

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as described in § 12-102 of this code. (1968 Code, § 7-101)

¹Municipal code reference
Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definitions.
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Appeals.
- 7-208. Penalties.
- 7-209. Testing and marking of hydrants.

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,² 1994 edition with 1995 revisions, 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. 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. (1968 Code, § 7-201, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. (1968 Code, § 7-202)

7-203. Definitions. (1) Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Lake City, Tennessee.

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.

(2) Wherever the term "Corporation Counsel" is used in the fire prevention code herein adopted, it shall be held to mean the city attorney for the City of Lake City, Tennessee.

(3) Wherever the term "Bureau of Fire Prevention" is used in the fire prevention code herein adopted, it shall be held to mean the fire department.

(4) Wherever the term "Chief of the Bureau of Fire Prevention" is used in the fire prevention code herein adopted, it shall be held to mean the chief of the fire department. (1968 Code, § 7-203)

7-204. 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 are prohibited, are hereby declared to be the first fire district as set out in § 12-102 of this code.

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 first fire district as set out in § 12-102 of this code.

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 first fire district as set out in § 12-102 of this code.

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 first fire district as set out in § 12-102 of this code. (1968 Code, § 7-204)

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. (1968 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and council 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 council. (1968 Code, § 7-206)

7-207. Appeals. Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued, the applicant may appeal from the decision of the chief of the fire department to the board of mayor and council

within thirty (30) days from the date of the decision appealed. (1968 Code, § 7-206.1)

7-208. Penalties. Any person who shall violate any of the provisions of the fire prevention code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder, or any certificates or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the board of mayor and council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of an offense, punishable, in the same manner as are other offenses, under the general penalty clause for the municipal code. Provided, that the imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. Provided further, that 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. (1968 Code, § 7-208)

7-209. Testing and marking of hydrants. NFPA 291, fire flow testing and marking of hydrants, is hereby adopted by reference and incorporated into this code as if it were set out at length herein and shall be controlling with the corporate limits. (Ord. #348, Nov. 1993)

CHAPTER 3

FIRE DEPARTMENT¹

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.
- 7-308. Fire hydrant standards.

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 council. 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 and such number of physically-fit subordinate officers and firemen as the board of mayor and council shall appoint. (1968 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. (1968 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. (1968 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

¹Municipal code reference

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

to the commissioner of public safety once each month, and at the end of the year a detailed annual report shall be made. (1968 Code, § 7-304)

7-305. Tenure and compensation of members. The chief and all other personnel in the fire department shall hold office so long as their conduct and efficiency are satisfactory to the board of mayor and council. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend without pay any member of the fire department for up to thirty (30) days 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 of mayor and council may from time to time prescribe. (1968 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 the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1968 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 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. (1968 Code, § 7-308)

7-308. Fire hydrant standards. Water mains and fire hydrants shall be installed in such a manner to provide adequate fire flows. All water mains shall be at least six inches in diameter. However, larger mains shall be installed when necessary to insure that a minimum of 500 gpm at 20 psi residential pressure is available at all fire hydrants. Based on the color coding system adopted in § 7-209, all "red" fire hydrants shall not be used for connecting a fire department pumper except in those instances where, in the judgement of the senior fire officer on the scene, there is an imminent threat to life. (Ord. #348, Nov. 1993)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS**SECTION**

7-401. Equipment to be used only within corporate limits generally.

7-401. 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 city 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 city as to endanger the city property or unless expressly authorized in writing by the board of mayor and council. (1968 Code, § 7-307)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Permits, necessity; regulations; display; nontransferable.
- 7-502. Business licenses not replaced by permit.
- 7-503. Application fee, duration of permit.
- 7-504. Responsibility for fireworks display.
- 7-505. Disposal of unfired fireworks.
- 7-506. Seizure of fireworks.
- 7-507. Storage, location and display of fireworks; protection of fuses.
- 7-508. Manufacture, sale of explosives is prohibited.
- 7-509. Exceptions.
- 7-510. Age limitations.
- 7-511. Fired fireworks.

7-501. Permits, necessity; regulations; display; nontransferable.

It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into the City of Lake City, except as herein provided any item of fireworks, without first having secured the required applicable permits as a manufacture, distributor, wholesaler or retailer, from the City of Lake City, Planning Commission, and the state fire marshal, possession of said permits being hereby made a condition prerequisite to manufacturing, selling or offering for sale, shipping or causing to be shipped any fireworks into the City of Lake City, except as herein provided. Permits are not transferable. (1968 Code, § 7-401, as replaced by Ord. #398, Nov. 2001)

7-502. Business licenses not replaced by permit. The issuance of the permit herein required by the City of Lake City shall not replace or relieve by any person, state, county or municipal business licenses as now or hereafter provided by law. (1968 Code, § 7-402, as replaced by Ord. #398, Nov. 2001)

7-503. Application fee, duration of permit. The application fee for the permit provided in § 7-501 shall be set by the board of mayor and council and shall be required for each application. The permit shall be valid for twelve (12) months.

(1) The fireworks permit may be issued after approval of the site plan or land use plan, by the planning commission that the property meets or exceeds the requirements for that zoning district and that the building meets minimum standards for the safe storage of fireworks.

(2) The structure has at least a four hour fire rating.

(3) The applicant is a state licensed retailer.

(4) Certification by the fire chief and the property maintenance officer that the operation meets minimum fire codes for safe operation. (1968 Code, § 7-403, as replaced by Ord. #398, Nov. 2001)

7-504. Responsibility for fireworks display. The permittee shall be held responsible for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors. (1968 Code, § 7-404)

7-505. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (1968 Code, § 7-405)

7-506. Seizure of fireworks. The chief of the fire department or any police having knowledge thereof shall seize, take, remove, or cause to be removed at the expense of the owner of all stocks or fireworks offered or exposed for sale, stored, or held in violation of this chapter. (1968 Code, § 7-406)

7-507. Storage, location and display of fireworks; protection of fuses. 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 fifty (50) 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" in letters not less than four (4) inches high. No fireworks shall be sold at retail at any location where paints, oils, or varnishes are for sale or use, unless such paints, oils, or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline, or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property. (1968 Code, § 7-407, as replaced by Ord. #398, Nov. 2001)

7-508. Manufacture, sale of explosives is prohibited. The manufacture of explosives is prohibited within the corporate limits of the city. It shall be unlawful for any person to store, offer for sale, sell, or activate any explosive device without proper notification of the chiefs of the police and fire departments and without first obtaining a city permit. The chiefs of the fire and police departments shall seize, take, remove, or cause to be removed at the expense of the owner any devices that, in their opinion, pose a hazard, or that is held in violation of the code. (1968 Code, § 7-408)

7-509. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. (1968 Code, § 7-409)

7-510. Age limitations. Fireworks will not be sold to anyone under age 18. (1968 Code, § 7-410)

7-511. Fired fireworks. Fireworks will not be shot where they will cause a public nuisance. (1968 Code, § 7-411)