

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE DEPARTMENT.
3. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all the property within the city limits of the City of Bradford. (2005 Code, § 7-101)

¹Municipal code reference

Building, utility, and residential codes: title 12.

CHAPTER 2

FIRE DEPARTMENT¹

SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Objectives.
- 7-203. Organization, rules, and regulations.
- 7-204. Records and reports.
- 7-205. Tenure and compensation of members.
- 7-206. Chief responsible for training and maintenance.
- 7-207. Equipment to be used only within corporate limits generally.
- 7-208. Chief to be assistant to state officer.

7-201. 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 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 board of mayor and aldermen shall appoint. (2005 Code, § 7-201)

7-202. 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. (2005 Code, § 7-202)

7-203. 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. (2005 Code, § 7-203)

7-204. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel,

¹Municipal code references

Restrictive use of fire hydrants: § 18-128

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 of mayor and aldermen once each month, and at the end of the year a detailed annual report shall be made. (2005 Code, § 7-204)

7-205. Tenure and compensation of members. The chief and all members of the fire department shall serve at the will and pleasure of the board of mayor and aldermen.

All personnel of the fire department shall receive such compensation for their services as the board may from time to time prescribe. (2005 Code, § 7-205)

7-206. 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. (2005 Code, § 7-206)

7-207. Equipment to be used only within corporate limits generally. (1) The primary obligation of the Bradford Fire Department, including men and apparatus will be to the citizens and property within the corporate limits of the City of Bradford.

(2) Rural fire service calls will be restricted, except as otherwise noted herein, to properties situated within a distance of five (5) miles of the firehouse of Bradford, Tennessee, or as approved by the fire department officers of the City of Bradford, Tennessee. Personnel and apparatus will not be dispatched to a rural fire when, in the opinion of the fire officer, the forces are not available due to commitment to fighting a fire within the corporate limits, outside the corporate limits, or a combination of the two (2) districts.

(3) The city will *not* accept responsibility for damages incurred to any property due to failure to respond with men and apparatus to a rural fire because of the following:

(a) Personnel and apparatus committed or engaged in firefighting activities; or

(b) Lack of valid certificate of rural fire service.

(4) The city will answer fire calls for a service fee of five hundred dollars (\$500.00) per call for properties not covered by rural fire service insurance; provided that the owner maintains an interest-free cash deposit with the city at all times. Oral guarantees at the time of the alarm will be at the discretion of the fire officer.

(5) The city will answer fire calls for a service fee of five hundred dollars (\$500.00) per call for properties insured for rural fire service by an approved insurance agency. All such coverage will become effective when certification of rural fire service is properly executed by the insurance agency, the owner, and the city.

(6) Certification of rural fire service will remain with the insuring agency, even if ownership of agency changes, and any new owner will assume responsibilities for payment of fire service fees as set out in this statement of policy.

(7) The insuring agent or agency will be required to certify in writing that the agency will be responsible for payment of rural fire service calls for each insured property until the policy is cancelled, at which time the agency shall notify the fire department in writing of such cancellation. The agent or agency will be required to issue a separate check (other than general loss claim) to the city for rural fire services rendered. The city will furnish forms for the agents to complete and file with the Bradford Fire Department.

(8) All insurance agents providing rural fire service coverage must be approved by the city recorder. These agents may be required to post a one thousand dollar (\$1,000.00) corporate surety performance and payment bond before being approved by the city recorder. After being approved by the city recorder, the agent is placed on the list of approved rural fire insurance coverage agents and may provide coverage for rural property.

(9) To be eligible for rural fire protection, a property owner must make a seventy-five dollar (\$75.00) non-refundable deposit for each piece of property to be covered. Renewal of rural fire protection shall be made to the Bradford Fire Department annually during the month of March. Each deposit will only cover one residential or commercial structure and those accessory buildings incidental to the use of the primary structure. The deposit remains with the property and cannot be transferred. After making the required deposit, the property owner must prove he has insurance with an approved agent sufficient to pay the five hundred dollar (\$500.00) service fee.

(10) The seventy-five dollar (\$75.00) deposit is paid at Bradford City Hall and will be given a receipt for same.

(11) Along with his receipt, the property owner will be given a certification of rural fire service form to be completed by his insurance agent and returned to the fire department. The form certifies that the agent is aware of the rural fire service policies adopted by the city. It also states the name of the property owner and address of the property to be covered by the agent. Finally, this certificate places the responsibility for payment of the five hundred dollar (\$500.00) service fee upon the approved agent.

(12) Fire protection is not available until the completed certificate is returned and approved by the fire chief. After the fire chief approves a certification of rural service it is filed at Bradford City Hall, and then the fire department is responsible for providing rural fire protection. When the certificate is approved by the fire chief, a letter acknowledging receipt and intent to provide fire service is mailed to the agent providing coverage to the property owner. Fire service will be provided to this property and the agent will be responsible for the service fee of five hundred dollars (\$500.00) until the agent

notifies the fire department in writing that the rural fire service has been cancelled and the fire department acknowledges receipt of such notice.

(13) Within forty-eight (48) hours of the time apparatus returns to the station from a rural fire call, the fire chief shall submit a reminder to bill to the city recorder's office. A clerk will prepare and mail a statement to the designated insurance agent; and the balance will be treated as any other accounts receivable of the city.

(14) All seventy-five dollar (\$75.00) deposits and each five hundred dollar (\$500.00) rural fire service fees which are collected shall be deposited in the general fund. Expenditures from this fund are by budget appropriation. Specific action by the city board is required for all non-budgeted items.

(15) The city will answer service calls in case of highway accidents and/or fires involving lives or damage in state property at the request of the Tennessee State Highway Patrol or properly identified persons approved by the fire officer.

(16) The Bradford Fire Department will continue the policy of reciprocal firefighting services with other municipalities.

(17) The city agrees to make every effort to inform rural citizens, by newspaper, that the fact that their insurance does not necessarily mean that they have rural fire service included. The individual policy owner should consult the Bradford Fire Department or their insurance agent and determine this fact for themselves. Rural fire service is available through reputable insurance companies at a nominal cost to the policy owner.

(18) The Bradford Fire Department shall not answer calls that are not covered in the above sections. (2005 Code, § 7-207, modified)

7-208. 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 insurance and banking 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. (2005 Code, § 7-208)

CHAPTER 3

FIREWORKS

SECTION

- 7-301. Purpose.
- 7-302. Definition of terms.
- 7-303. Permits required for sale.
- 7-304. Business licenses required.
- 7-305. Permissible items of fireworks.
- 7-306. Conditions for sale and use of permissible articles.
- 7-307. Public displays--permits--regulation.
- 7-308. Retail sale of permissible articles--time limitations--exceptions.
- 7-309. Private use of permissible articles--time limitations--exceptions.
- 7-310. Regulations governing storing, locating, or display of fireworks.
- 7-311. Unlawful acts in the sale and handling of fireworks.
- 7-312. Exceptions to application.
- 7-313. Seizure and destruction of fireworks.
- 7-314. Requirements or compliance with state regulations not affected.
- 7-315. Violations and penalty.

7-301. Purpose. The purpose of this chapter is to provide for the display, sale and use of certain fireworks for both private and public display with the corporate limits of the City of Bradford, Tennessee within certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (2005 Code, § 7-301)

7-302. Definition of terms. As used in this chapter the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise:

(1) "Distributor," any person engaged in business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a jobber, wholesaler or retailer.

(2) "I.C.C. class C common fireworks," shall mean all articles of fireworks as are now and hereafter classified as "ICC class C common fireworks" in the regulation of the Interstate Commerce Commission for the transportation of explosives and other dangerous articles.

(3) "Jobber," any person engaged in the business of making sales of fireworks to bona fide tourists for outside the State of Tennessee.

(4) "Manufacturer," any person engaged in making, manufacture, or construction of fireworks of any type within the City of Bradford or the State of Tennessee.

(5) "Permit," a permit is the written authority of the City of Bradford issued under the authority of chapter 7, Bradford Municipal Code, or under the

authority of the state fire marshal issued under the authority of *Tennessee Code Annotated*, § 68-104-101, *et seq.*

(6) "Person," includes any corporation, association, copartnership or one (1) or more individuals.

(7) "Retailer," any person engaged in the business of making sales of fireworks to consumers.

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

(9) Singular and plural words used in the singular include the plural and the plural the singular.

(10) "Special fireworks" means all articles of fireworks that are classified as class B explosives in the regulation of the Interstate Commerce Commission and shall include all articles other than those classified as class C.

(11) "Wholesaler," any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales at retail. (2005 Code, § 7-302)

7-303. Permits required for sale. It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into or within the City of Bradford, except as herein provided, any item of fireworks, without first having secured the required applicable permit from the City of Bradford and also from the state fire marshal, possession of said permit being thereby a condition prerequisite to manufacturing, selling, or offering for sale, shipping or causing to be shipped any fireworks into or within the City of Bradford, except as herein provided. This provision applies to non-residents as well as residents of the City of Bradford.

(1) Prior to engaging in the sale within the City of Bradford, Tennessee, or shipment into the City of Bradford, of any fireworks each person must make application on forms secured from the City of Bradford and the state fire marshal for a permit or permits required under this chapter.

(2) The manufacture of bulk storage (storage other than limited amounts incidental to permitted retail sales or public displays) of fireworks within the corporate limits of the City of Bradford is prohibited, a violation of this section is unlawful and punishable under the provisions of this chapter or the applicable state code.

(3) The decision of the City of Bradford as to what type of permit or permits shall be required of each person shall be final. No permit shall be issued to a person under the age of eighteen (18) years. All permits shall be for the calendar year and any fraction thereof and shall expire on December 31st of each year, two (2) days of grace shall be allowed holder of permit, after the expiration thereof. Permits issued to retailers must be displayed near the point of sale and visible for public inspection. No permit provided herein shall be

transferable nor shall a person be permitted to operate under a permit issued to any other person. One permit shall be issued to each retail location.

(4) In addition to charges for permits authorized to the state fire marshal for state permits, the City of Bradford shall charge for permits issued as follows: twenty-five dollars (\$25.00) per season (seasonal permit) and one hundred dollars (\$100.00) for an annual permit. One season is as indicated on the State of Tennessee Retailer Fireworks Permit, the permit indicates two (2) periods of authorized sales.

(5) A record of all sales, other than retail sales directly to private consumers, must be kept showing the names and addresses of purchasers. All fees collected for said permits shall be payable directly to the general fund of the city and shall constitute general revenue. (2005 Code, § 7-303)

7-304. Business license required. The issuance of permits herein required does not replace or relieve any person of state, county or municipal licenses as now or hereafter provided by law. Before the issuance of any city business or privilege license, the city supervisor shall require each applicant to submit adequate proof of possession of valid fireworks permits as issued by the City of Bradford and by the state fire marshal. (2005 Code, § 7-304)

7-305. Permissible items of fireworks. It shall be unlawful for an individual, firm, partnership, or corporation to possess, sell, or use within the City of Bradford, or ship into the City of Bradford, except as provided in § 7-306, any pyrotechnics, commonly known as "fireworks," other than the permissible items herein enumerated, except as herein provided. The permissible fireworks consist of ICC Class C common fireworks only, and shall include those items enumerated in *Tennessee Code Annotated*, § 68-104-108, or which may be enumerated in said section. (2005 Code, § 7-305)

7-306. Conditions for sale and use of permissible articles. No permissible articles of common fireworks defined in *Tennessee Code Annotated*, § 68-104-108, shall be sold, offered for sale, or possessed within the city, or used in the City of Bradford, except as herein provided for public display, unless it shall be properly named to conform to the nomenclature of *Tennessee Code Annotated*, § 68-104-108, and unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container, "ICC Class C common fireworks," such imprinting to be of sufficient size and so positioned as to be readily recognized by law-enforcement authorities, and the general public. (2005 Code, § 7-306)

7-307. Public displays--permits--regulation. The public display of fireworks within the corporate limits of the City of Bradford shall be governed by the provisions of *Tennessee Code Annotated*, § 68-104-107. Required permits

for the controlled, public display of fireworks shall be obtained from the state fire marshal and also from the City of Bradford. (2005 Code, § 7-307)

7-308. Retail sale of permissible articles--time limitations--exceptions. Permissible items of fireworks, defined in *Tennessee Code Annotated*, § 68-104-108, may be sold at retail to residents of the City of Bradford and used within the City of Bradford as stated by permits issued. (2005 Code, § 7-308)

7-309. Private use of permissible articles--time limitations--exceptions. Permissible items of fireworks, defined in *Tennessee Code Annotated*, § 68-104-108, may be stored, used and expended within the City of Bradford by private citizens for their personal use and enjoyment under the following conditions:

(1) Permitted fireworks shall not be ignited, exploded, or otherwise used in any area or location of the city whereby persons or property may be endangered.

(2) Permitted fireworks shall not be ignited, exploded, or otherwise used within five hundred feet (500') of any business or storage area whereat or wherein flammable materials are sold, used or stored.

(3) If the use of permitted fireworks in a specific area of the city becomes a public nuisance or endangerment to private or public property in the opinion of the fire department officials or law enforcement officers, these officials or their authorized representatives are authorized and directed to prohibit said use therein or thereat.

(4) 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. (2005 Code, § 7-309)

7-310. Regulations governing storing, locating or display of fireworks. (1) 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 inches (4") high. No person shall permit the presence of lighted cigars, cigarettes, or pipes, within ten (10) feet of where fireworks are offered for sale.

(2) The physical site proposed for the location of storage, placement or sale of permissible fireworks shall require the prior approval of the city fire marshal or his authorized representative previous to the issuance of any required permits and licenses. (2005 Code, § 7-310)

7-311. Unlawful acts in the sale and handling of fireworks. It shall be unlawful to offer for retail sale or to sell any fireworks to any intoxicated or irresponsible person. (2005 Code, § 7-311)

7-312. Exceptions to application. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale of, 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 of the State of Tennessee or to the peace officers of the city or of the state, nor as prohibiting the sale or use of blank cartridges for ceremonial, or athletic events. (2005 Code, § 7-312)

7-313. Seizure and destruction of fireworks. The city fire marshal shall seize as contraband, any fireworks other than "class C common fireworks" as defined in § 7-305 hereof, and *Tennessee Code Annotated*, § 68-104-108, or special fireworks for public displays as provided in § 7-307 of this chapter. The fire marshal is authorized to destroy any fireworks so seized. (2005 Code, § 7-314)

7-314. Requirements or compliance with state regulations not affected. This chapter shall in no way effect the validity of any law or regulation promulgated by the State of Tennessee or by the fire marshal thereof, as relates to the control and regulation of the manufacture, sale or use of fireworks within the State of Tennessee. It is the intent of this chapter to authorize the public display, sale and use of such fireworks within the corporate limits of the City of Bradford in accordance with applicable state regulations, as augmented by the rules and regulations of the City of Bradford. (2005 Code, § 7-315)

7-315. Violations and penalty. Notwithstanding any penalty for conviction of any applicable state law or regulation of the State of Tennessee, any individual, firm partnership, or corporation that violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than thirty eight dollars (\$38.00), nor more than fifty dollars (\$50.00), plus court costs. Each day that any violation of the provisions of this chapter continues shall be a separate triable offense. (2005 Code, § 7-313)