

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.
5. FIRE SERVICE OUTSIDE CITY LIMITS.
6. NFPA FIRE CODE.
7. LIFE SAFETY CODE.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall include all of those areas designated as "Business B-3 Districts (General Business-Congested)" and "Business B-4 Districts (Intermediate Business)" on the city's zoning map. (1978 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. Modifications.
- 7-207. Violations.

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 Standard Fire Prevention Code,² 1994 edition, with 1995 revisions, as recommended by the Southern Standard Building Code Congress International, Inc. 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 fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1978 Code, § 7-201, as amended by Ord. #BB-451, Jan. 1997, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. (1978 Code, § 7-202)

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 City of Dyersburg. (1978 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in § 1901.4.2 of the fire prevention code herein adopted, in which storage of explosive materials is prohibited, and the limits referred to in § 902.1.1 of said code, in which storage of flammable or combustible liquids in

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

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

outside above ground tanks is prohibited, and the limits referred to in § 906.1 of said code, in which new bulk plants for flammable or combustible liquids are prohibited, and the limits referred to in § 1701.4.2 of said 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. (1978 Code, § 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the "Business B-3 Districts (General Business-Congested)" or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1978 Code, § 7-205)

7-206. Modifications. The chief of the fire department may recommend to the board of mayor and aldermen modifications 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 an amendment to this code or a resolution of the board of mayor and aldermen. (1978 Code, § 7-206)

7-207. 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; 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 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 city code shall not be held to prevent the enforced removal of prohibited conditions. (1978 Code, § 7-207)

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 of members.

7-306. Chief responsible for training.

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

7-308. Mutual aid agreements.

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 of the city. 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 appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall appoint.² (1978 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. (1978 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. (1978 Code, § 7-303)

¹Charter reference

Merit system for policemen and firemen: § 6A.

Municipal code reference

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

²Charter reference: § 6A.

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 to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1978 Code, § 7-304)

7-305. Tenure of members. Members of the fire department may be suspended or discharged only in accordance with provisions of the city's charter. See particularly § 6A of the charter. (1978 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. (1978 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. (1978 Code, § 7-308)

7-308. Mutual aid agreements. (1) The Mayor of the City of Dyersburg, Tennessee, is authorized and empowered to enter into "Mutual Aid Fire Protection Interlocal Cooperation Agreements" on behalf of the City of Dyersburg, Tennessee.

(2) The Mayor of the City of Dyersburg, Tennessee, is designated and directed to be the official representative of the City of Dyersburg, Tennessee, to the joint board created to carry out the power of such agreement as provided therein. (1978 Code, § 7-309)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Fireworks defined.
- 7-402. Manufacture, sale and discharge.
- 7-403. Bond for fireworks display required.
- 7-404. Disposal of unfired fireworks.
- 7-405. Exceptions.
- 7-406. Seizure of fireworks.

7-401. Fireworks defined. "Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. (1978 Code, § 7-401)

7-402. Manufacture, sale and discharge. (1) The manufacture of fireworks is prohibited within the city.

(2) Except as hereinafter provided it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the chief of the fire department shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the chiefs of the police and fire departments of the city, and shall be of such a character, and so located, discharged or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or persons.

(3) Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege shall have been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (1978 Code, § 7-402)

7-403. Bond for fireworks display required. The permittee shall furnish a bond in an amount deemed adequate by the chief of the fire department for the payment of all damages which may be caused, either to persons or property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors. (1978 Code, § 7-403)

7-404. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (1978 Code, § 7-404)

7-405. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. (1978 Code, § 7-405)

7-406. Seizure of fireworks. The chief of the fire department or any policeman having knowledge thereof shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter. (1978 Code, § 7-406)

CHAPTER 5**FIRE SERVICE OUTSIDE CITY LIMITS****SECTION**

7-501. Equipment not to be used outside corporate limits generally.

7-501. Equipment not to be used outside 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 city owned 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 city as to endanger the city property or unless expressly authorized in writing by the board of mayor and aldermen. (1978 Code, § 7-307)

CHAPTER 6

NFPA FIRE CODE¹

SECTION

- 7-601. Fire code adopted.
- 7-602. Modifications.
- 7-603. Definition of "municipality."
- 7-604. Gasoline trucks.
- 7-605. Variances.
- 7-606. Violations and penalties.

7-601. 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 Uniform Fire Code (NFPA No. 1), 2003 edition, including each reference in NFPA 1, chapter 2 (excluding NFPA 5000), is hereby adopted by reference and included as a part of this code. Each reference in the Uniform Fire Code, chapter 2, to an NFPA code or standard shall be deemed to be the edition printed in the National Fire Codes, 2003 edition. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the Uniform Fire Code has been filed with the city recorder and is available for public use and inspection. The Uniform Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #BB-451, Jan. 1997, modified, as amended by Ord. #BB-525A, Jan. 2002, and replaced by Ord. #BB-559, Sept. 2004)

7-602. Modifications. The Fire Prevention Code adopted in § 7-601 above is modified by deleting therefrom sections 1-5, titled Board of Appeals, in its entirety; § 7-606 below shall control appeals.

7-603. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Dyersburg, Tennessee.

7-604. 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.

¹Municipal code reference

Building, utility, and housing codes: title 12.

7-605. Variances. The chief of the fire department may recommend to the board of mayor and aldermen 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 board of mayor and aldermen.

7-606. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Fire Prevention 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 violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 7

LIFE SAFETY CODE

SECTION

7-701. Life safety code adopted.

7-702. Violations and penalties.

7-701. Life safety 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 the construction, protection, and occupancy features necessary to minimize danger to life from fire, including smoke, fumes, or panic, the Life Safety Code (NFPA No. 101),¹ 2000 edition, as recommended by the National Fire Protection Association, 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 Life Safety Code has been filed with the city recorder and is available for public use and inspection. The Life Safety Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (as added by Ord. #BB-525A, Jan. 2002)

7-702. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Life Safety Code herein adopted, or fail to comply therewith. The violation of any section of this chapter shall be punishable under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. (as added by Ord. #BB-525A, Jan. 2002)

¹Copies of this code are available from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, MA 02269-9101.