

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE CODE.
2. FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE TOWN LIMITS.
4. FIREWORKS.

CHAPTER 1

FIRE CODE

SECTION

- 7-101. Fire code adopted.
- 7-102. Enforcement.
- 7-103. Definition of "municipality."
- 7-104. Storage of explosives, flammable liquids, etc.
- 7-105. Gasoline trucks.
- 7-106. Variances.
- 7-107. Violations.

7-101. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,² 1994 edition with 1995 revisions, as recommended by the Southern Building Code Congress International, Inc. 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. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1981 Code, § 7-201, modified)

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

7-102. 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. (1981 Code, § 7-202)

7-103. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Hornbeak, Tennessee. (1981 Code, § 7-203)

7-104. Storage of explosives, flammable liquids, etc. The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, are hereby declared to be the fire limits.

The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits.

The limits referred to in § 906.1 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.

The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits. (1981 Code, § 7-204)

7-105. 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. (1981 Code, § 7-205)

7-106. Variances. The chief of the fire department may recommend to the governing body 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 governing body. (1981 Code, § 7-206)

7-107. 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 governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code

shall not be held to prevent the enforced removal of prohibited conditions. (1981 Code, § 7-207)

CHAPTER 2

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 fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the governing body and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1981 Code, § 7-301)

7-202. Objectives. The 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. (1981 Code, § 7-302)

7-203. Organization, rules, and regulations. The chief of the 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 fire department. (1981 Code, § 7-303)

7-204. Records and reports. The chief of the 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 such matters to

¹Municipal code reference

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

the mayor once each month, and at the end of the year a detailed annual report shall be made. (1981 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 governing body. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the governing body.

All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe. (1981 Code, § 7-305)

7-206. Chief responsible for training and maintenance. The chief of the 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. (1981 Code, § 7-306)

7-207. 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. (1981 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. Equipment will be used in town limits as first priority. One fire truck will remain in town limits at all times for handling of town fires. The remaining trucks can be used for rural fires or fulfilling mutual aid agreements. Rural fires can be answered within an approximate five (5) mile radius of the town. Half of the firemen will remain in the town during a rural fire call. This will be conducted by senior fireman answering call. (1981 Code, § 7-307)

CHAPTER 4

FIREWORKS

SECTION

7-401. Seasonal sale permitted.

7-402. Rules and regulations.

7-403. Penalty for violation.

7-401. Seasonal sale permitted. It shall be lawful for fireworks as hereinafter defined to be sold within the Corporate Limits of the Town of Hornbeak from June 20 through July 5, and from December 10 through January 2 of each year. Fireworks permitted to be sold include those items classified as D.O.T. Class C common fireworks and those items that comply with the construction chemical composition and labeling regulations promulgated by the U.S. Consumer Product Safety Commission and permitted for use by the general public under their regulations, subject, however, to the provisions of Tennessee Code Annotated, § 68-104-101, and subject to such rules and regulations as the town may require and impose.

All persons engaged in the seasonal retailing of fireworks shall pay to the Town of Hornbeak a permit fee of \$20.00 for each seasonal year defined as June 20 through July 5 or December 10 through January 2 of each year. (Ord. #92-1, _____)

7-402. Rules and regulations. The fire chief of the Town of Hornbeak, Tennessee, and his or her representatives shall have the power to adopt rules and regulations for the storage, location, display, and sale of fireworks in the interest of safety of the citizens of Hornbeak.

Such rules and regulations shall include all those specified at Tennessee Code Annotated, § 68-104-111, and the prohibitions included in Tennessee Code Annotated, § 68-104-112, as the statutes exist as of April 1991, regardless of whether such subsections are later revoked, rescinded, or amended.

In addition to the rules and regulations specified herein, the fire chief of the Town of Hornbeak shall require all seasonal retailers desiring to sell fireworks to maintain a permanent structure with such safety equipment as may be required to assure the safety and for the benefit of the citizens of Hornbeak. No tents, trailers, or temporary structures of any kind will be permitted.

All locations shall be approved by the fire chief and the fire chief shall require that fireworks will only be sold from stationary, permanent structures and shall not permit sales from tents, open buildings, trailer, mobile or motor homes, or any other transient structure. (Ord. #92-1, _____)

7-403. Penalty for violation. Any individual violating any provision of this chapter shall be guilty of a misdemeanor punishable pursuant to Tennessee Code Annotated, § 68-104-114.

The fire chief of the Town of Hornbeak is further authorized to seize and contraband and destroy fireworks which do not comply with the provisions defining allowable fireworks contained in this chapter pursuant to the provisions of Tennessee Code Annotated, § 68-104-115. (Ord. #92-1, _____)