

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE LIMITS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

FIRE LIMITS

SECTION

7-101. Fire district designated.

7-101. Fire district designated. The fire limits of the city shall be the central business district of the city as designated in the zoning ordinance. (1998 Code, § 7-101)

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

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. "Municipality" defined.
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Appeal from decision of fire chief.
- 7-206. Modifications by fire chief.
- 7-207. Violations and penalty.

7-201. Fire code adopted. (1) A certain document, three (3) copies of which are on file in the office of the City Administrator of City of Bolivar, being marked and designated as the International Fire Code,² 2012 edition, including chapters 1 through 45 and Appendix chapters A through G (see International Fire Code section 101.2.1, 2006 edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Bolivar in the State of Tennessee, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the City of Bolivar are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in subsection (2) of this section.

- (2) The following sections are hereby revised:
 - (a) Section 101.1 insert: City of Bolivar.
 - (b) Section 109.3 insert: \$50.00 per day.

¹Municipal code references

Building, utility and residential codes: title 12.

Commissioner of police and fire departments: § 6-201.

False emergency alarms: § 11-503.

Fire limits designated: § 7-101.

State law reference

Prevention and investigation of fires: Tennessee Code Annotated, title 68, ch. 17.

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

(c) Section 111.4 insert: \$50.00 per day.

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

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

(b) Section 3404.2.9.5.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): City of Bolivar.

(c) Section 3406.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): City of Bolivar.

(d) Section 3804.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): City of Bolivar. (1998 Code, § 7-201, modified)

7-202. Enforcement. The fire prevention code 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. (1998 Code, § 7-202)

7-203. "Municipality" defined. Whenever the word "municipality" is used in the fire prevention code adopted by § 7-201, it shall be held to mean the City of Bolivar, Tennessee. (1998 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. (1) The district referred to in the fire prevention code, 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 code.

(2) The district referred to in the fire prevention code, 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 code.

(3) The district referred to in the fire prevention code, 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 code.

(4) The district referred to in the fire prevention code, 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 code. (1998 Code, § 7-204)

7-205. Appeal from decision of fire chief. When any person feels that he has been wrongfully aggrieved by a decision of the chief of the fire department in interpreting and applying the fire code or granting or refusing modification of the same he may, within thirty (30) days, file a written appeal from such decision to the mayor and city council. (1998 Code, § 7-205)

7-206. Modifications by fire chief. The chief of the fire department shall have the power to modify any of 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 board of mayor and aldermen. (1998 Code, § 7-206)

7-207. Violations and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire code 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 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. (1998 Code, § 7-207)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Established; duties and responsibilities generally.
- 7-302. Composition; appointment and terms.
- 7-303. Appointment of fire chief and subordinate officers.
- 7-304. General powers, duties and responsibility of chief.
- 7-305. Fire chief assistant to state commissioner of insurance and banking.
- 7-306. Members subject to orders of chief and department regulations.
- 7-307. Equipment.
- 7-308. Fires outside of city limits--duties.
- 7-309. Fires outside of city limits--fees.

7-301. Established; duties and responsibilities generally. There is hereby established a fire department for the city, which shall be responsible for preventing, controlling, fighting, and extinguishing fires, occurring within the city, to the best of its ability.² (1998 Code, § 7-301)

7-302. Composition; appointment and terms. The fire department shall consist of full-time and volunteer members and such members shall from time to time be designated by the city council to be appointed by the mayor, who reside and work within the city and who have telephones in or near their homes and places of employment. The volunteer members of the fire department shall be appointed from year to year by the mayor unless he shall delegate such authority to the chief. (1998 Code, § 7-302)

7-303. Appointment of fire chief and subordinate officers. The chief of the fire department and his subordinate officers shall be appointed by the mayor from the members of the fire department. The mayor may delegate his authority to appoint the subordinate officers to the chief. (1998 Code, § 7-303)

7-304. General powers, duties and responsibility of chief. The chief of the fire department is hereby empowered and directed to make such rules and regulations for operation of the fire department, to conduct such training, and to hold such practice drills as he may deem necessary to insure that all members

¹Municipal code reference
Motor vehicles, traffic and parking: title 15

²Municipal code reference
Firefighters may direct traffic: title 15.

of the fire department are proficient in handling the fire-fighting equipment of the city. He shall be directly responsible to the mayor and the commissioner of the police and fire department for the efficiency and maintenance of the fire department and its equipment. (1998 Code, § 7-304)

7-305. Fire chief assistant to state commissioner of insurance and banking. Pursuant to the requirements of Tennessee Code Annotated, § 68-17-108, 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 said Tennessee Code Annotated, title 68, chapter 17, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1998 Code, § 7-305)

7-306. Members subject to orders of chief and department regulations. The members of the fire department shall, at all times while in the performance of the duties of their respective offices, be subject to the orders of the chief and shall comply with all rules and regulations prescribed for the department. (1998 Code, § 7-306)

7-307. Equipment. The city council shall provide the fire department with such fire-fighting vehicles, hoses, clothing and other equipment and apparatus as the chief of said department may deem reasonably necessary and request through the commissioner of the police and fire departments. (1998 Code, § 7-308)

7-308. Fires outside of city limits--duties. The fire department shall whenever possible control, fight and extinguish fires occurring outside the city limits when a notice of assurance of payment has been filed with the fire chief. (1998 Code, § 7-310)

7-309. Fire outside of city limits--fees. The fee for all fire calls outside the city limits shall be six hundred dollars (\$600.00) unless adjusted by action of the city council. (1998 Code, § 7-311, as amended by Ord. #12-008, Nov. 2012)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Storage and sale of fireworks.
- 7-402. Privilege license required.
- 7-403. Sale or use of fireworks from vehicles prohibited.
- 7-404. Use of fireworks confined to real property.
- 7-405. Storage, sale and display of fireworks.
- 7-406. Hours of use.
- 7-407. Prohibited sale of fireworks.
- 7-408. Throwing ignited fireworks from moving vehicle prohibited.
- 7-409. Violations and penalty.

7-401. Storage and sale of fireworks. The storage and sale of fireworks shall comply with the zoning ordinances of the City of Bolivar. (Ord. #12-009, Dec. 2012)

7-402. Privilege license required. Any person or business entity desiring to store and sell fireworks within the corporate limits of the City of Bolivar shall pay a privilege license of one hundred dollars (\$100.00) before they commence to store or sell fireworks. All privilege licenses shall be for a calendar year and must be renewed annually. But, pursuant to Tennessee Code Annotated, § 68-104-101(8), there shall be allowed a two (2) day grace period so as to run through January 2. (Ord. #12-009, Dec. 2012)

7-403. Sale or use of fireworks from vehicles prohibited. No fireworks shall be sold, thrown or otherwise used from any automobile or any other moving vehicle, whether the vehicle is moving or standing still. (Ord. #12-009, Dec. 2012)

7-404. Use of fireworks confined to real property. It shall be unlawful for any person within the corporate limits of the City of Bolivar to fire, set off, shoot, discharge or otherwise explode any fireworks except at their place of business or their residence. The igniting and/or final firing or exploding shall be done entirely within the property lines of the person's real property. (Ord. #12-009, Dec. 2012)

7-405. Storage, sale and display of fireworks. It shall be unlawful to store, sell, display, fire, set off, shoot, discharge or explode any fireworks within one hundred feet (100') of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold, or

within one hundred feet (100') of any hospital, nursing home or school. (Ord. #12-009, Dec. 2012)

7-406. Hours of use. It shall be unlawful for any person to fire, set off, shoot, discharge or otherwise explode any fireworks within the corporate limits of the City of Bolivar before 7:00 A.M. or after 10:00 P.M., except on New Year's Eve, fireworks may be used until 1:00 A.M. on New Year's morning. (Ord. #12-009, Dec. 2012)

7-407. Prohibited sale of fireworks. It shall be unlawful for any person to sell any fireworks to any child under the age of twelve (12) years or to any intoxicated person. (Ord. #12-009, Dec. 2012)

7-408. Throwing ignited fireworks from moving vehicle prohibited. It shall be unlawful for any person to throw any ignited article of fireworks at any motor vehicle or at any person or group of people. (Ord. #12-009, Dec. 2012)

7-409. Violations and penalty. The violation of this chapter shall be punishable by a fine not to exceed fifty dollars (\$50.00) and may also be enforced by seeking injunctive relief through a court of competent jurisdiction.

If any term section or provision of this chapter is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the chapter shall remain in full force and shall in no way be affected, impaired or invalidated. (Ord. #12-009, Dec. 2012)