

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. MISCELLANEOUS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.
5. [REPEALED.]

CHAPTER 1

MISCELLANEOUS

SECTION

7-101. Fire district limits established; boundaries.

7-101. Fire district limits established; boundaries.² The fire district is established within the corporate limits and shall have the following boundaries:

Beginning at the intersection of Magnolia Avenue and Main Street, and running thence northwardly with Magnolia Avenue to West Second Street; thence eastwardly with West Second Street to Betsy Pack Drive; thence northwardly with Betsy Pack Drive to Fourth Street East; thence eastwardly with Fourth Street East to Phillips Street; thence southwardly with Phillips Street to Second Street East; thence eastwardly with Second Street East to Webb Place; thence southwardly with Webb Place to Griffith Street; thence westwardly on line crossing the L & N Railroad to Simpson Street; thence westwardly with Simpson Street to Oak Avenue; thence northwardly with Oak Avenue to Main

¹Municipal code reference

Building, utility and housing codes: title 12.

²The significance of the fire district is that Chapter III of the Standard Building Code, applicable to the Town of Jasper 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 IV, 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.

Street; thence westwardly with Main Street to the point of beginning.
(1983 Code, § 7-101)

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "authority having jurisdiction."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations and penalties.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,² 2006 edition, with all subsequent revisions and appendixes thereto, is hereby adopted by reference and is included as a part of this code. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-501, one (1) copy of the said International Fire Code, 2006 edition, has been filed with the recorder and is available for public use and inspection. Said International Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits, except the chapter on fireworks is deleted therefrom in its entirety.³ (Ord. # 179, July 1991, modified, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

7-202. Enforcement. The International Fire Code, 2006 edition, 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, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

7-203. Definition of "authority having jurisdiction." Whenever the words "authority having jurisdiction" are used in the International Fire Code, 2006 edition herein adopted, it shall be interpreted to mean the Town of Jasper,

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

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

³Municipal code reference
Fireworks: title 7, chapter 4.

Tennessee, with the enforcement officer being the Chief of the Fire Department of said Town of Jasper. (1983 Code, § 7-203, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

7-204. Storage of explosives, flammable liquids, etc. (1) The district referred to in the International Fire Code, 2006 edition, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this chapter.

(2) The district referred to in the International Fire Code, 2006 edition, 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 § 7-101 of this chapter.

(3) The district referred to in the International Fire Code, 2006 edition, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire district as set out in § 7-101 of this chapter.

(4) The district referred to in the International Fire Code, 2006 edition, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in § 7-101 of this chapter. (1983 Code, § 7-204, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

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, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

7-206. Variances. The chief of the fire department may recommend to the governing body variances from the provisions of the International Fire Code, 2006 edition, 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. (1983 Code, § 7-206, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

7-207. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code, 2006 edition herein adopted, or fail to comply therewith, or violate 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. (1983 Code, § 7-207, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Funding of volunteer fire department.
- 7-303. Objectives.
- 7-304. Fire chief and volunteers.
- 7-305. Compensation.
- 7-306. Organization, rules and regulations.
- 7-307. Records and reports.
- 7-308. Duration of service.
- 7-309. Chief responsible for training.
- 7-310. Chief to be assistant to state officer.
- 7-311. Personnel and equipment to be used only within corporate limits generally.

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 and from other contributions. All apparatus, equipment, and supplies of the fire department shall be purchased with the approval of the fire chief and authorized by the board of mayor and aldermen and shall be and remain the property of the town. (1983 Code, § 7-301, as replaced by Ord. #259, Aug. 2000)

7-302. Funding of volunteer fire department. The board of mayor and aldermen shall provide for the operations of the volunteer fire department in its annual budget. Any funds raised by the volunteer fire department, or by any individual or group of volunteer fireman, may be accepted by the board of mayor and aldermen, and may be used for purposes designated by the respective contributors. All equipment, materials, supplies, etc., purchased with contributed funds, shall become the property of the Town of Jasper, Tennessee. The board of mayor and aldermen may reject any gift or contribution it deems not to be in the best interest of the Town of Jasper. (1983 Code, § 7-302, as replaced by Ord. #259, Aug. 2000)

7-303. Objectives. The volunteer fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting;

¹Municipal code reference

For special privileges with respect to traffic, see title 15, chapter 2.

- (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;
- (7) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable;
- (8) To provide code enforcement and building inspections as directed by the town within adopted codes and ordinances;
- (9) To assist the Marion County Emergency Management Agency and to coordinate its activities therewith when deemed necessary;
- (10) To protect the health and safety of the citizens from the transportation, storage, or manufacturer of hazardous materials to the extent possible, that the level of equipment and training will allow;
- (11) To work with the water department to ensure that adequate water supplies for fire protection are available;
- (12) To provide public fire education materials and information to the citizens in the order that they may protect themselves from harm. (1983 Code, § 7-303, as replaced by Ord. #259, Aug. 2000; and amended by Ord. #264, Dec. 2000)

7-304. Fire chief and volunteers. The volunteer fire department shall be composed of a fire chief, appointed by the board of mayor and aldermen, and up to, but not to exceed three assistant fire chiefs, and up to, but not to exceed four line officers, and as many firemen as the fire chief deems is necessary for the operation of the department. The fire chief shall nominate and submit to the board of mayor and aldermen for approval, any officer nominated for a position, or any person joining the department. (1983 Code, § 7-304, as replaced by Ord. #259, Aug. 2000; and amended by Ord. #265, March 2001)

7-305. Compensation. The chief of the volunteer fire department shall be a full time employee of the Town of Jasper, who shall be compensated as a salaried employee as determined by the board of mayor and aldermen. All other personnel of the volunteer fire department shall receive such compensation for their services as the board of mayor and aldermen may, from time to time, determine appropriate. (1983 Code, § 7-305, as replaced by Ord. #259, Aug. 2000)

7-306. Organization, rules and regulations. The fire chief shall set up the organization of the department and shall formulate and enforce rules and regulations as necessary for the orderly and efficient operation of the department, which rules and regulations must be approved by the board of mayor and aldermen. It will be the fire chief's duty to make definite

assignments to individuals to enforce all rules and regulations as adopted by the board. (1983 Code, § 7-306, as replaced by Ord. #259, Aug. 2000; and amended by Ord. #265, March 2001)

7-307. Records and reports. The chief of the volunteer 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 board of mayor and aldermen once each month at its regularly held meeting, and at the end of the fiscal year, a detailed annual report shall be made. (1983 Code, § 7-307, as replaced by Ord. #259, Aug. 2000)

7-308. Duration of service. The fire chief shall hold office at the will of the board of mayor and aldermen. So that adequate discipline may be maintained, the fire chief may suspend any member of the department up to, but not to exceed, seventy-two (72) hours. Any suspension for a time period longer than seventy-two (72) hours shall be with the approval of the alderman in charge of the fire department, or in his absence, the mayor. Any such suspension must be for violation of the rules and regulations of the department, or for moral character misconduct. The person suspended shall be notified in writing at the time of the suspension. The fire chief may elect to give a written warning to a fireman rather than to suspend for a first time violation. No volunteer shall be discharged without approval of the board of mayor and aldermen. The fire chief may be suspended by the mayor, but may be dismissed only upon a majority vote of the board of mayor and aldermen. (1983 Code, § 7-308, as replaced by Ord. #259, Aug. 2000; and amended by Ord. #265, March 2001)

7-309. Chief responsible for training. The chief of the volunteer fire department shall be responsible for the training of the members of the fire department and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of mayor and aldermen. (as added by Ord. #259, Aug. 2000)

7-310. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108(b)(2), the chief of the volunteer 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 chapter 102 of title 68 of said Tennessee Code Annotated, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (as added by Ord. #259, Aug. 2000)

7-311. Personnel and equipment to be used only within corporate limits generally. No personnel and/or equipment of the fire department shall be used for fighting any fire outside the corporate limits unless such fire is on town

owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located with the town as to endanger such town property or unless authorized pursuant to a mutual aid firefighting agreement, which agreement has been approved by the municipal governing body. (as added by Ord. #259, Aug. 2000)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Manufacture prohibited.
7-402. Storage, sale and use restricted.
7-403. Special displays; permit required.
7-404. Exceptions.

7-401. Manufacture prohibited. It shall be unlawful for any person, firm, partnership or corporation to manufacture within the corporate limits of Jasper pyrotechnics, commonly known as fireworks, of any kind or description. (1983 Code, § 7-401)

7-402. Storage, sale and use restricted. It shall be unlawful for any person, firm, partnership or corporation to store or sell in, or ship into, the corporate limits of Jasper any pyrotechnics, commonly known as fireworks, except those fireworks classed as permissible fireworks in Tennessee Code Annotated, section 68-104-108. The storage and sale of permissible fireworks shall be subject to the following restrictions:

(1) The storage and sale of permissible fireworks is prohibited within the fire district described in section 7-101 of this title and shall be subject to the restrictions contained in the zoning ordinance for the Town of Jasper¹ and applicable building codes.

(2) Any person, firm, partnership or corporation desiring to store and sell fireworks within the corporate limits of Jasper shall make application for a permit to do so on forms provided for that purpose. The application shall be accompanied by a fee of ten dollars (\$10.00).

The application shall include the name of the person making the application, the firm, partnership, or corporation he represents, the business address of both the applicant and the partnership, firm, or corporation he represents, the address and description of the premises where the storage and sale of fireworks is contemplated and any other information the recorder deems pertinent to aid in the investigation of the application.

The recorder shall refer the application to the fire chief who shall interview the applicant and inspect the premises in which the storage and sale of fireworks is contemplated and make whatever additional investigation of the applicant or premises he deems appropriate to insure that the premises and its

¹Municipal code reference
Zoning ordinance: title 14.

operation by the applicant will not constitute a fire, explosion or similar safety hazard. The fire chief shall make a written report of his investigation to the recorder within 72 hours which shall indicate whether the application is approved or denied and shall clearly state the reasons for denial, if applicable. The report may also indicate a qualified approval based on authority which the fire chief shall have to impose reasonable restrictions on the applicant and/or premises.

If the fire chief approves the application the recorder shall issue a permit. If the fire chiefs approval is qualified, the restrictions and conditions imposed by the fire chief upon the applicant and/or premises shall be stated in writing in the permit. The permit shall not be transferable to any other person, firm, partnership, corporation or premise.

An applicant denied a permit or whose permit contains conditions and restrictions shall have the right of appeal to the board of mayor and aldermen within fourteen (14) days after the denial or the issuance of the permit containing conditions and restrictions by giving the recorder written notice of appeal. Pending appeal by a permit holder whose permit contains conditions and restrictions the permit holder shall abide by any and all conditions and restrictions contained in the permit.

(3) No fireworks shall be sold from a tent or other temporary structure that does not contain at least one thousand (1,000) square feet. Only retail sales will be permitted from such a structure. The retailer must further agree that there will be an employee/representative present at said location the entire twenty-four (24) hours of each day that fireworks are maintained at said location. The retailer shall further be required to agree to any such other requirements as may be placed upon said retailer by the Town of Jasper's Fire Chief.

(4) 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 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 kept in the original unbroken containers, nor where resin, turpentine, gasoline, or other inflammable substance which may generate inflammable vapors is used, stored, or sold.

(5) It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum, public school, or within two hundred (200) feet of where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any

ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people. (1983 Code, § 7-402, as amended by Ord. #326, June 2008)

7-403. Special displays; permit required. Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the state shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulation of the interstate commerce commission as "class B special fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such displays issued by the state fire marshal. Applications for permits for such public displays shall be made in writing at least ten (10) days in advance of the proposed display, and the application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives. The application shall so state and shall bear the signed approval of the chief supervisory officials of the fire and police departments of the town of Jasper. Permits issued shall be limited to the time specified therein, and shall not be transferable. Possession of special fireworks for resale to holders of a permit for a public fireworks display shall be confined to holders of a distributors permit only. (1983 Code, § 7-403)

7-404. Exceptions. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, or of this state or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser shall first secure a written permit to purchase and use fireworks for agricultural purposes only from the state fire marshal, after approval of the county agricultural agency of the county in which said fireworks are to be used and said fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferrable. (1983 Code, § 7-404)

CHAPTER 5

OPEN BURNING

This chapter was repealed by Ord. #267, March 2001. (as added by Ord. #251, Jan. 2000, and repealed by Ord. #267, March 2001)