

## TITLE 7

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

## CHAPTER

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

## CHAPTER 1

FIRE DISTRICT<sup>2</sup>

## SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits or district shall be and include all the areas of the town zoned as business districts. (1982 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

Fire and flushing hydrants: title 18, chapter 7.

<sup>2</sup>The significance of the fire limits is that Chapter 30 of the Standard Building Code, applicable to the Town of Newbern through title 12 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits Hazardous (Group H) occupancies within the fire district. Chapter 4, Section 408 of the Standard Building Code defines Hazardous (Group H) occupancy in both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials.

## CHAPTER 2

FIRE CODE<sup>1</sup>

## SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of municipality.
- 7-204. Gasoline trucks.
- 7-205. Variances.
- 7-206. Violations and penalties.

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 Standard Fire Prevention Code,<sup>2</sup> 1997 edition with 1992 revisions as recommended by the Southern Standard 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 town 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. (1982 Code, § 7-201, modified, as amended by Ord. #98-13, Nov. 1998)

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. (1982 Code, § 7-202)

7-203. 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 Newbern, Tennessee. (1982 Code, § 7-203)

7-204. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business districts or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1982 Code, § 7-204)

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<sup>1</sup>Municipal code reference  
Building, utility and housing codes: title 12.

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

7-205. Variances. The chief of the fire department may recommend to the board of mayor and aldermen 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 board of mayor and aldermen. (1982 Code, § 7-205)

7-206. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard 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 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. (1982 Code, § 7-206)

## 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 and maintenance.

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 and remain the property of the town. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the board of mayor and aldermen may approve upon recommendation of the chief. (1982 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. (1982 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. (1982 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 to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1982 Code, § 7-304)

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<sup>1</sup>Municipal code reference

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

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 or discharge any other member of the fire department when he deems such action to be necessary for the good of the department.

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

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 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)

7-307. 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 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 4

FIRE SERVICE OUTSIDE TOWN LIMITS

## SECTION

7-401. Use of equipment outside corporate limits.

7-401. Use of equipment outside corporate limits. Equipment of the fire department may be used outside the corporate limits to provide fire protection to rural water customers. For this protective service a monthly charge, as set by the board of mayor and aldermen, will be added to the bill of the rural water customers. For all other residents inside the general area of the rural water system a dollar amount per call, as established by the board, will be charged. (1982 Code, § 7-307)

## CHAPTER 5

FIREWORKS

## SECTION

- 7-501. Fireworks defined.
- 7-502. Unlawful to sell, give away, manufacture, etc.
- 7-503. Use of fireworks restricted.
- 7-504. Occupants of automobiles deemed guilty.
- 7-505. Use by railroads, etc.
- 7-506. Controlled fireworks displays.
- 7-507. Code modifications.

7-501. Fireworks defined. The word "fireworks" as used herein is defined as any device or article containing explosive substances which, when fired, shot, or exploded makes a noise or produces a flare or colored lights, and said term "fireworks" shall be deemed to include, but shall not be limited to the following: Fire crackers, squibbs, Roman candles, sky rockets, Daygo bombs, sparklers, torpedoes, or any other devices or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, conflagration or detonation. (1982 Code, § 7-401)

7-502. Unlawful to sell, give away, manufacture, etc. It shall be unlawful to manufacture, display, sell, offer for sale, give away for the purpose of evading the term "sell" or store in commercial quantities fireworks within the corporate limits of the Town of Newbern. (1982 Code, § 7-402)

7-503. Use of fireworks restricted. It shall be unlawful for any person to fire, set off, shoot, discharge, or otherwise explode any fireworks within the corporate limits of the Town of Newbern, except that it is permissible for persons to fire, set off, shoot, discharge or otherwise explode fireworks at their residences providing that the igniting and final firing or exploding is done entirely within the property lines of the person doing the firing and provided that such firing is not objectionable to or does not create a nuisance insofar as other residences of the neighborhood are concerned. Streets, roadways, and alleys maintained by the State of Tennessee or the Town of Newbern and sidewalks adjacent to the property from which fireworks are being exploded or fired are to be construed as outside the property lines of the person exploding fireworks, it being the intent of this chapter to prohibit the use of fireworks on all public streets, roadways, alleys and sidewalks within the Town of Newbern. (1982 Code, § 7-403)

7-504. Occupants of automobiles deemed guilty. Should fireworks be exploded or shot or an attempt made to do so from an automobile, truck or any other propelled vehicle while same is being operated or stopped on any street, roadway, or alley maintained by the State of Tennessee or the Town of

Newbern, each occupant of said vehicle shall be guilty of a violation of this chapter. (1982 Code, § 7-404)

7-505. Use by railroads, etc. Nothing contained herein shall be construed as prohibiting the railroad or other transportation agencies from the use of fireworks for signal purposes or illumination. (1982 Code, § 7-405)

7-506. Controlled fireworks displays. Nothing contained herein shall be construed as preventing the state fire marshal from, in his discretion, upon application, issuing a permit to a properly qualified person for giving a pyrotechnic display of fireworks in a public park or open place. (1982 Code, § 7-406)

7-507. Code modifications. Any conflict between this chapter and the adopted fire prevention code shall be interpreted as having modified said fire prevention code so as to permit this chapter to control. (1982 Code, § 7-407)