

## TITLE 7

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

#### CHAPTER

1. GENERAL PROVISIONS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. SALE AND USE OF FIREWORKS.

#### CHAPTER 1

#### GENERAL PROVISIONS

#### SECTION

7-101. Fire districts described.

**7-101. Fire districts described.** The corporate fire districts within the meaning of section 301.1 of the building code shall be as follows:

(1) The following defined areas shall constitute the first fire districts:

(a) Beginning at the Northwest corner of the City Fire Department Lot on the South side of Main Street; thence North to the North side of Main Street; thence West to the East side of 10th Avenue; thence North to the South side of Crenshaw Street; thence East with the South side of Crenshaw Street and continuing East with an alley to Dunlap's East line; thence North with Dunlap's East line to the South side of Osborne Street; thence East with the South side of Osborne Street to Central Avenue; thence South with the West side of Central Avenue to the North side of Burrow Street; thence West with Burrow Street to the Southeast corner of the Fire Department Lot; thence West to the Southwest corner of the Fire Department Lot; thence North to the beginning.

(b) Being three blocks in the Crossing Section of Humboldt, bounded on the South by Front Street; on the West by G.M. & O. Railroad; on the North by Vine Street; and on the East by L. & N. Railroad.

(c) Twenty-second Avenue from Mitchell Street to Farrell Street including a strip 100 feet East of, adjacent to and parallel to 22nd Avenue; and including a strip 100 feet wide West of, adjacent to and parallel to 22nd Avenue.

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

(2) The following defined areas, except the areas therein included and designated in § 7-101(1) as the first fire districts, shall constitute the second fire districts:

(a) Beginning at the intersection of Central Avenue and the G.M. & O. Railroad, thence Northwest with the G.M. & O. Railroad to Penn Street; thence West with Penn Street to a point 100 feet West of 7th Avenue; thence North and parallel with 7th Avenue to Main Street; thence East with Main Street to 7th Avenue; thence Northwest with 7th Avenue to Crenshaw Street; thence Northwest with G.M. & O. Railroad to Osborne Street; thence East with Osborne Street to 16th Avenue; thence South with 16th Avenue to Penn Street; thence West with Penn Street to Central Avenue; thence South with Central Avenue to the G.M. & O. Railroad, the beginning.

(b) Beginning in the center of the G.M. & O. Railroad at a point 100 feet North of Vine Street; thence East and parallel to Vine Street to 12th Avenue; thence Southeast with 12th Avenue crossing the L. & N. Railroad, to Mitchell Street; thence South with 12th Avenue to Maple Street; thence West with Maple Street to G.M. & O. Railroad and L. & N. Railroad Crossing; thence North with G.M. & O. Railroad to beginning.

(3) Sections 7-101(1) and (2) above shall constitute the fire districts within the meaning of section 301. 1 of the building code of the City of Humboldt, Tennessee and all other areas shall constitute the outer fire districts. (1980 Code, § 7-101)

**CHAPTER 2****FIRE CODE****SECTION**

- 7-201. Fire code adopted.
- 7-202. Fire districts.
- 7-203. Modifications.
- 7-204. Violations.
- 7-205. Fire lanes.
- 7-206. Notice and hearing.
- 7-207. Establishment and erection of signs.
- 7-208. Appeal.
- 7-209. Violations.

**7-201. 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 International Fire Code,<sup>1</sup> 2006 edition, and the NFPA 101 Life Safety Code (NFPA 101), 2006 edition,<sup>2</sup> as prepared and published by the National Fire Protection Association, are 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 code and life safety code have been filed with the mayor and are available for public use and inspection. Said fire codes are adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1980 Code, § 7-201, as amended by Ord. #2000-01, March 2000, and Ord. #2010-03, May 2010)

**7-202. Fire districts.** Any limits referred to in the National Fire Codes in which storage of explosives and blasting agents is prohibited, or in which storage of flammable liquids in above ground tanks is prohibited, or in which other fire prevention measures are required, are hereby declared to be the fire limits set forth in § 7-101 of this code. (1980 Code, § 7-202)

**7-203. Modifications.** Any penalty clauses in the fire codes are hereby deleted. (1980 Code, § 7-203)

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

<sup>2</sup>This code may be ordered from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

**7-204. Violations.** It shall be unlawful for any person to violate any of the provisions of the fire codes hereby 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 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. (1980 Code, § 7-204)

**7-205. Fire lanes.** The fire chief is hereby empowered to establish areas in which vehicles are not permitted to be left standing or parked on private property within the corporate limits of the City of Humboldt on which two or more business houses or more than two residential housing units are located, when he deems that vehicles standing or parked in such areas would hinder the extinguishment of fires in such areas. (1980 Code, § 7-205)

**7-206. Notice and hearing.** Before such areas are so established, however, the fire chief shall give at least one of the owners of said property written notice of his intention to do so and said notice shall be served on said owner or owners by certified or registered mail addressed to the last known address of said owner or owners.

Said notice shall set forth the area to be established, the reason therefor, and shall set a time, date, and place in which the property owner or owners may be afforded a hearing, which hearing shall be held not less than ten (10) days from the date of the mailing of the notice herein provided. (1980 Code, § 7-206)

**7-207. Establishment and erection of signs.** After said hearing, should the fire chief determine that the safety of the improvements on the property and the safety of persons using said property require that "no parking zones" be established, he shall notify at least one owner in writing. If no appeal from owner is taken as provided in § 7-211 within ten (10) days from the mailing of said notice, he is empowered to erect signs or some other clear notice to vehicles using the area that no standing or parking is permitted, and after the erecting of said notice, no standing or parking of vehicles shall be permitted. (1980 Code, § 7-207)

**7-208. Appeal.** Upon protest by a property owner upon the establishment of a no standing or parking area by the officer provided for in § 7-205, such property owner may appeal the decision to the board of mayor and aldermen. A hearing of such an appeal shall be held by the board at the first meeting of the board which is held after thirty (30) days of the notice of the decision from the hearing provided in § 7-205. (1980 Code, § 7-208)

**7-209. Violations.** Any person allowing a vehicle to stand or park in a no standing or parking area established by the provisions of § 7-210 shall be guilty of a misdemeanor. (1980 Code, § 7-209)

## CHAPTER 3

### FIRE DEPARTMENT<sup>1</sup>

#### SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Chief to be assistant to state officer.

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1980 Code, § 7-301)

**7-302. 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. (1980 Code, § 7-302)

**7-303. 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. (1980 Code, § 7-303)

**7-304. 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

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<sup>1</sup>Municipal code reference

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

to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1980 Code, § 7-304)

**7-305. Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend 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 board of mayor and aldermen.

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. (1980 Code, § 7-305)

**7-306. Chief responsible for training.** The chief of the fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1980 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 insurance and banking 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. (1980 Code, § 7-307)

## CHAPTER 4

### SALE AND USE OF FIREWORKS

#### SECTION

7-401. Seasonal sale permitted.

7-402. Prohibition on the discharge of fireworks within the city.

7-403. Rules and regulations.

7-404. Penalty for violation.

**7-401. Seasonal sale permitted.** It shall be unlawful for fireworks as hereinafter defined to be sold within the Corporate Limits of the City of Humboldt, unless all of the following conditions are satisfied:

(1) The fireworks being sold are D.O.T. Class C fireworks as defined in Tennessee Code Annotated, § 68-104-01 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 city may require and impose; and

(2) The sale of any fireworks occurs within the following date and time limitations:

(a) Between the hours of 12:00 noon and 10:00 P.M. on June 26th through July 5th, except on the evening of July 4th when fireworks may be sold between the hours of 12:00 noon and 12:00 midnight; or

(b) Between the hours of 12:00 noon and 10:00 P.M. on December 18th through January 2nd, except on the evening of December 31st when fireworks may be sold between the hours of 12:00 noon and 12:00 midnight; and

(3) Each business or person engaged in the seasonal sale of fireworks has paid to the City of Humboldt a permit fee of twenty dollars (\$20.00) for each seasonal year defined as June 26th through July 5th or December 18th through January 2nd of each year. (Ord. #91-05, April 1991, as replaced by Ord. #2004-07, Dec. 2004)

**7-402. Prohibition on the discharge of fireworks within the city.**

Notwithstanding any implications that may arise from any provision of this chapter that allows the sale of fireworks within the City of Humboldt on certain dates and times, it shall be unlawful for any person to fire, set off, shoot, discharge or explode any fireworks within the corporate limits at any place or time within the City of Humboldt.

This chapter shall not apply to the possession and use of fireworks for public displays by holders of a permit for public display to be conducted in accordance with the rules and regulations promulgated by the state fire

marshal. (Ord. #91-05, April 1991, as replaced by Ord. #2004-07, Dec. 2004, Ord. #2012-05, Dec. 2012, and Ord. #2013-01, April 2013)

**7-403. Rules and regulations.** The Fire Chief of the City of Humboldt, 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 Humboldt.

Such rules and regulations shall include all those specified in Tennessee Code Annotated, § 68-104-111 and the prohibitions included in Tennessee Code Annotated, § 68-104-112 as the statutes exist as of October, 2004, regardless of whether such subsections are later revoked, rescinded, or amended.

All structures from which fireworks are sold shall be approved by the fire chief. However, fireworks shall be sold only from permanent stationary structures. No fireworks shall be sold from tents, open buildings, trailers, mobile or motor homes, or any other transient structure, in addition, all structures from which fireworks are sold shall be equipped with such safety equipment, in addition to that required by the fire code adopted by this municipal code, as the fire chief determines is required to secure the safety of the citizens of this city. (Ord. #91-05, April 1991, as replaced by Ord. #2004-07, Dec. 2004)

**7-404. Penalty for violation.** Any person violating any provision of this chapter shall be guilty of a civil offense, which shall be punishable by a civil penalty of fifty dollars (\$50.00).

The fire chief of the City of Humboldt is further authorized to seize as contraband and destroy fireworks that do not comply with the provisions defining allowable fireworks contained in this chapter pursuant to the provisions of Tennessee Code Annotated, § 68-104-115. (as added by Ord. #2004-07, Dec. 2004)