

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.
7-102. Display of property numbers.

7-101. Fire limits described. The corporate fire limits shall be and include all that area of the city zones as the central business district. (1983 Code, § 7-101)

7-102. Display of property numbers. In an effort to aid emergency vehicles in locating various addresses in the City of Trenton, it shall be the duty of the owner or occupant of any improved property, residential or commercial, to procure the correct street number or numbers from the Trenton Utility Department and post them on said property in a manner as to be visible from the street on which the property is located. A violation of this section shall be a misdemeanor punishable by a fine of up to \$20.00. Each separate day such violations continue shall constitute a separate offense. (1983 Code, § 7-102)

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. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. 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 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, except Section 17.03 b. of Standard Fire Prevention Code, 1982 edition, which shall be deleted through "provided that" on line three so that 17.03 b. shall read as follows: "The Fire Official shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Fire Authority having jurisdiction, and shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person."³ Pursuant to the requirement of Tennessee Code Annotated,

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.

³Ordinance #110, of record in the recorder's office, provides that: Section 7-201 of the Trenton Municipal Code is revised by deleting § 17.03 b. of the Standard Fire Prevention Code wherein the same is contra to the following, and by adding the following paragraph:

"It is hereby permitted that fireworks, as allowed by the State of Tennessee, to be sold in the City of Trenton, Tennessee, on a seasonal
(continued...)"

§ 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. (1983 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. He shall have the same powers as the state fire marshal. (1983 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 City of Trenton, Tennessee. (1983 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 is prohibited, are hereby declared to be the fire limits as set out in § 7-101 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 fire limits as set out in § 7-101 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 fire limits as set out in § 7-101 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 fire limits as set out in § 7-101 of this code. (1983 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. (1983 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the city 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,

(...continued)

basis, may be used or expended in the City of Trenton, Tennessee, during the days the fireworks may be sold on a seasonal basis within said City; that is, for example, for 1985, from June 20 through July 5, 1985 and December 10, 1985 through January 2, 1986."

public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the city council. (1983 Code, § 7-206)

7-207. Violations. 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 taken; or fail to comply with such an order as affirmed or modified by the city council 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. (1983 Code, § 7-207)

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. Volunteer fire crew.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city 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 city council shall appoint. (1983 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. (1983 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. (1983 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 mayor once each month, and at the end of the year a detailed annual report shall be made. (1983 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 city council. 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 city council. Any fire personnel suspended or discharged has the right to appeal to city council.

All personnel of the fire department shall receive such compensation for their services as the city council may from time to time prescribe. (1983 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. The chief of the fire department shall arrange for each fireman to attend state or district fire schools of instruction as available. Fees, transportation and lodging shall be paid by the city upon presentation of valid receipts to the city recorder. (1983 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. (1983 Code, § 7-308)

7-308. Volunteer fire crew. A volunteer fire crew, not exceeding 25 in number, shall be established and shall be paid the prevailing rate as set by council for each fire and drill session attended. Volunteer firemen are not entitled to any regular city employee benefits. (Ord. #195, Nov. 1996)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Rural fire service.

7-401. Rural fire service. No fire equipment shall be used for fighting any fire outside the corporate limits of the city unless a rural fire service contract has been properly executed and filed with the city recorder. This contract will state that the property owner will be responsible for the seven hundred fifty dollar (\$750.00) fee and contains a certification of appropriate coverage by the insurance agent. The city fire department shall not answer any call for rural fire service if the property owner has failed to file a rural service contract, unless there is a life endangered or a request is made by the state highway patrol or the sheriff's department. The owner shall be billed the seven hundred fifty dollars (\$750.00) fee and if not paid the bill shall be referred to the city attorney for collection.

There is hereby established a rural fire service list which shall take effect July 1, 1985, with an annual charge of one hundred dollars (\$100.00) per house and/or barn, payable in advance, and no rural fire shall be attended by the Trenton Fire Department unless the same is on the rural fire list. No service shall be offered beyond a five (5) mile radius of the Gibson County Courthouse, as depicted on the official rural fire service map in the recorder's office in Trenton, Tennessee. (1983 Code, § 7-307, as replaced by Ord. #273, April 2012)

CHAPTER 5

FIREWORKS

SECTION

7-501. Definitions.

7-502. Permits.

7-503. Storage or display; smoking.

7-504. Children and minors; intoxicated persons; explosion or ignition; retail sales.

7-505. Penalties.

7-501. Definitions. As used in this chapter, unless the context otherwise requires:

(1) "D.O.T. Class C common fireworks" means all articles of fireworks as are now or hereafter classified a D.O.T. Class C common fireworks in the regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles;

(2) "Municipal permit" means the written authority of the City Recorder of the City of Trenton, Tennessee, issued under the authority of this chapter;

(3) "Permit" means the written authority of the state fire marshal issues under the authority of Tennessee Code Annotated, §§ 68-104-101, et seq.;

(4) "Person" means any individual, firm, partnership or corporation;

(5) "Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, copartnership, or one (1) or more individuals;

(6) "Seasonal retailer" means any person permitted under this chapter to engage in the business of making retail sales of fireworks within the City of Trenton, Tennessee, from June 27 through July 4. (as added by Ord. #254, June 2008, and amended by Ord. #295, June 2014)

7-502. Permits. It is unlawful for any person to sell or offer for sale any item of fireworks without first having secured the required applicable permit, as a seasonal retailer, from the state fire marshal and the required municipal permit from the Trenton city recorder.

A sales clerk must be on duty to serve consumers at the time of purchase.

Permits and municipal permits issued to seasonal retailers must be displayed. No municipal permit is transferable to another person or location, unless such transfer has been approved by the Trenton city recorder.

In addition to the fee for permits charged by the state fire marshal, the fee for the municipal permit shall be fifty dollars (\$50.00) for each day fireworks are sold by the seasonal retailer. (as added by Ord. #254, June 2008)

7-503. Storage or display; smoking. 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 ten (10) feet of where the fireworks are offered for sale is 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.

All firework devices that are readily accessible to handling by consumers or purchasers shall have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety-type thread-wrapped and coated fuses shall be exempt from this provision. (as added by Ord. #254, June 2008)

7-504. Children and minors; intoxicated persons; explosion or ignition; retail sales. To purchase any Class C common fireworks, a person must be at least sixteen (16) years of age. Any person sixteen (16) or seventeen (17) years of age who wishes to purchase Class C common fireworks must provide proof of age to the retailer or seasonal retailer by presenting a state-issued photo identification or be accompanied by an adult. It is unlawful to offer for retail sale or to sell any Class C common fireworks to any person under sixteen (16) years of age or to any intoxicated or irresponsible person.

It is unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, asylum, public school or within two hundred feet (200') of where fireworks are stored, sold, or offered for sale.

No person shall ignite or discharge any permissible articles of fireworks within or thrown any permissible articles of fireworks from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people.

It is unlawful to explode or ignite fireworks after 10:00 P.M.

It is unlawful to explode or ignite fireworks in city streets.

It is unlawful to explode or ignite fireworks except for the time periods set out in § 7-501(6).

Fireworks may only be exploded or ignited upon property owned by the consumer or upon property whose owner has given expressed permission.

No bottle rockets may be sold, exploded or ignited within the City of Trenton. (as added by Ord. #254, June 2008, and replaced by Ord. #289, June 2014)

7-505. Penalties. Violation of this chapter shall be punishable by a fine of fifty dollars (\$50.00) for each occurrence or as set out in Tennessee Code Annotated. (as added by Ord. #254, June 2008)