

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.
5. OPEN BURNING REGULATIONS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows:

Beginning at Mitchum's corner on Spring Street and running with Railroad Street to and so as to include the Ross Tobacco Warehouse; and then running north with the line of said tobacco warehouse and on north with alley to Walnut Street; thence west with Walnut Street to Spring Street; thence south with the west side of Spring Street to the beginning, shall be and is hereby declared to be a fire district. (1974 Code, § 7-101)

¹Municipal code reference

Building, utility and residential codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Fire Prevention Code (NFPA No. 1),² 1999 edition, as recommended by the National Fire Protection Association, 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 recorder and is available for public use and inspection. The Fire Prevention Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1974 Code, § 7-201, modified, as amended by Ord. #517, Sept. 2000)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1974 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Erin, Tennessee. (1974 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in § 12.5b of the fire prevention code, in which storage of explosives and blasting agents is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

¹Municipal code reference

Building, utility and residential codes: title 12.

²Copies of this code are available from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, MA 02269-9101.

The limits referred to in § 16.22a of the fire prevention code, in which storage of flammable liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 16.51 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 21.6a of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this code. The construction and/or placement of flammable and combustible liquid storage tank within the corporate limits of the City of Erin shall be so placed and/or constructed as provided by the National Fire Prevention Code §§ 30 and 30A. (1974 Code, § 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1974 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way 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 variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1974 Code, § 7-206)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the Board of Mayor and Aldermen of the City of Erin or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (1974 Code, § 7-207)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment and organization.
- 7-302. Duties and term of fire chief.
- 7-303. Assistant chief and officers.
- 7-304. Applicants for employment.
- 7-305. Equipment, compensation of members, etc.
- 7-306. Chief to possess police power in control and prevention of fires.
- 7-307. Chief to be assistant to state officer.

7-301. Establishment and organization. There is hereby created a fire department in order to protect life, avoid injury and preserve property within the city limits from fire. The board of mayor and aldermen of the City of Erin, is 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 and assistant chief, and all other necessary personnel, as directed by the Tennessee Inspection Bureau and that upon organization the members of the fire department shall be subject to such rules and regulations as may be hereafter adopted and approved by the board of mayor and aldermen. (1974 Code, § 7-301)

7-302. Duties and term of fire chief. The chief of the fire department shall be a man especially qualified for the duties incumbent upon him and shall hold office for an indefinite term and only to be removed for cause. (1974 Code, § 7-302)

7-303. Assistant chief and officers. There shall be an assistant chief of the department and two (2) officers for each fire company, whose promotion shall be based on an efficient record as firefighter and properly certified by the chief to the board of mayor and aldermen for confirmation. (1974 Code, § 7-303)

7-304. Applicants for employment. The name of applicants for membership in the department are to be certified to the board by the chief for final confirmation. All applicants are to be mentally and physically sound, of satisfactory age, weight and height. Special training shall be required for such engineers and drivers as may be needed. (1974 Code, § 7-304)

¹Municipal code reference

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

7-305. Equipment, compensation of members, etc. Personal items of equipment such as suitable clothing, etc. shall be furnished members by the city with the approval of the mayor; provided further that such equipment shall remain the property of the city. Full-time and part-time personnel who shall conform to the rules and regulations governing working hours, attendance of drills, etc. shall be compensated in accordance to the wage scale established by resolution of the board of mayor and aldermen. (1974 Code, § 7-305)

7-306. Chief to possess police power in control and prevention of fires. The chief shall be authorized to exercise police powers at times of fire and summons to his assistance such additional help as he may deem necessary to control the fire. The chief shall and is authorized to enforce all fire prevention ordinances, and all state laws on the same matters. (1974 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department 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 fire prevention commissioner in the execution of the provisions thereof. (1974 Code, § 7-307)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Permissible types of fireworks.
- 7-402. Limits on fireworks discharge.
- 7-403. Exception to limits on fireworks discharge.
- 7-404. Public display; permits; regulation.
- 7-405. Exceptions to application.
- 7-406. Penalty for violation.

7-401. Permissible types of fireworks. It is unlawful for any individual, firm, partnership or corporation to possess, sell or use within the City of Erin, or ship into the City of Erin, except as provided in this chapter, any pyrotechnics commonly known as "fireworks" other than the following permissible items:

- (1) Those items now or hereafter classified as D.O.T. Class C common fireworks; or
- (2) Those items that comply with the construction, chemical composition and labeling regulations promulgated by the United States consumer product safety commission and permitted for use by the general public under its regulations. (Ord. #501, Aug. 1997)

7-402. Limits on fireworks discharge. The discharge of fireworks within the corporate limits of the City of Erin shall be limited to the hours between 9:00 A.M. and 10:00 P.M. and may discharge any time on July 4, December 24 and December 31. (Ord. #501, Aug. 1997)

7-403. Exception to limits on fireworks discharge. Section 7-402 shall not apply to toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five (25) one-hundredths (1/100) grains or less of explosive compounds are used, as described in Tennessee Code Annotated, § 68-104-110. (Ord. #501, Aug. 1997)

7-404. Public displays; permits; regulation. Nothing in this chapter shall be construed as applying to the shipping, sale, possession and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the City of Erin shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulation of the United States Department of Transportation as "Class B special fireworks" and shall not

include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have received written approval from the police chief and fire chief, or their designees, and applied for and received a permit for such displays issued by the state fire marshal. Applicants for permits for such public display shall be made in writing and shall show that the proposed display is to be so located and supervised that it is not hazardous to property and that it shall not endanger human lives. Possession of special fireworks for re-sale to holders of a permit for public fireworks display shall be confined to holders of a distributors permit only. (Ord. #501, Aug. 1997)

7-405. Exceptions to application. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illumination devices for photographic use, nor as applying to the military or naval forces of the United States, or the State of Tennessee or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes only from the state fire marshal, and after approval of the county agricultural agent of the county in which the fireworks are to be used and the fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable. Items sold for agricultural puposes shall be limited to those items that are legal for retail sale and use within the the Town of Kingston Springs. (Ord. #501, Aug. 1997)

7-406. Penalty for violation. Any individual, firm, partnership or corporation that violates any provision of this chapter, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not more than fifty dollars (\$50.00). (Ord. #501, Aug. 1997)

CHAPTER 5

OPEN BURNING REGULATIONS

SECTION

7-501. Open burning permitted.

7-502. Exception.

7-503. Inside corporate limits.

7-504. Permit obtained from the fire department.

7-501. Open burning permitted. After the effective date of these regulations, no person shall cause, suffer, allow or permit open burning of any kind except as specifically permitted herein. (as added by Ord. #526, April 2002)

7-502. Exception. Open burning, as described in this chapter, may be conducted without permits; provided that no public nuisance is or will be created by such burning. Fires used for cooking food, fires for ceremonial or recreational purposes, including barbecues and outdoor fireplaces, and fires set for the training and instruction of firefighters, do not need a permit. This grant of exemption shall in no way relieve the person from the consequences, damages, or claims resulting for such burning. This exception does not relieve the person of the responsibility of using fire safe practices conform getting a permit form any other agency that may required such. (as added by Ord. #526, April 2002)

7-503. Inside corporate limits. Open burning shall be allowed inside the corporate limits of the city when a valid permit has been obtained from the fire department. Prior to the burning, the person requesting the permit shall be certain that no detriment to the public health or damage to the land, water or air will be caused. The following conditions shall always be met:

(1) Open burning shall be between the hours of 9:00 A.M. and 8:00 P.M.

(2) All fires shall be completely extinguished by 9:00 P.M.

(3) The fires may never be left unattended. (as added by Ord. #526, April 2002)

7-504. Permit obtained from the fire department. To obtain a permit required by this chapter, the applicant shall file an application to the fire department on the forms prescribed by the department. No fee shall be required to obtaining open burning permit. All permits issued shall be displayed while the open burning is in progress when the fire chief or the senior fire officer in charge has determined that conditions are unfavorable or hazardous for outdoor fires. (as added by Ord. #526, April 2002)