

TITLE 7

FIRE PROTECTION, FIREWORKS, AND EXPLOSIVES

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. (Reserved for future use.)

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted; chapter 17 "Fireworks" deleted.
 7-202. Enforcement.
 7-203. Definitions.
 7-204. Storage of explosives, flammable liquids, etc.
 7-205. Gasoline trucks.
 7-206. Variances and appeals.
 7-207. Violations.
 7-208. Fire hydrants.

7-201. Fire code adopted; chapter 17 "Fireworks" deleted. Pursuant to authority granted by Tennessee Code Annotated, sections 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 1982 edition, with 1984 amendments as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included herein as a part of this code.³ Pursuant to the requirement of Tennessee Code Annotated, section 6-54-502, three (3) copies of said fire prevention code have been filed with the city recorder and are 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 except chapter 17 titled "fireworks" which is deleted from said code.⁴

¹See title 4 in this code for the building and housing codes.

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

³Selected charter references:
 Authority for establishments of fire regulations:
 Art. I, sec. 1.04(5).
 Procedure for adoption of standard codes:
 Art. II, sec. 2.06.

⁴See chapter 4 of this title for provisions governing fireworks within the corporate limits.

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.¹

7-203. Definitions. Wherever the following words are used in the fire prevention code adopted herein they shall have the meaning indicated:

(1) "Building official" shall mean the building inspector of the City of Kenton.

(2) "Fire official" shall mean the chief of the fire department of the City of Kenton.

(3) "Governing body" shall mean the board of mayor and aldermen of the City of Kenton.

(4) "Law enforcement department" shall mean the police department of the City of Kenton.

7-204. Storage of explosives, flammable liquids, etc.

(1) The district referred to in section 16.105(b) of the fire prevention code, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code

(2) The district referred to in section 20.201(a) of the fire prevention code, in which storage of flammable liquids in outside above ground tanks is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

(3) The district referred to in section 20.601 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

(4) The district referred to in section 25.04(a) of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in section 7-101 of this code.

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.

7-206. Variances and appeals. The board of appeals and adjustments established pursuant to the Standard Fire Prevention Code, chapter 2, shall decide all requests for

¹Selected charter references:

Authority for establishments of fire regulations:

Art. I, sec. 1.04(5).

Procedure for adoption of standard codes:

Art. II, sec. 2.06.

variances from, and appeals of, the application of said code in accordance with the rules and procedures set forth in said chapter 2.

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code 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 appeal and adjustments 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.

7-208. Fire hydrants. It shall be unlawful for any unauthorized person to open or close or in any other manner tamper with any fire hydrant or any other of the valves or fixtures owned and controlled by the City of Kenton and connected to and used in the operation of the municipal water system. Permission to do any of the above acts may be obtained in writing from the fire chief or the head of the water department.

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and composition.
- 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 and maintenance.
- 7-307. Equipment to be used only within corporate limits generally.
- 7-308. Chief to be assistant to state officer.

7-301. Establishment, equipment, and composition.² There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen of the city. 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 mayor and fire commissioner and such number of physically-fit subordinate officers and firemen as the mayor and fire commissioner shall appoint, subject to the approval of the board. (1953 code, ch. 10, sec. 1 and 5, modified)

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.

¹For special privileges with respect to traffic, see title 9, chapter 1, in this code.

²Selected charter references:
 Establishment; leadership - Art. III, sec. 3.01(c).
 Personnel actions - Art. III, sec. 3.07.

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, have control over all volunteer firemen and other officers and employees constituting 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, all under the supervision of the fire commissioner. (1953 code, ch. 10, sec. 2, modified)

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 to the mayor and fire commissioner once each month, and at the end of the year a detailed annual report shall be made.

7-305. Tenure and composition of members. Any member of the volunteer fire department may be removed or suspended for any of the following actions:

- (1) Insubordination or disrespect toward his supervisor.
- (2) Oppression and tyranny over those under his control.
- (3) Neglect of duty.
- (4) Violation of the rules governing the fire department.
- (5) Immoral conduct, drinking when on duty, drunkenness or other conduct unbecoming a fireman or gentleman.
- (6) Any legal offense.
- (7) Any conduct injurious to the peace or welfare of the public.
- (8) Incapacity, mental or physical.

In the interest of the maintenance of discipline the chief shall have the authority to suspend any member of the fire department for the above reasons when he deems such action to be necessary to the good of the department. The chief and any other member of the department may be suspended or dismissed by the mayor or by the fire commissioner for the above reasons. Consistent with the charter all suspensions and dismissals under this section shall be subject to the approval of the board of mayor and aldermen.¹ All personnel of the fire department shall receive such compensation for their service as the board of mayor and aldermen may from time to time prescribe. (1953 code, ch. 10, sec. 3 and 6; sec. 7, modified)

7-306. 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

¹Selected charter reference:

Suspension and dismissal of city personnel - Art. III, sec. 3.07.

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.

7-307. Equipment to be used only within corporate limits generally.¹ No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless such fire is on city owned property or, in the opinion of the fire commissioner or chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger such city property or unless expressly authorized in writing by the board of mayor and aldermen.

7-308. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, section 68-17-108 the chief of the fire department is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 17 and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

¹Selected charter reference:
Use of equipment outside corporate limits - Art. I,
sec. 1.04(5).

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Sale of fireworks legal; conditions.
7-402. Permit to sell fireworks - application and standards
for issue.
7-403. Use of fireworks legal; conditions.
7-404. Violations.

7-401. Sale of fireworks legal; conditions. It shall be legal to sell fireworks within the corporate limits of Kenton, provided that:

(1) The sale is made by a merchant holding a valid permit issued by the city to sell fireworks.

(2) The sale is conducted according to the restrictions and conditions contained in Tennessee Code Annotated, title 68, chapter 22 which is adopted by reference and made a part of this chapter as if fully set out herein except that Tennessee Code Annotated, section 68-22-112 is modified to the extent that it shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of twelve (12) years. (ord. passed Jan. 6, 1981, sec. 1, modified)

7-402. Permit to sell fireworks - application and standards to issue. An application for a permit to sell fireworks shall be made to the city recorder on forms provided by the city for that purpose. Applications for a permit shall be accompanied by a fee of five dollars (\$5.00). Applicants shall certify that they will conduct the sale of fireworks strictly in accordance with Tennessee Code Annotated, title 68, chapter 22, the Kenton Municipal Code and any other ordinances governing the sale of fireworks. Before a permit is issued the fire chief shall inspect the premises where the fireworks are to be sold to insure that it complies with said provisions of the Tennessee Code Annotated. (ord. passed Jan. 6, 1981, sec. 1, modified)

7-403. Use of fireworks legal; conditions. It shall be legal to discharge fireworks within the corporate limits of Kenton, provided:

(1) The discharge is conducted only on private property.

(2) The person discharging the fireworks has permission of the owner of the property in question to discharge the fireworks.

(3) The person discharging the fireworks discharges only those fireworks and under the condition for which permission was given.

(4) The discharge is done in such a manner as not to constitute a nuisance.

(5) The discharge conforms to the limitations and restrictions contained in Tennessee Code Annotated, title 68, chapter 22. (ord. passed Jan. 6, 1981, sec. 2, modified)

7-404. Violations. It shall be unlawful for any person to violate any provision of this chapter. Violators shall be subject to punishment under the general penalty provision of this code.

(RESERVED FOR FUTURE USE)