

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
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CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall include any and all properties located within the city limits, and all areas annexed in the future, and such other areas as may be designated by the mayor and board of aldermen, and any areas wherein the city has contracted fire protection services. (Ord. #2005-6-1, July 2005)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
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- 7-208. Variances.
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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 providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the International Fire Code,¹ 2006 edition, as published by the International Code Council, 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 international fire code has been filed with the city 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. (Ord. #2008-1-5, _____, 2008, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. (1989 Code, § 7-202, as amended by Ord. #2005-6-1, July 2005)

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 Livingston, Tennessee. (1989 Code, § 7-203)

7-204. Modifications. (1) The following sections of the International Fire Code are hereby modified:

¹Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

Section 101.1. Titles. These regulations shall be known as the Fire Code for the Town of Livingston, hereinafter referred to as "this code."

Section 109.3. Insert: Misdemeanor, Fine \$50.00 per day. No limit to the number of days.

Section 111.4. Insert: \$50.00 to \$500.00.

(2) Section 3. The geographic limits referred to in certain sections of the 2006 International Fire Code are hereby established as follows:

Section 3204.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Fire Limits.

Section 3404.2.9.5.1 (geographic limits in which the storage of Class 1 and Class 2 liquids in above-ground tanks outside of buildings is prohibited): Fire Limits.

Section 3406.2.4.4 (geographic limits in which the storage of Class 1 and Class 2 liquids in above-ground tanks is prohibited): Fire Limits.

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1989 Code, § 7-205)

7-206. Location of gasoline pumps and tanks, etc. It shall be unlawful for any person to erect, install, maintain, use or operate within, upon or under any street, sidewalk or public right of way within the city, any tank, pump, pipe line or other apparatus, equipment or machinery for the sale, distribution or storage of gasoline, kerosene, lubricating oil or any other volatile or inflammable liquid. (1989 Code, § 7-206)

7-207. Obstructions around fire hydrants. It shall be unlawful for any person to erect or maintain any sign or other obstruction of any kind or character within ten feet (10') of any fire hydrant. (1989 Code, § 7-207)

7-208. Variances. The chief of the fire department may recommend to the governing body 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 governing body. (1989 code, §§ 7-208 and 7-209)

7-209. Violations. Any person who shall violate any of the provisions of this chapter or 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 specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the governing body of the municipality 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 a misdemeanor. 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. (1989 Code, § 7-209)

CHAPTER 3

VOLUNTEER 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 of members.
- 7-306. Chief responsible for training.
- 7-307. Equipment to be used only within corporate limits.
- 7-308. Chief to be assistant to state officer.

7-301. Establishment, equipment and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the governing body of the municipality. The volunteer fire department shall be composed of a chief appointed by the municipal governing body and such number of subordinate officers and firemen, in no event less than fourteen (14), as the chief shall appoint. (1989 Code, § 7-301)

7-302. Objectives. The volunteer fire department shall have as its objectives to prevent uncontrolled fires from starting; to prevent the loss of life and property in case a fire does start; to confine fire to the place of origin; and, to extinguish uncontrolled fires. (1989 Code, § 7-302)

7-303. Organization, rules and regulations. The chief of the volunteer 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 volunteer fire department. (1989 Code, § 7-303)

7-304. 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 mayor once each month, and at the end of the year a detailed annual report shall be made. (1989 Code, § 7-304)

7-305. Tenure of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the mayor and municipal governing body. However, so that adequate discipline may be maintained, the chief shall

¹For special privileges with respect to traffic, see title 9, chapter 1, in this code.

have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The chief may be suspended by the mayor but may be dismissed only by the municipal governing body. (1989 Code, § 7-305)

7-306. Chief responsible for training. The chief of the volunteer fire department shall be fully responsible for the training of the volunteer firemen, and the absolute minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1989 Code, § 7-306)

7-307. Equipment to be used only within corporate limits. No equipment of the volunteer fire department shall be used for fighting any fire outside the corporate limits.

However, in limited cases the mayor and fire chief, with board approval, are authorized to provide the fire protection to large businesses that employ at least five (5) employees on a contractual basis, providing they have an adequate water supply.

Furthermore, the fire chief is authorized, should an emergency occur, to use his judgment, for the department to render aid to neighboring fire departments when it can be done without incurring undue risk to the citizens and properties inside the city limits. (1989 Code, § 7-307, as amended by Ord. #2004-11-1, Dec. 2004)

7-308. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the volunteer fire department is designated as an assistant to the state commissioner of insurance and banking and is subject to all the duties and obligations imposed by Tennessee Code Annotated, chapter 102, title 68 and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1989 Code, § 7-308)

CHAPTER 4

OPEN BURNING¹

SECTION

7-401. Open burning unlawful.

7-402. Exceptions.

7-403. Violations--penalty.

7-401. Open burning unlawful. Subject to the exceptions hereinafter set out, it shall be unlawful for any person to cause, suffer, allow or permit open burning of refuse, garbage, trade and industrial waste, large commercial lots, flammables, combustibles or materials from construction or salvage operations, including incinerators. (Ord. #144, Feb. 1989)

7-402. Exceptions. Open burning as listed below may be conducted provided that no public nuisance is or will be created by the open burning:

(1) Incinerator that has been state, EPA approved and approved by the city, also.

(2) Fires used to burn off gardens, leaves, brush and small lots, between the hours of 9:00 A.M. to 4:00 P.M.

(3) Fires used for the cooking of food and for ceremonial or recreational purposes, including barbeques and outdoor fireplaces.

(4) Fires set for training and instruction of firemen or research in fire protection or prevention. (Ord. #144, Feb. 1989)

7-403. Violations--penalty. Any person or persons violating this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined under the general penalty clause of this code. (Ord. #144, Feb. 1989)

¹Municipal code reference

Property maintenance regulations: title 13.

CHAPTER 5**FIREWORKS****SECTION**

7-501. Sale and distribution of fireworks.

7-502. Use of fireworks indoors prohibited.

7-501. Sale and distribution of fireworks. Except as hereinafter provided, fireworks may be offered for sale, sold at retail, stored, distributed or used in the Town of Livingston, provided that all vendors (person, corporations, business proprietor, etc.) must obtain an annual permit from the town and pay a fee of five hundred dollars (\$500.00) per calendar year. Failure to obtain the permit and pay the fee may result in a penalty of double permit fee plus court costs. (Ord. #156, Feb. 1991)

7-502. Use of fireworks indoors prohibited. Indoor fireworks special effects displays are prohibited. (Ord. #156, Feb. 1991)