Safety Code, 2021 edition. They shall not vote, and they shall not be counted as members for determining the existence of a quorum.

- (3) Section 202 is amended to add the following definition:

All weather surface roadway. A roadway meeting the minimum requirements of Appendix D., capable of supporting 75,000 lbs. and constructed of a hard surface.

- (4) Section 202 is amended to add the following definition:

The requirements for flammable gas shall be those found in the International Building Code (IBC), 2024 edition, published by the International Code Council (ICC), and shall include the following:

²Cross reference(s)—Building, utility, etc. codes: Title 12; Copies of this code and any amendments may be purchased from the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Creek, VA 22041-3405

- (a) For Chapter 2, the definition for Flammable Gas shall be replaced with the definition found in the 2024 International Building Code.
- (b) For Flammable gases, Table 307.1(1) shall be replaced with Table 307.1(1) of the 2024 International Building Code.
- (c) For flammable gases, Section 307.4 High-Hazard Group H-2 shall be replaced with Section 307.4 High-Hazard Group H-2 of the 2024 International Building Code.
- (d) For flammable gases, Section 307.5 High-Hazard Group H-3 shall be replaced with Section 307.5 High-Hazard Group H-3 of the 2024 International Building Code.
- (e) For flammable gases, Section 414.2.5 shall be replaced with Section 414.2.5 of the 2024 International Building Code.
- (f) For flammable gases, Section 414.5.1 shall be replaced with Section 414.5.1 of the 2024 International Building Code.

(5) Section 308.1.4 is amended to read as follows:

"308.1.4. 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."

Exception. One- and two-family dwellings.

(6) Add a new Section 604.12 to read as follows:

Electrical service disconnects

- (a) *Single family units.* Electrical Service Disconnects shall be located at the service entrance. If more than 1 service is provided they shall be grouped together.
- (b) *Multi-family units.* Electrical Service Disconnects shall be located at the service entrance. If there are more than 6 meters in a single gang box provide a single means of disconnect.
- (c) *Commercial structures.* Provide an exterior means of Electrical Service Disconnect at the service entrance or an internal means of disconnect located within 8' of an external entrance door to the building or provide direct access to the electrical equipment room.
- (d) If more than 1 external disconnect is provided to a structure, they shall be clearly marked and approved by the fire code official.

(7) Section 901.6.3 is amended to read as follows:

901.6.3 Records. "Records of all system inspections, tests and/or maintenance services required by this code and any referenced standard shall be required to be submitted electronically to the Hendersonville Fire Department via Brycer "The Compliance Engine".

(8) Section 903.1 is amended to read as follows:

903.1 General. "Automatic sprinkler systems shall comply with this section. Where there is a conflict between the International Fire Code, International Building Code, International Residential Code or any NFPA requirements, the most stringent shall apply."

- (9) Section 903.2.1.1 Group A-1 is amended by replacing "twelve thousand (12,000) square feet" with "5000" square feet (464.5 m²)" in item #1.
- (10) Section 903.2.1.3 Group A-3 is amended by replacing "twelve thousand 12,000) square feet" with "5000" square feet (464.5 m²)" in item #1.

- (11) Section 903.2.1.4 Group A-4 is amended by replacing "twelve thousand (12,000) square feet" with "5,000 square feet (464.5 m²)" in item #1.
- (12) Section 903.2.3 Group E is amended by deleting item #1 in its entirety and replacing it with "1. Throughout all Group E fire areas." and by deleting the Exception in its entirety.
- (13) Section 903.2.4 Group F-1 is amended by replacing "12,000 square feet" with "5,000 square feet (464.5 m²)" in item #1 and by replacing "24,000 square feet" with "10,000 square feet (929 m²)" in item #3.
- (14) Section 903.2.6 Group I is amended by deleting item #2 and item #3 in their entirety.
- (15) Section 903.2.7 Group M is amended by replacing "12,000 square feet" with "5,000 square feet (464.5 m²)" in item #1 and by replacing "24,000 square feet" with "10,000 square feet (929 m²)" in item #3.
- (16) Section 903.2.9 Group S-1 is amended by replacing "12,000 square feet" with "5,000 square feet (464.5 m²)" in item #1 and by replacing "24,000 square feet" with "10,000 square feet (929 m²)" in item #3.
- (17) Section 903.2.9.1 Repair garages is amended by replacing "10,000 square feet" with "5,000 square feet (464.5 m²)" in item #1 and by replacing "12,000 square feet" with "10,000 square feet (929 m²)" in item #2.
- (18) Section 903.3.1.2 NFPA 13R sprinkler systems is amended to read as follows:

Automatic sprinkler systems in Group R occupancies up to and including four (4) stories in height, Group R-3 and R-4 Congregate Care Living facilities, Board and Care Facilities with 16 or less occupants shall be permitted to be installed throughout in accordance with NFPA 13R including the following additions.

- (a) Automatic sprinklers shall be installed in all bathrooms, regardless of square footage.
- (b) Automatic sprinklers shall be installed in all attached garages and structures.
- (c) Automatic sprinklers shall be installed in all accessible storage areas.
- (d) Automatic sprinklers shall be installed in all under-stair spaces including all closets.

- (19) Section 903.3.1.3 NFPA 13D sprinkler systems is amended to read as follows:

Automatic sprinkler systems installed in one and two-family dwellings and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D including the following additions:

- (a) Automatic sprinklers shall be installed in all bathrooms, regardless of square footage.
- (b) Automatic sprinklers shall be installed in all accessible storage areas.
- (c) Automatic sprinklers shall be installed in all under-stair spaces including all closets.

- (20) Add a new Section 903.3.1.3.1 to read as follows:

Water systems supplying both the domestic water supply and the fire protection system shall be permitted and shall meet the following requirements:

- (a) The system shall have a single indicating-type control valve.
- (b) Arranged to shut off both the domestic water and the fire sprinkler system from a single water meter.
- (c) A separate shut-off valve for the domestic system shall be permitted to be installed. The location of which shall be approved by the fire code official.

- (d) The water to the master bathroom lavatory shall be supplied directly from the fire sprinkler water supply.

(21) Section 903.4.2 is amended to read as follows:

An approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed actuation of the automatic sprinkler system shall actuate the building fire alarm system.

(22) Add a new Section 903.4.2.1 to read as follows:

Where an automatic fire sprinkler system is installed in a new building with more than one tenant or with over 100 sprinkler heads, audible and visual notifications appliances shall be installed throughout the building.

(23) Add a new Section 907.1.4 to read as follows:

Multiple Fire Alarm Systems within a single protected premises are not permitted, unless specifically authorized by the fire code official.

(24) Section 907.2 is amended to read as follows:

An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5. Dedicated Function Fire Alarm Systems shall be considered Required Fire Alarm Systems.

(25) Section 907.6.6.1 is amended to read as follows:

Fire alarm signals shall be transmitted to an approved supervised monitoring station by either a cellular communicator or a GSM radio system.

(26) Chapter 80 is amended to read as follows:

The most current published edition of the National Fire Alarm Code NFPA 72 shall be the Referenced Standard.

The following Sections of the NFPA 101, Life Safety Code, 2021 are hereby amended and replaced with the following language:

Section 9.7 Automatic Sprinklers and Other Extinguishing Equipment is amended to read as follows:

- (a) For the purpose of this section, occupancies shall be classified in accordance with Chapter 2 of the International Fire Code.
- (b) An approved automatic sprinkler system shall be provided for the following new or renovated buildings or structures:
 - 1) Assembly (A-1, A-2, A-3, A-4): All buildings or structures 5,000' square feet gross floor area or more;
 - 2) Educational (Group E): All buildings or structures;
 - 3) Institutional (I-1, I-2, I-3, I-4): All buildings or structures;
 - 4) Residential (R-1, R-2, R-3, R-4): All residential buildings or structures as follows:
 - i) Hotel/motel R-1 and R-2: NFPA13.
 - ii) Lodging and rooming houses R-1 and R-2: NFPA13.

- iii) Board and care facilities R-3 and R-4 with 16 or less occupants - NFPA13R; with more than 16 occupants - NFPA13.
 - iv) Multi-family R-2 (attached) three or more attached units up to four stories - NFPA13R; three (3) or more attached units more than four stories - NFPA 13.
 - v) Mercantile (Group M): All buildings or structures 5,000 gross square feet or more floor area.
 - vi) Business (Group B): All buildings or structures 5,000 gross square feet or more floor area.
 - vii) Factory/Industrial (F-1, F-2): All buildings or structures 5,000 gross feet or more floor area.
 - viii) Storage (S-1, S-2): All buildings or structures 5,000 gross square feet or more floor area.
 - ix) Mixed uses: All buildings or structures 5,000 gross square feet or more floor area.
 - x) High Hazard (H-1, H-2, H-3, H-4, H-5): All buildings or structures.
- (c) Major Renovations.
- 1) For the purpose of this section only, major renovation shall be defined as construction to the building that is greater than 50% of the estimated cost of reconstruction of the entire structure.
 - 2) In the event of a disagreement regarding the estimated cost percentage, the building owner or his/her agent shall provide a certified appraisal of the structure and a certified construction estimate shall be provided upon request to the Fire Official, as proof of compliance. Appraisal shall not include associated land cost, furnishing or decorations.
- (d) Any addition to an existing building or structure, which brings the gross floor area above the applicable square footage listed in division (b) of this section, shall cause the entire building or structure to meet the requirements of that section, with the exception of A-5 and one and two-family dwellings.
- (e) Change of use and occupancy.
- 1) Any change in use and occupancy of a structure to that of a higher hazard classification as defined in the *International Building Code* or the *International Fire Code* shall cause the entire building or structure to meet the requirements of that section in division (b).
 - 2) High hazard shall be classified as those facilities that are likely to burn with extreme rapidity or from which explosions are likely.
- (f) For the purpose of this section, only approved two-hour rated fire walls with properly protected openings shall be considered when calculating the gross floor area or constituting a separate building in occupancies specified in division (b) of this section.
- (g) Where automatic sprinkler protection is determined to increase the hazard to the property or its occupants to be protected, other automatic extinguishing systems appropriated for the hazard shall be provided.

7-203. Available in recorder's office.

Pursuant to the requirements of Tennessee Code Annotated, Section 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.

7-204. 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.

7-205. 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.

7-206. 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 fifty dollars (\$50.00). 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)

7-207. 901.6.2 Records.

Records of all system inspections, tests or maintenance services required by this code and any referenced standard shall be required to be submitted electronically to the Hendersonville Fire Department via Brycer "The Compliance Engine".

CHAPTER 3
FIRE DEPARTMENT³

SECTION

- 7-301. Establishment.**
- 7-302. Appointments.**
- 7-303. Oath of Office.**
- 7-304. Duties of the Fire Chief.**
- 7-305. Duties of the fire oppression.**
- 7-306. Duties of the fire prevention bureau.**

³Cross reference(s)—Special privileges with respect to traffic: title 15, chapter 2

- 7-307. **Police powers at fires.**
- 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.

7-302. Appointments.

The City Administrator 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 City Administrator.

7-303. Oath of office.

The Fire Chief shall before entering upon his duties, take and subscribe, before the City Administrator, 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.

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 Marshall, 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 Section 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.

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.

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 the currently adopted edition of the International Fire Code, and the currently adopted edition of the NFPA 101, Life Safety Code, by the city's governing body.

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.

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.

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.

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.

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: Firecrackers, Squibs, Roman Candles, Sky Rockets, and Torpedoes.

7-402. Permit required.

1. It is hereby made unlawful for any person, or persons, to shoot, fire or explode any fireworks within the City limits, corporate boundaries, of the City of Hendersonville, Tennessee, unless such person or persons obtain a permit from the City Fire Marshal; 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.
2. Fireworks are permissible without a permit only during the following times: July 3 and 4 from 5:00 p.m. until 11:00 p.m., December 31 from 10:00 a.m. until January 1, 1:00 a.m. and January 1 from 10:00 a.m.—11:00 p.m. (Ord # 2023-24)
3. No fireworks without a permit will be allowed while a burn ban issued by either the City or state is in effect.

(Ord. 1974-5, March 1974, as amended by Ord. 1993-31, July 1993, Ord. 2019-41, October 2019; Ord. 2023-24, Dec. 2023)

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.

7-404. Violation and penalty.

Any person or persons violating this chapter shall be punishable by a fine of not more than fifty dollars (\$50.00) for each violation.

CHAPTER 5. FIRE SERVICE OUTSIDE CITY LIMITS⁴

⁴Editor's note(s)—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.

State law reference(s)—Tennessee Code Annotated, Section 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 responding to a request for 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. Tennessee Code Annotated, Section 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. Tennessee Code Annotated, Section 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 which the fire protection is to be provided. (Counties may compensate municipalities for the extension of fire services.)

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 agreement pursuant to the authority of:

- (1) The Local Government Emergency Assistance Act of 1987, as amended, codified in Tennessee Code Annotated Section 58-2-601, et seq.
- (2) Tennessee Code Annotated, Section 12-9-101, et seq.
- (3) Tennessee Code Annotated, Section 6-54-601.

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.

7-602. Pre-blast survey required.

Prior to any blasting operation, the site will be inspected by the Hendersonville Fire Marshall (or his or her designee), and a pre-blast survey will be required of the blasting contractor for all structures with three hundred (300') feet of the area where blasting is to be conducted.

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. A fee of one hundred fifty dollars (\$150.00) shall be paid for this permit prior to its issuance.

7-604. Storage.

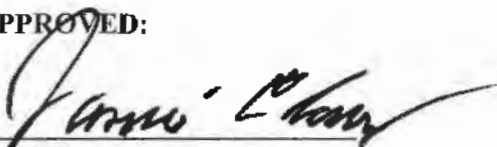
No explosive materials used pursuant to this chapter may be stored overnight within the corporate limits of the City.

Editor's note(s)—Ord. No. 2018-44, adopted November 13, 2018, repealed Ch. 7 which pertained to multi-family dwellings.

First Reading: March 25, 2025 *Passed*

Second Reading: April 8, 2025 *Passed*

APPROVED:


A handwritten signature in blue ink, appearing to read "Jamie Clary", is written over a horizontal line.

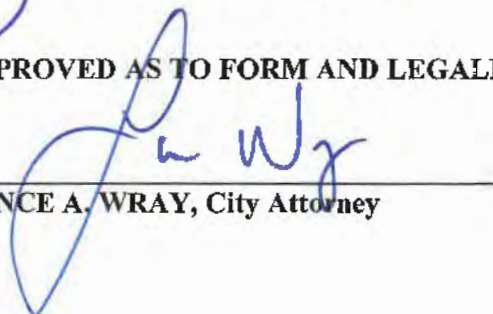
JAMIE CLARY, Mayor

ATTEST:


A handwritten signature in blue ink, appearing to read "Tamara Ingersoll", is written over a horizontal line.

TAMARA INGERSOLL, City Recorder

APPROVED AS TO FORM AND LEGALITY:


A handwritten signature in blue ink, appearing to read "Lance A. Wray", is written over a horizontal line.

LANCE A. WRAY, City Attorney

LEGISLATIVE HISTORY

Ordinance 2025-03

Sponsor: Clary

Committee: General

Date of Committee Meeting: March 11, 2025

Committee Recommendation: Yes

First BOMA Reading: March 25, 2025

Vote: Aye: Burgdorf, Collins, Dixon, Evans, Garton, Garza, Goodwin, Martin, Roberson, Sasse, Skidmore, Ward, and Clary. Nay: None. Absent: None. *Motion carried.*

Second BOMA Reading: April 8, 2025

Vote: Aye: Burgdorf, Collins, Dixon, Evans, Garton, Garza, Goodwin, Martin, Roberson, Sasse, Skidmore, Ward, and Clary. Nay: None. Absent: None. *Motion carried.*

DATE:	April 8, 2025
ORDINANCE/RESOLUTION #	Ordinance 2025-03
SPECIFIC REQUEST/ RECOMMENDATION:	That the Board of Mayor and Alderman consider the adoption of the 2021 International Building, Plumbing, Mechanical, Fire, Swimming Pool Code, Existing Building Code, Energy Code, Property Maintenance Code with Amendments, and the 2020 National Electrical Code
REPORT PREPARED BY:	Greg E. Story, Codes Director



BACKGROUND:

1

The City of Hendersonville Building & Codes Department together with the HPD and HFD, are all currently enforcing the 2018 International Codes. The last Codes update was with Ordinance 2018-46, (January 2019). Effective on April 17th, 2025, the State of Tennessee Fire Marshals Office will begin enforcing the 2021 International Codes.

To stay in compliance with T.C.A. § 68-120-101(b)(2)(A), no political subdivision of the State of Tennessee shall adopt or enforce any ordinance prescribing less stringent standards of fire prevention, fire protection, or building construction safety and shall adopt an edition of a building construction or fire safety code within seven (7) years of the most current published edition.

DISCUSSION:

2

That the Board of Mayor and Alderman consider adopting Ordinance 2025-03 with Amendments, to remain in an “Exempt” status with the State of Tennessee Fire Marshal’s Office (SMFO).

The SFMO formally delegates codes enforcement to local jurisdictions that are adequately performing their building codes and fire safety codes enforcement programs. The SFMO shall audit each exempt jurisdiction no less than once every three (3) years for each of the following trades: Residential structures, Commercial structures, and Electrical Inspections. The SFMO shall notify the exempt jurisdiction of the commencement of the audit performed.

A local jurisdiction that adopts and enforces building construction and fire safety codes pursuant to T.C.A. § 68-120-101(b)(2)(A), shall adopt an edition of a building construction or fire safety code within seven (7) years of the most current published edition.

If not adopted by the Board of Mayor and Alderman, the City of Hendersonville would no longer be considered in an “exempt” status by the State Fire Marshals Office. The SFMO would intervene and remove the “exempt” jurisdiction status from the City of Hendersonville’s Building & Codes Department, HFD, & HPD. A notice and hearing regarding the removal of a jurisdiction's exempt status shall be as set out in the Uniform Administrative Procedures Act, T.C.A., Title 4, Chapter 5.

The State of TN adopted the 2021 I.E.C.C. with Amendments, keeping the 2009 I.E.C.C. “R” & “U” tables. No major fiscal impacts should occur, going forward, to Commercial & Residential contractors. Most of the contractors, developers, architects, and engineers are already practicing and implementing the new 2021 codes for other jurisdictions across the nation and locally.

FISCAL IMPACT:

3

No Fiscal Impact.

ATTACHMENTS:

4

Ordinance 2025-03