

**TITLE 7**

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

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.
6. OPEN BURNING REGULATIONS.

**CHAPTER 1**

**FIRE DISTRICT**

**SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be the entire corporate limits of the City of Lafayette, Tennessee. (1973 Code, § 7-101)

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<sup>1</sup>Municipal code references

Building, utility and residential codes: title 12.

Fires in streets, etc.: § 16-112.

## CHAPTER 2

### FIRE CODE<sup>1</sup>

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Violations and penalties.
- 7-205. Fire lanes.
- 7-206. Classification of fire hydrants and color coding.

**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 National Fire Protection Association Code,<sup>2</sup> 2007 edition and the 2012 edition of the International Fire Code,<sup>3</sup> including Appendix Chapters B, C, E, F, are hereby adopted by reference and included as part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of each said codes has been filed with the city recorder and is available for public use and inspection. Said fire prevention codes are adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #545, Sept. 2008, as replaced by Ord. #682, April 2016)

**7-202. Enforcement.** The fire codes 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. (1973 Code, § 7-202)

**7-203. Definition of "municipality."** Whenever the word "municipality" is used in the fire codes herein adopted, it shall be held to mean the City of Lafayette, Tennessee. (1973 Code, § 7-203)

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<sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

<sup>3</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**7-204. Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the fire codes 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. (1973 Code, § 7-207)

**7-205. Fire lanes.** (1) All premises which the Lafayette Fire Department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are readily accessible to fire equipment and apparatus.

(2) Fire lanes shall be provided for all buildings which are set back more than one hundred fifty feet (150') from the public road or exceed thirty feet (30') in height and are set back over fifty feet (50') from a public road.

(3) The fire lanes shall be at least twenty feet (20') in width with the road edge closest to the building at least ten (10') feet from the building, and any dead-end road more than three hundred feet (300') long shall be provided with a turn around at the closed end, at least ninety feet (90') in diameter. The designation, use and maintenance of fire lanes on private property located in the City of Lafayette shall be accomplished as specified by the Lafayette Fire Chief or his duly authorized representative, and said designation shall be in compliance with the provisions and requirements of this section.

(4) All fire lanes designated as required by this section shall be marked by contrasting color and markings on the road or parking surface, and shall be designated as "fire lanes," and appropriate signs, permanently mounted, shall be marked and maintained by the owners of said private buildings, with each and every fire lane having a sufficient number of signs, as determined by the Lafayette Fire Chief, which shall state:

"NO PARKING - FIRE LANE"

(5) It shall be unlawful for any person to park motor vehicles on, or otherwise obstruct the use of any fire lane or lanes.

(6) Any person found guilty of parking a motor vehicle on, or otherwise obstructing a fire lane shall be fined an amount not to exceed fifty dollars (\$50.00) plus costs.

(7) Upon designation of an area as a fire lane, the Lafayette Fire Chief or his duly authorized representative, shall notify the property owner or

occupant of the need for a designated fire lane, and said property owner or occupant shall comply with said written designation and shall mark said fire lane and install the necessary signs within thirty (30) days from the receipt of written notification, or declared in violation of this section.

(8) Where the requirements of this section conflict with the National Fire Protection Association Code, the more stringent code shall apply.

(9) Failure of any property owner or occupant of real property which has been designated to be marked and used as a fire lane, as stated herein, shall be declared a violation of this section, and if found guilty a violator may be fined a sum not to exceed fifty dollars (\$50.00), for each violation, plus costs. (1973 Code, § 7-208)

**7-206. Classification of fire hydrants and color coding.** (1) Fire hydrants shall be classified and colored as follows:

(a) Class C hydrants (hydrant unable to deliver a flow of five hundred (500) gallons per minute at a residual pressure of twenty (20) pounds per square inch [psi]) shall have yellow barrels with red tops and red nozzle caps. Fire pumper trucks are prohibited from connecting to class C hydrants.

(b) Class B hydrants (hydrant delivers a flow of five hundred (500) to nine hundred ninety-nine (999) gallons per minute at a residual pressure of twenty (20) pounds per square inch, or greater) shall have the barrels painted chromium yellow, and all outlet caps and bonnets painted orange by 2010.

(c) Class A hydrants (hydrant delivers a flow of one thousand (1,000) to one thousand four hundred ninety-nine (1,499) gallons per minute at a residual pressure of twenty (20) pounds per square inch, or greater) shall have the barrels painted chromium yellow, and all outlet caps and bonnets painted green by 2010.

(d) Class AA hydrants (hydrant delivers a flow of greater than one thousand five hundred (1,500) gallons per minute at residual pressure of twenty (20) pounds per square inch, or greater) shall have the barrels painted chromium yellow, and all outlet caps and bonnets painted light blue by 2010.

All water mains designed for fire protection must be six inches (6") or larger and be able to provide five hundred (500) gallons per minute with twenty (20) pounds per square inch residual pressure.

(2) Any contractor that has installed a fire hydrant on a new water line extension or on an existing water line will be required to:

(a) Contact the City of Lafayette Fire Department to schedule a hydrant flow test to determine the color coding for said fire hydrant.

(b) Contractor will be responsible for color coding hydrants to meet the City of Lafayette code requirements. (1973 Code, § 7-209)

## 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.
- 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 governing body. 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 chief shall appoint. (1973 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. (1973 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. (1973 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

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<sup>1</sup>Municipal code reference

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

to the city council once each month, and at the end of the year a detailed annual report shall be made. (1973 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 governing body. Adequate discipline shall be maintained. However, any disciplinary action to be taken with regard to any firefighter shall follow those procedures as contained under the City of Lafayette Personnel Policies and Procedures, when such action is deemed to be necessary for the good of the department. (1973 Code, § 7-305, as replaced by Ord. #642, May 2013)

**7-306. Chief responsible for training.** 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. (1973 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. (1973 Code, § 7-308, modified)

## CHAPTER 4

**FIRE SERVICE OUTSIDE CITY LIMITS****SECTION**

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

7-402. Fee for outside fire calls.

7-403. Fee for inside and outside false alarms.

**7-401. Equipment to be used only within corporate limits generally.**<sup>1</sup> 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 mayor or 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 governing body. (1973 Code, § 7-307)

**7-402. Fee for outside fire calls.** The fee for answering fire calls outside the corporate limits of the City of Lafayette shall be five hundred dollars (\$500.00). (1973 Code, § 7-307.1, as replaced by Ord. #664, Jan. 2014)

**7-403. Fee for inside and outside false alarms.** The fee for answering false alarm fire calls inside and outside the corporate limits of the City of Lafayette for the first false alarm fire call shall be fifty dollars (\$50.00). Additional false alarm fire calls within a thirty (30) day period shall be one hundred dollars (\$100.00) fee per call. (as added by Ord. #664, Jan. 2014)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 58-8-101, et seq., the Mutual Aid and Emergency Disaster Assistance Agreement Act of 2004, which authorizes municipalities to respond to requests from other governmental entities affected by situations in which its resources are inadequate to handle. The act provides procedures and requirements for providing assistance. No separate mutual aid agreement is required unless assistance is provided to entities in other states, but a municipality may, by resolution, continue existing agreements or establish separate agreements to provide assistance. "Assistance" is defined in the act as "the provision of personnel, equipment, facilities, services, supplies, and other resources to assist in firefighting, law enforcement, the provision of public works services, the provision of emergency medical care, the provision of civil defense services, or any other emergency assistance one governmental entity is able to provide to another in response to a request for assistance in a municipal, county, state, or federal state of emergency."

## CHAPTER 5

### FIREWORKS

#### SECTION

7-501. Definitions.

7-502. Sale and discharge of fireworks within the city limits.

7-503. Prohibitions.

7-504. Fire chief to enforce this chapter.

7-505. Violations.

**7-501. Definitions.** (1) The term "fireworks" shall mean any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, and which meets the definition of "common" or "special" fireworks as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulations, title 49, Code of Federal Regulations, parts 173.88 and 173.100.

Exception No. 1: Toy pistols, toy canes, toy guns, or other devices in which paper and/or plastic caps manufactured in accordance with DOT regulations, 49 CFR 173.100 (p), and packed and shipped according to said regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times.

Exception No. 2: Model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models are not considered to be fireworks. (See NFPA 122, Code for Unmanned Rockets.)

Exception No. 3: Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as being designed for producing audible effects.

Exception No. 4: Items described in (2)(e), are not considered to be common fireworks.

(2) The term "common fireworks" shall mean any small firework device designed primarily to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in title 16, Code of Federal Regulations, part 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing fifty (50) mg or less of explosive composition, and aerial devices containing one hundred thirty (130) mg or less of explosive composition. Common fireworks are classified as Class C explosives by the U.S. Department of Transportation and include the following:

(a) Ground and hand-held sparkling devices. (i) Dipped stick; sparkler. Stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed one hundred (100) g per item. Those



devices containing any perchlorate or chlorate salts may not exceed five (5) g of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than one hundred (100) g of composition per item are not included in this category, in accordance with DOT regulations.

(ii) Cylindrical fountain. Cylindrical tube not more than three-quarters inch (3/4") (19 mm) inside diameter, containing up to seventy-five (75) g of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(iii) Cone fountain. Cardboard or heavy paper cone containing up to fifty (50) g of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

(iv) Illuminating torch. Cylindrical tube containing up to one hundred (100) g of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held.

(v) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six (6) "driver" units: tubes not exceeding one-half inch (1/2") (12.5 mm) inside diameter and containing up to sixty (60) g of pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(vi) Ground spinner. Small device similar to a wheel in design and effect and placed in the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(vii) Flitter sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(b) Aerial devices. (i) Sky rocket. Tube not exceeding one-half inch (1/2") (12.5 mm) inside diameter that may contain up to twenty (20) g of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

(ii) Missile-type rocket. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.

(iii) Helicopter, aerial spinner. A tube not more than one-half inch (1/2") (12.5 mm) inside diameter and containing up to twenty (20) g of pyrotechnic composition. A propeller or blade is

attached, which upon ignition lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(iv) Roman candle. Heavy paper or cardboard tube not exceeding three-eighths inch (3/8") (9.5 mm) inside diameter and containing up to twenty (20) g of pyrotechnic composition. Upon ignition, up to ten (10) "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(v) Mine, shell. Heavy cardboard or paper tube up to two and one-half inches (2 1/2") (63.5 mm) inside diameter attached to a wood or plastic base and containing up to forty (40) g of pyrotechnic composition. Upon ignition, "stars" [see (b)(iv) above], firecrackers [see (c)(i)], or other devices are propelled into the air. The tube remains on the ground.

(c) Audible ground devices. (i) Firecracker, salute. Small paper-wrapped or cardboard tube containing not more than fifty (50) mg of pyrotechnic composition. Upon ignition, noise and a flash of light are produced.

(ii) Chaser. Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed fifty (50) mg.

(d) Combination items. Fireworks devices containing combinations of two (2) or more of the effects described in (1), (2), and (3) above.

(e) Novelties and trick noisemakers. (i) Snake, glow worm. Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(ii) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white colored smoke as the primary effect.

(iii) Wire sparkler. Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed one hundred (100) g of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five (5) g of composition per item.

(iv) Trick noisemaker. Item that produces a small report intended to surprise the user. These devices include:

(A) Party popper. Small plastic or paper item containing not more than sixteen (16) mg of explosive composition that is friction sensitive. A string protruding

from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(B) Booby trap. Small tube with string protruding from both ends similar to a party popper in design. The ends of the string are pulled to ignite the friction-sensitive composition, producing a small report.

(C) Snapper. Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

(D) Trick match. Kitchen or book match that has been coated with a small quantities of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

(E) Cigarette load. Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

(F) Auto burglar alarm. Tube which contains pyrotechnic composition that produces a loud whistle and/or smoke when ignited. A small quantity of explosive, not exceeding fifty (50) mg, may also be used to produce a small report. A squib is used to ignite the device.

(3) The term "special fireworks" shall mean large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, firecrackers containing more than two (2) grains (130 mg) of explosive composition, aerial shells containing more than forty (40) g of pyrotechnic composition, and other display pieces which exceed the limits for classification as "common fireworks." Special fireworks are classified as Class B explosives by the U.S. Department of Transportation. (1973 Code, § 7-401)

**7-502. Sale and discharge of fireworks within the city limits.** No fireworks as defined in this chapter shall be sold within the City of Lafayette, Tennessee except from 8:00 A.M. on the 10th day of June to 11:00 P.M. on the 5th day of July, each, and from 8:00 A.M. on the 10th day of December to 11:00 P.M. on the 2nd day of January each. No fireworks may be sold between the hours of 11:00 P.M. and 8:00 A.M. The discharge of fireworks is prohibited except as hereinafter provided. The permissible time to discharge fireworks within the city limits shall be from July 3 through July 5 and from December 31 through January 2 of each year. The discharge of fireworks within the city limits shall not be allowed between the hours of 11:00 P.M. and 7:00 A.M. Persons or companies must discharge fireworks on their own property or on property on which the owner has given permission for the discharge of fireworks. The

discharge of fireworks should only be allowed within the corporate limits when a responsible adult is present at all times during the discharge of fireworks. All fireworks must be used and discharged in accordance with the fire codes adopted herein. (1973 Code, § 7-402)

**7-503. Prohibitions.** Nothing in this chapter shall be construed as prohibiting any of the following:

(1) The sale, at wholesale, of any fireworks for supervised displays by any resident manufacturer, wholesaler, dealer, or jobber, in accordance with the regulation of the U.S. Bureau of Alcohol, Tobacco, and Firearms. (See title 27, Code of Federal Regulations, part 181.)

(2) The sale, at wholesale, of any kind of fireworks by any resident manufacturer, wholesaler, dealer, or jobber, provided such fireworks are intended for shipment directly out of state in accordance with regulations of the U.S. Department of Transportation.

(3) The sale, and use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use.

(4) The use of fuses and railway torpedoes by railroads.

(5) The sale and use of blank cartridges for use in a show or theater or for signal or ceremonial purposes in athletics or sports.

(6) The use of any pyrotechnic device by military organizations.

(7) The use of fireworks for agricultural purposes under the direct supervision of the U.S. Department of the Interior or an equivalent state or local agency. [See title 16, Code of Federal Regulations, part 1500.17(a)(8).] (1973 Code, § 7-403)

**7-504. Fire chief to enforce this chapter.** The fire chief shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter. (1973 Code, § 7-404)

**7-505. Violations.** Any person, firm, copartnership, or corporation violating the provisions of this chapter shall be guilty of a misdemeanor. (1973 Code, § 7-405)

## CHAPTER 6

### OPEN BURNING REGULATIONS<sup>1</sup>

#### SECTION

- 7-601. Permit requirements.
- 7-602. Application process.
- 7-603. Fee schedule.
- 7-604. Safety restrictions.
- 7-605. Time limits.
- 7-606. Supervision.
- 7-607. Violation and penalty.

**7-601. Permit requirements.** (1) It shall be unlawful for any person, firm, corporation, association or others, to cause, suffer, allow or permit open burning of any kind without having first obtained a permit as herein required, and without complying with the provisions of this chapter. It shall also be unlawful to violate, or vary from the terms of any such permit, except as provided in subsection (2).

(2) Burning natural wood, brush, leaves and fires used for cooking food, ceremonial or recreational purposes, barbecues, outdoor fireplaces, and fires set for the training and instruction of firefighters, do not need a permit.

(3) This grant of exemption shall in no way relieve the person, firm, corporation, association or others from the consequences, damages, or claims resulting from such burning; nor relieve the person, firm, corporation, association or others from the responsibility of using fire safe practices or from getting a permit from any other agency that may require such.

(4) Open burning shall be allowed inside the corporate limits of the city when a valid permit has been obtained from the mayor, fire chief or designate.

(5) Open burning shall not be allowed on city streets or alleys. (1973 Code, § 7-501)

**7-602. Application process.** (1) Application for such permits shall be made to the fire chief, mayor or such person as designated to receive such applications, and shall state the following nonexclusive:

- (a) Location of the intended open burning;
- (b) Purpose;
- (c) Person, firm, corporation, association and/or others doing the actual specified work;

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<sup>1</sup>Municipal code reference

Smoke, soot, cinders, etc.: § 13-102.

(d) Name of the person, firm corporation, association or others for whom the work is being done;

(e) Hours of burning;

(f) Any other information as may be deemed by the mayor, fire chief or designate to be necessary to evaluate the permit application;

(g) Signature of applicant on agreement stating the applicant will comply with this municipal code and laws relating to the burning to be done, if applicable.

(2) The mayor, fire chief or designate will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the mayor, fire chief or designate, may issue an open burn permit written or verbally, subject to terms and conditions provided herein. (1973 Code, § 7-502)

**7-603. Fee schedule.** No fee shall be required to obtain an open burning permit. (1973 Code, § 7-503)

**7-604. Safety restrictions.** (1) Any person, firm, corporation, association or others requesting the permit shall be certain that no detriment to the public health or damage to the land, water or air will be caused.

(2) Any person, firm, corporation, association or others performing open burning shall do so according to the terms and conditions of the application and permit authorizing the burning to be done.

(3) Any person, firm, corporation, association or others shall be responsible for using fire safety practices and for getting a permit from any other agency that may require such.

(4) Fires should not be left unattended.

(5) No person, firm, corporation, association or others is in any way relieved from the consequences, damages, or claims resulting from such burning.

(6) The fire department shall have the authority to forbid, restrict, or suspend any and all burning when the fire chief, or the senior fire officer in charge, has determined that conditions are hazardous for outdoor fires. (1973 Code, § 7-504)

**7-605. Time limits.** (1) Any person, firm, corporation, association, or others performing open burning shall have all fires extinguished one (1) hour before dark unless § 7-601(2) is applicable and/or the fire department has previously been advised.

(2) Any exception must have the consent of the mayor, fire chief or designate, prior to the expiration of the time limit.

(3) Each permit shall be granted for a maximum of three (3) days, except as provided in § 7-605(2). (1973 Code, § 7-505)

**7-606. Supervision.** Fires should not be left unattended. (1973 Code, § 7-506)

**7-607. Violation and penalty.** (1) Any violation of this chapter shall constitute an offense and shall be punishable by a penalty under the general penalty provision of this code; by revocation of permit or by both penalty and revocation.

(2) Any person violating any of the provisions of this chapter shall be liable to the City of Lafayette for any expense, loss or damage incurred by the city to public property as a result of such violation.

(3) No person, firm, corporation, association or others is in any way relieved from the consequences, damages or claims resulting from such burning.

(4) Violation of any provision of this chapter is hereby declared to be unlawful and shall be punishable by a fine of not more than fifty dollars (\$50.00). Each violation and/or each day any such violation occurs shall be deemed a separate offense.

(5) In addition to the penalties provided in the foregoing subsections, whenever a person, firm, corporation, association or others violate any provision of this chapter or fail to comply with any requirement of the City of Lafayette under authority of this chapter, the city may petition the appropriate court(s) for injunctive relief. (1973 Code, § 7-507)