

TITLE 7**FIRE PROTECTION AND FIREWORKS¹****CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN 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 follows: The area bound by Crawford Avenue on the North, Elm Street on the East, Railroad Avenue on the South, and Poplar Street on the West. (1980 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. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Validity of other laws.
- 7-207. Modifications.
- 7-208. Violations.

7-201. Fire code adopted. For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, there is hereby adopted the Standard Fire Prevention Code,² 1994 edition, as recommended by the Southern Standard Building Code Congress International, Inc. One (1) copy of the fire prevention code has been placed on file with the office of the city recorder for use and inspection of the public. The fire prevention code is hereby adopted and incorporated by reference as fully as if set out at length herein, and the provisions thereof shall be controlling within the corporate limits of the Town of Monterey. (1980 Code, § 7-201, modified)

7-202. Enforcement. The code hereby adopted shall be enforced by the chief of the fire department. (1980 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the code adopted, it shall be held to mean the Town of Monterey, Tennessee. (1980 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.

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.

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. (1980 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. (1980 Code, § 7-205)

7-206. Validity of other laws. Nothing in the fire prevention code shall be construed to prevent the enforcement of other laws, state or local, which provide more restricted limitations. (1980 Code, § 7-206)

7-207. Modifications. The chief of the fire department may recommend to the board of mayor and aldermen the modification of any of the provisions of the fire prevention code hereby adopted upon application in writing by any owner or lessee, or his duly authorized agent, 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 modification when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1980 Code, § 7-207)

7-208. 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. (1980 Code, § 7-208)

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.

7-307. Chief to be assistant to state officer.

7-308. Chief's police powers, etc.

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. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall appoint and the board shall approve. (1980 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. (1980 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. (1980 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,

¹Municipal code reference

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

and work of the department. He shall submit a written report on such matters to the board once each month, and at the end of the year a detailed annual report shall be made. (1980 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 board of mayor and aldermen. 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.

All personnel of the fire department shall receive such compensation or reward for their services as the board of mayor and aldermen may from time to time prescribe. (1980 Code, § 7-305)

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 not less than once a month. (1980 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 commissioner in the execution of the provisions thereof. (1980 Code, § 7-308)

7-308. Chief's police powers, etc. The chief shall be authorized to exercise police powers at times of fire and may summon to his assistance such additional help as he may deem necessary to abate or control the fire. Further, the fire chief shall and is hereby authorized to enforce all fire prevention provisions contained in this code. (1980 Code, § 7-309)

CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

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

7-401. Equipment and personnel 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 town 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 town as to endanger the city property or unless expressly authorized in writing by the board of mayor and aldermen. (1980 Code, § 7-307)

CHAPTER 5

FIREWORKS

SECTION

7-501. Rules and regulations of state to apply.

7-502. Districts where permissible.

7-503. Definitions of fireworks sales.

7-504. General rules and regulations.

7-505. Permits required and procedures.

7-506. Fees.

7-501. Rules and regulations of state to apply. Tennessee Code Annotated, §§ 66-22-101 through 66-22-116, grants to the Tennessee Department of Commerce and Insurance, Division of Fire Prevention, the statutory authority to regulate the sale of fireworks within the State of Tennessee. Said rules and regulations shall apply to the sale of fireworks in the Town of Monterey. Proof of compliance with these rules and regulations shall be furnished to the Fire Chief of the Town of Monterey, (or designated representative) upon request. (Ord. #344, Dec. 1995)

7-502. Districts where permissible. The sale of fireworks shall be permitted only on Routes, 70, 84, 62, 164, and Industrial Drive. The sale of fireworks along any other street is expressly prohibited. (Ord. #344, Dec. 1995)

7-503. Definitions of fireworks sales. (1) "Seasonal sale." The seasonal sale of fireworks shall be permitted from June 20 until July 5 and from December 10 until January 2 of any given year. Seasonal sales of fireworks shall be defined as taking place within a tent or other structure approved by the fire chief (or designated representative).

(2) "Year-round sales." The year-round sale of fireworks shall be permitted from January 1 until December 31 of any given year. Year-round sales shall be defined as taking place within a structure built in conformance with the Standard Building Code, the Monterey Zoning Ordinance, and the rules and regulations of the office of the state fire marshall. The year-round sale of fireworks from a tent or other temporary structure is expressly prohibited. (Ord. #344, Dec. 1995)

7-504. General rules and regulations. (1) All tents used for the sale of fireworks shall be of fire retardant material and display proof of same.

(2) All tents or other temporary structures used for the sale of fireworks shall be located a minimum of fifty (50) feet from any other structure.

(3) All tents or other temporary structures used for the sale of fireworks shall be located a minimum of fifteen (15) feet from any public street or right-of-way.

(4) All lighting and other electrical facilities used in association with tents or temporary structures shall be approved by the fire chief (or designated representative).

(5) All locations used for the sale of fireworks shall maintain on premises a fire extinguisher of at least a 2-A rating. Said extinguisher shall have record of its inspection date and operative status.

(6) Parking shall not be permitted on public streets or in such a way as to interfere with the visibility of vehicles using said streets. (Ord. #344, Dec. 1995)

7-505. Permits required and procedures. Any individual or firm wishing to sell fireworks within the corporate limits of the Town of Monterey shall purchase a Monterey business license from the city clerk and a fireworks permit from the Monterey fire chief (or designated representative).

The sale of fireworks requires a permit from the Tennessee State Fire Marshall. The forms necessary to obtain such permits are available at the office of the Monterey fire chief.

Upon obtaining the permit from the office of the state fire marshall, the applicant shall present the approved application and Monterey business license to the fire chief (or designated representative). The fire chief (or designated representative) shall then inspect the site of the proposed fireworks sale. If the site is in conformance with all applicable rules and regulations, the fire chief (or designated representative) shall approve it for such use. (Ord. #344, Dec. 1995)

7-506. Fees. Prior to issuance of a fireworks permit by the Monterey fire chief (or designated representative), the applicant shall have paid an annual fee of \$500.00 for the year-round sale of fireworks or a fee of \$250.00 for the seasonal sale of fireworks. A permit for year-round sales shall be renewable upon presentation of a current state permit, city business license, and reinspection of the site. A separate permit for seasonal sales and appropriate fees shall be paid for each of the periods listed above. (Ord. #344, Dec. 1995, as amended by Ord. #407, March 2003)