



# County Technical Assistance Service

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## Fire Safety

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

The University of Tennessee  
County Technical Assistance Service  
226 Capitol Blvd. Suite 400  
Nashville, TN. 37219  
615-532-3555 phone  
615-532-3699 fax  
[ctas@tennessee.edu](mailto:ctas@tennessee.edu)  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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## Fire Safety

**Reference Number:** CTAS-185

Countywide Fire Departments. The county legislative body may form an agency to provide countywide fire protection whose powers and duties are delegated by the legislative body and provided by statute.

T.C.A. §§ 5-17-101, 5-17-102. The countywide fire department is empowered to do all things necessary to provide coordinated fire protection to all areas of the county. T.C.A. § 5-17-102. The county fire chief is appointed by the county mayor subject to confirmation by the county legislative body. T.C.A. § 5-17-103.

The county fire department must have one or more districts comprising the entire county outside the incorporated municipalities if property taxes are used to fund the department. However, a municipality may contract with the county for inclusion in the district. T.C.A. § 5-17-105. A county may fund protection of the unincorporated areas of the county with general fund revenues so long as the revenues were generated by situs based taxes collected in the unincorporated areas, are monies that have already been shared with municipalities, or are contributions to the county. T.C.A. § 5-17-101. The countywide fire department must prepare an annual budget of anticipated receipts and expenditures, which must be submitted to the legislative body. T.C.A. § 5-17-104. If fire tax districts are created, then the legislative body must levy an annual fire tax upon the property owners of each district sufficient to pay the district's share of the total budget of the countywide fire department. T.C.A. § 5-17-106. See Op. Tenn. Atty. Gen. 07-134 (Sept. 11, 2007).

Volunteer Fire Departments. The county legislative body may appropriate general fund money to assist nonprofit volunteer fire departments. T.C.A. § 5-9-101. Counties may also contract with municipalities to furnish fire protection in the unincorporated areas as an alternative to forming a county fire department. Op. Tenn. Atty. Gen. 93-53 (Aug. 9, 1993); Op. Tenn. Atty. Gen. 07-87 (June 5, 2007); Op. Tenn. Atty. Gen. 07-134 (Sept. 11, 2007).

No county, municipality or other organization (i.e., volunteer fire department) may operate a fire department in Tennessee unless it has been duly recognized by the state fire marshal's office. In order to obtain recognition, the county, municipality or other organization must file an application to begin service or a renewal application to continue service. Once recognized, each fire department will be classified as career, volunteer or combination. The recognition certificate is valid for three years. After July 1, 2003, no new fire department may be established or recognized without the approval of the local elected governing body with jurisdiction over the territory to be served by the proposed new department. T.C.A. § 68-102-301 *et seq.*

County Fire Marshal. The county mayor may also appoint a county fire marshal, whose duty shall be to coordinate the efforts of volunteer fire departments, enforce local fire safety regulations and assist in the prevention of fire and arson. The county mayor shall establish the fire marshal's compensation within the amount appropriated for such purpose by the county legislative body. T.C.A. § 5-6-121.

Burning Bans. In 2008, T.C.A. §§ 39-14-304(a) and 39-14-306 were amended to authorize the commissioner of agriculture, in consultation with the state forester and the county mayors of impacted counties, to issue a burning ban prohibiting all open air fire in any area of the state. A violation of the ban would be considered reckless burning, which is a Class A misdemeanor. This would not apply to fires that may be set within the corporate limits or any incorporated town or city that has passed an ordinance controlling the setting of fires.

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