

## TITLE 7

### FIRE PROTECTION AND FIREWORKS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS
2. FIREWORKS

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 7-101. Fire limits described.
- 7-102. Wooden buildings prohibited in fire limits.
- 7-103. Building materials allowed in fire limits.
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- 7-105. Repair of buildings.
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**7-101. Fire limits described.** The corporate fire limits shall be as follows:

Beginning at 411 Highway at creek, running with creek east to sand gully and up sand gully west of church to Prince Street, up Prince Street to corner of Charlie Bates and Nora Clayton line, then down alley to 411 Highway, crossing highway and up alley between Buck Arm and Hoyt Lillard to street, then north on street by jail to creek, then up creek to 411 Highway. (1990 Code, § 7-101)

**7-102. Wooden buildings prohibited in fire limits.** It shall be unlawful to erect a wooden building of any character within the fire limits. (1990 Code, § 7-102)

**7-103. Building materials allowed in fire limits.** It shall be unlawful to construct or build any building of any material within the fire limits, except of brick, concrete, or substance not of an inflammable character; and all flues and chimneys shall be built from the ground up and extending above the roof of

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<sup>1</sup>Municipal code references

Limited use of unmetered private fire lines: § 18-123.

Fires in streets prohibited: § 16-111.

the building to a sufficient height to protect against fire, and said chimneys shall be built of brick or concrete and set in concrete. (1990 Code, § 7-103)

**7-104. Permit required.** It shall be unlawful for any person, firm, or corporation to commence the construction of any building in the fire limits without first obtaining a written permit from the recorder, after submitting in writing the kind of material to be used in the constructing of the building and the approximate cost of the building.

In the event the recorder in his discretion refuses to issue the permit for the construction of the building, for any reason, the person, firm, or corporation may present a request to the board of commissioners at a regular meeting of said board, and said board shall decide the question by a majority vote. (1990 Code, § 7-104)

**7-105. Repair of buildings.** It shall be unlawful for any person, firm, or corporation to repair or cause to be repaired any building constructed of wood or inflammable materials with wood or like materials, when the same has depreciated more than fifty percent or has become dangerous or unhealthy, or would increase the fire hazard to adjoining property; and any person, firm, or corporation before repairing any building within the area described in this chapter shall obtain a permit as herein required for new buildings. (1990 Code, § 7-105)

**7-106. Violations.** Should any person, firm, or corporation, by misrepresentation of facts, procure a permit from the recorder to construct or repair a building, and the constructing or repairing of such building is not done in compliance with this chapter, the recorder shall order the same to be torn down, and failure of the person, firm, or corporation to comply with the order of the recorder shall be a violation of this section. (1990 Code, § 7-106)

## CHAPTER 2

### FIREWORKS

#### SECTION

7-201. Sale and manufacture of fireworks prohibited; exceptions.

7-202. Definition of fireworks.

7-203. Buildings used for the sale of fireworks.

7-204. Discharge of fireworks prohibited within the town.

7-205. Special fireworks displays.

7-206. Violations.

#### **7-201. Sale and manufacture of fireworks prohibited; exceptions.**

The sale or manufacture of any fireworks within the corporate limits of the Town of Benton, Tennessee, is prohibited, except as to any business(es) presently existing and presently doing such business. Such presently existing business(es) may continue the sale only, but not the manufacture, of fireworks in conformity with all town, county and state laws, rules and regulations. (1990 Code, § 7-201)

**7-202. Definition of fireworks.** "Fireworks" means and includes any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. (1990 Code, § 7-202)

**7-203. Buildings used for the sale of fireworks.** Any building used for the sale of fireworks shall conform to any applicable building code provisions which pertain to buildings of its type, use and location. (1990 Code, § 7-203)

**7-204. Discharge of fireworks prohibited within the town.** It shall be unlawful for any person to discharge any type of fireworks within the town limits. (1990 Code, § 7-204)

**7-205. Special fireworks displays.** Special public fireworks displays may be held when a permit therefor has been issued by the state fire marshal

and approval for the display has been granted by the town commission. A copy of the permit issued by the state fire marshal must be submitted to the town commission not less than fifteen (15) days in advance of the proposed fireworks displays. (1990 Code, § 7-205)

**7-206. Violations.** It shall be unlawful for any person or organization to violate any provision of this chapter. Violations shall be punished according to the general penalty provision of this code of ordinances. (1990 Code, § 7-206)