

TITLE 7**FIRE PROTECTION AND FIREWORKS****CHAPTER**

1. FIRE DISTRICT.
2. VOLUNTEER FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE TOWN LIMITS.
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CHAPTER 1**FIRE DISTRICT****SECTION**

- 7-101. Fire limits described.
7-102. Building restrictions in fire limits.
7-103. Use of explosives.

7-101. Fire limits described. The corporate fire limits shall be all of that area located within the corporate limits of the town. (1982 Code, § 7-101, modified)

7-102. Building restrictions in fire limits. Within the area described as the fire limits, there shall be constructed no business building or structure in which a business is located other than of brick, stone, metal, or other nonflammable material with the exception of the necessary wood work in such type building including floors and ceilings. Nothing in this section shall prohibit the construction of a residence of wood or other flammable material, but such residence before being constructed shall have to be approved by a permit obtained from the board of mayor and aldermen. (1982 Code, § 7-102)

7-103. Use of explosives. It shall be unlawful for any person, firm, or corporation to use dynamite, powder, or any other explosives for any purpose and particularly for the purpose of loosening or removing dirt, trees, buildings, or otherwise. (1982 Code, § 7-103)

CHAPTER 2

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Objectives.
- 7-203. Organization, rules, and regulations.
- 7-204. Records and reports.
- 7-205. Tenure and compensation of members.
- 7-206. Chief responsible for training and maintenance.
- 7-207. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the city and shall be and remain the property of the town. The volunteer fire department shall be composed of a chief appointed by the mayor, and such number of subordinate officers and firemen as the mayor shall appoint. The mayor may delegate authority to appoint subordinate officers to the fire chief. (1982 Code, § 7-301)

7-202. Objectives. The volunteer fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1982 Code, § 7-302)

7-203. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department. (1982 Code, § 7-303)

¹Municipal code reference

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

7-204. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on those matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1982 Code, § 7-304)

7-205. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the mayor. So that adequate discipline may be maintained, the mayor may delegate to the chief the authority to suspend or discharge any other member of the volunteer fire department when the chief deems such action to be necessary for the good of the department. The chief may be suspended or dismissed by the mayor.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1982 Code, § 7-305)

7-206. Chief responsible for training and maintenance. The chief of the volunteer fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1982 Code, § 7-306)

7-207. Chief to be assistant to state officer. 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. (1982 Code, § 7-308)

CHAPTER 3

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

7-301. Equipment to be used only within corporate limits generally.

7-301. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on town property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the town as to endanger the town property or unless expressly authorized by the board of mayor and aldermen. Equipment may also be used outside the corporate limits pursuant to a mutual aid agreement.¹ (1982 Code, § 7-307, modified)

¹Municipal code reference

Emergency assistance: title 20, chapter 2.

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Purpose.
- 7-402. Definition of terms.
- 7-403. Permits required for sale.
- 7-404. Business license required.
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- 7-406. Conditions for sale and use of permissible articles.
- 7-407. Public displays--permits--regulations.
- 7-408. Retail sales of permissible articles--time limitations--exceptions.
- 7-409. Private use of permissible articles--time limitations--exceptions.
- 7-410. Regulations governing storing, locating or display of fireworks.
- 7-411. Unlawful acts in the sale and handling of fireworks.
- 7-412. Exceptions to application.
- 7-413. Penalty for violation.
- 7-414. Seizure and destruction of fireworks.
- 7-415. Requirements or compliance with state regulations not affected.

7-401. Purpose. The purpose of this chapter is to provide for the display, sale and use of certain fireworks for both private and public display within the corporate limits of the Town of Bruceton, Tennessee within certain guidelines which shall provide for the general safety and welfare of the citizens thereof.

7-402. Definition of terms. As used in this chapter the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise.

(1) "Manufacturer," any person engaged in making, manufacture, or construction of fireworks of any type within the Town of Bruceton or the State of Tennessee.

(2) "Distributor," any person engaged in the business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a jobber, wholesaler or retailer.

(3) "Wholesaler," any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales at retail.

(4) "Jobber," any person engaged in the business of making sales of fireworks to bona fide tourist for use outside the State of Tennessee.

(5) "Retailer," any person engaged in the business of making sales of fireworks to consumers.

(6) Singular and plural words used in the singular include the plural and the plural the singular.

(7) "Sale," an exchange of articles of fireworks for money and also includes barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal, proprietor, salesman, agent, association, copartnership, or one (1) or more individuals.

(8) "Person," includes any corporation, association, copartnership or one (1) or more individuals.

(9) "Permit," a permit is the written authority of the town fire marshal issued under the authority of the Bruceton Municipal Code, title 7, or under the authority of the state fire marshal issued under the authority of Tennessee Code Annotated, §§ 68-104-106--68-104-116.

(10) "I.C.C. class C common fireworks," shall mean all articles of fireworks as are now or hereafter classified as "1CC Class C common fireworks" in the regulation of the Interstate Commerce Commission for the transportation of explosive and other dangerous articles.

(11) The term "special fireworks" shall mean all articles of fireworks that are classified as class B explosives in the regulation of the Interstate Commerce Commission and shall include all articles other than those classified as class C. (1978 Code, § 7-402)

7-403. Permits required for sale. It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into or within the Town of Bruceton, except as herein provided, any item of fireworks, without first having secured the required applicable permit from the town fire marshal and also from the state fire marshal, possession of said permit being thereby a condition prerequisite to manufacturing, selling, or offering for sale, shipping or causing to be shipped any fireworks into or within the Town of Bruceton, except as herein provided. This provision applies to non-residents as well as residents of the Town of Bruceton.

(1) Prior to engaging in the sale within the Town of Bruceton, Tennessee, or shipment into the Town of Bruceton, of any fireworks each person must make application on forms secured from the town fire marshal and the state fire marshal for a permit or permits required under this chapter.

(2) The manufacture or bulk storage (storage other than limited amounts incidental to permitted retail sales or public displays) of fireworks within the corporate limits of the Town of Bruceton is prohibited, and a violation of this section is unlawful and punishable under the provision of this chapter or the applicable state code.

(3) The decision of the town fire marshal as to what type of permit or permits shall be required of each person shall be final. No permit shall be issued to a person under the age of eighteen (18) years. All permits shall be for the calendar year and any fraction thereof and shall expire on December

31st of each year, two (2) days of grace shall be allowed holder of permits, after the expiration thereof. Permits issued to retailers must be displayed near the point of sale and visible for public inspection. No permit provided for herein shall be transferable nor shall a person be permitted to operate under a permit issued to any person.

(4) In addition to charges for permits authorized to the state fire marshal for state permits, the town fire marshal is authorized and directed to charge for permits issued as follows: wholesaler \$10.00; retailer \$10.00; display \$10.00.

(5) A record of all sales, other than retail sales directly to private consumers, must be kept showing the names and address of purchasers. All fees collected for said permits shall be payable directly to the general fund of the town shall constitute general revenue.

7-404. Business license required. The issuance of permits herein required does not replace or relieve any person of state, county or municipal licenses as now or hereafter provided by law. Before the issuance of any town business or privilege license, the town recorder shall require each applicant to submit adequate proof of possession of valid fireworks permits as issued by the town fire marshal and by the state fire marshal.

7-405. Permissible items of fireworks. It shall be unlawful for an individual, firm, partnership, or corporation to possess, sell, or use within the Town of Bruceton, or ship into the Town of Bruceton, except as provided in § 7-406, any pyrotechnics, commonly known as "fireworks," other than the permissible items herein enumerated, except as herein provided. The permissible fireworks consist of ICC class C common fireworks only, and shall include those items enumerated in Tennessee Code Annotated, § 68-104-108, or which may be enumerated in said section.

7-406. Conditions for sale and use of permissible articles. No permissible articles of common fireworks defined in Tennessee Code Annotated, § 68-104-108, shall be sold, offered for sale, or possessed within the town, or used in the Town of Bruceton, except as here provided for public display, unless it shall be properly named to conform to the nomenclature of Tennessee Code Annotated, § 68-104-108, and unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container, "ICC class C common fireworks," such imprinting to be of sufficient size and so positioned as to be readily recognized by law-enforcement authorities, and the general public.

7-407. Public displays--permits--regulation. The public display of fireworks within the corporate limits of the Town of Bruceton shall be governed by the provisions of Tennessee Code Annotated, § 68-104-107. Required permits

for the controlled, public display of fireworks shall be obtained from the state fire marshal and also from the town fire marshal and the town chief of police.

7-408. Retail sale of permissible articles--time limitations--exceptions. Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be sold at retail to residents of the Town of Bruceton and used within the Town of Bruceton from June 20th through July 5th, and from December 10th through January 2nd of each year only, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredth (25/100th) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredth (25/100th) grains of explosive compounds, cone, bottles, tube and other type serpentine pop-off novelties, nonpoisonous toy snakes, smoke sticks with report and sparklers, the sale and use of which shall be permitted at all times.

7-409. Private use of permissible articles--time limitations--exceptions. Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be stored, used and expended within the Town of Bruceton by private citizens for their personal use and enjoyment during the periods June 20th through July 5th, and from December 10th through January 2nd of each year under the following restrictions.

(1) Permitted fireworks shall not be ignited, exploded, or otherwise used in any area or location of the town whereby persons or property may be endangered.

(2) Permitted fireworks shall not be ignited, exploded, or otherwise used within six hundred (600) feet of any business or storage area whereat or wherein flammable materials are sold, used or stored.

(3) Permitted fireworks may be ignited, exploded or otherwise used during the hours of 8:00 A.M. through 10:00 P.M., daily during the permitted periods.

(4) Small children, those under the age of ten (10) years, shall be supervised by adults when using permitted fireworks.

(5) If the use of permitted fireworks in a specific area of the town becomes a public nuisance or endangerment to private or public property in the opinion of the town fire marshal or the town chief of police, these officials or their authorized representatives are authorized and directed to prohibit said use therein or thereat.

7-410. Regulations governing storing, locating or display of fireworks. Placing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within twenty-five (25)

feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "FIREWORKS -NO SMOKING WITHIN 25 FEET" in letters not less than four (4) inches high.

(1) No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers.

(2) No fireworks shall be stored, placed, located, sold or traded within fifty (50) feet of any other building, nor within one hundred (100) feet of a retail gasoline sales outlet (service station, market, or other such facility) or bulk petroleum storage or distribution facility. All measurement shall be from building-to-building, and not from property line-to-property line.

(3) The physical site proposed for the location of storage, placement or sale of permissible fireworks shall require the prior approval of the town fire marshal and the town chief of police previous to the issuance of any required permits and licenses.

7-411. Unlawful acts in the sale and handling of fireworks. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years, or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum, public school, or place where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within, or throw the same from a motor vehicle while within; nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of persons.

7-412. 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 illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, or of the State of Tennessee or to the peace officers of the town or of the state, 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, providing the purchaser shall first secure a written permit to purchase and use fireworks for agricultural purposes only from the town fire marshal, and the state fire marshal, after approval of the county agricultural agent of Carroll County, Tennessee, and said fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the town and the state.

7-413. Penalty for violation. Notwithstanding any penalty for conviction of any applicable state law or regulation of the State of Tennessee, 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 of not less than twenty dollars (\$20.00), nor more than fifty dollars (\$50.00). Each day that any violation of the provisions of this chapter continues shall be a separate triable offense.

7-414. Seizure and destruction of fireworks. The town fire marshal shall seize as contraband, any fireworks other than "Class C Common Fireworks" as defined in § 7-405 hereof, and Tennessee Code Annotated, § 68-104-108, or "Special Fireworks" for public displays as provided in § 7-407 of this chapter, which are sold displayed, used or possessed in violation of this chapter. The town fire marshal is authorized to destroy any fireworks so seized.

7-415. Requirements or compliance with state regulations not affected. This chapter shall in no wise affect the validity of any law or regulation promulgated by the State of Tennessee or by the fire marshal thereof, as relates to the control and regulation of the manufacture, sale or use of fireworks within the State of Tennessee. It is the intent of this chapter to authorize the public display, sale and use of such fireworks within the corporate limits of the Town of Bruceton in accordance with the applicable state regulations, as augmented by the rules and regulations of the Town of Bruceton.

The enforcement of this regulation shall be the responsibility of the fire marshal of the Town of Bruceton.