

TITLE 7**FIRE PROTECTION AND FIREWORKS**¹**CHAPTER**

1. FIRE CODE.
2. VOLUNTEER FIRE DEPARTMENT.
3. FIREWORKS.

CHAPTER 1**FIRE CODE****SECTION**

- 7-101. Fire code adopted.
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- 7-105. Modifications.
- 7-106. Above-ground bulk storage of flammable liquids.
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7-101. 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 International Fire Code,² 2009 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. 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.

7-102. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

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

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

7-103. Enforcement. The fire 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. (1994 Code, § 7-202)

7-104. Definition of "municipality." Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean this municipality. (1994 Code, § 7-204)

7-105. Modifications. (1) The chief of the fire department may recommend to the governing body modifications of the provisions of the fire 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 modifications when granted or allowed shall be contained in an amendment to this code or a resolution of the governing body.

(2) All fire investigations are carried out by the state fire marshal's office. (1994 Code, § 7-204, modified)

7-106. Above-ground bulk storage of flammable liquids. (1) The term "flammable liquid or material," whenever used in this section, shall mean any liquefied petroleum gas, flammable liquid, compressed flammable gas or nonflammable compressed gas as recognized and regulated by the Tennessee Code Annotated or the rules and regulations of the State of Tennessee as of the effective date of this section and as amended from time to time.

Bulk storage shall mean any container that has a capacity that exceeds one thousand (1,000) gallons, unless exceptions are granted by the mayor and board of alderman. It is the express purpose of this section to regulate the commercial and industrial storage of flammable liquids or materials. Agricultural or residential storage is not subject to the terms and conditions of this section.

(2) The above-ground bulk storage of flammable liquids or materials is absolutely prohibited within the corporate limits of the Town of Gordonsville except as specifically permitted by the mayor and board of alderman pursuant to the terms of this section.

(3) Blended liquids comprised of any flammable liquid shall be deemed a flammable liquid for the purposes of this section.

(4) The above-ground bulk storage of flammable liquid or material is only permitted in the Town of Gordonsville after the applicant first obtains from the town a permit for the use or proposed use of the premises on which the storage is to occur. The mayor and board of aldermen will consider the following in its decision to issue or deny a permit:

(a) The storage tank(s) meet the UL 2085 Standard for Insulated Aboveground Tanks for Flammable and Combustible Liquids.

(b) Each storage tank is supported by a poured concrete stabilization pad, the thickness recommended by the tank manufacturer with the pad's inside dimensions no less than the exterior dimensions of the tank.

(c) Any weather protection provided for the storage tank is made totally of noncombustible materials.

(d) No storage tank is in proximity to a school, church, home or other public gathering places so as to cause a hazard.

(e) A copy of the storage tank(s) manufacturer's recommendations or instructions for installation have been provided to the mayor and fire marshal, and said recommendations or instructions have been followed unless, by following said recommendations or instructions, the installation would not be in compliance with this section or other laws.

(f) Provisions are provided for the physical protection of the storage tank(s) so as to prevent its (their) exposure to accidental collision or any other reasonably foreseeable hazards arising generally or specifically from the use of the premises.

(g) Provisions are provided for securing the pumping apparatus and storage tank(s) from unauthorized use or discharge.

(h) Provisions are provided for locating the storage tank(s) on the premises, and for screening the storage tank(s), so as to minimize the impact of undesirable noise, fumes, and any other activity associated with its (their) use that reasonably can be foreseen to disturb the peaceful enjoyment of neighboring property or disrupt passers-by. The codes board and mayor are authorized, jointly and individually, to order additional screening, vapor recovery systems or other requirements to mitigate any hazard or undesirable effect that interferes with the peaceful enjoyment of neighboring property or disrupts passers-by upon a complaint received.

(i) These provisions shall not limit in any way the authority of the codes enforcement board, fire marshal or any other town official to enforce any other applicable law or ordinance.

(5) In the event that an above-ground storage tank(s) is (are) removed, the owner(s) of said tank(s) shall follow these procedures.

(a) The owner(s) shall pump down all tanks.

(b) The owner(s) shall notify the local authorities of the intent to remove the tank(s), when the tank(s) will be removed, and the methods by which the tank(s) shall be emptied and removed.

(c) The owner(s) shall contact the local fire department on when the tanks will be removed and whether they will be "burned off."

(d) During the moving or burning off of any tank, the owner(s) will have at least one (1) person on site at all times, have appropriate fire protection on site and available, and have the local fire department on stand by.

- (e) Devalue all tanks and plug off holes.
- (f) Have proper and sufficient equipment to remove said tanks from the property.
- (g) Remove the tank(s) at a time so as to be the least disruptive to traffic and local schools. (Ord. #07-11-19, Feb. 2008)

7-107. 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 taken; or 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. The application of a penalty under the general penalty clause for the town code shall not be held to prevent the enforced removal of prohibited conditions. (1994 Code, § 7-205)

CHAPTER 2

VOLUNTEER 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. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations of the board of mayor and aldermen. Any funds raised by the volunteer fire department as a whole, or by any individual or group of volunteer firemen in the name of the volunteer fire department, and any gifts to the volunteer fire department shall be turned over to and become the property of the town and the town shall use such funds in the equipping of the volunteer fire department. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the town and shall be and remain the property of the town. The volunteer fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of subordinate officers and firemen as the fire chief shall appoint subject to approval by the board of mayor and aldermen.

7-202. Objectives. The volunteer 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.

7-203. 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 formulate and enforce such rules and

¹The standard operating procedures for the volunteer fire department for the Town of Gordonsville are available in the recorder's office.

regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department under such rules and regulations as the board of mayor and aldermen may prescribe.

7-204. 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 such written reports on those matters to the mayor or to the board of mayor and aldermen as they may require.

7-205. Tenure and compensation of members. The fire chief shall 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 fire chief may be suspended for up to thirty (30) days by the mayor, but may be dismissed only by the board of mayor and aldermen.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe.

7-206. Chief responsible for training and maintenance. The chief of the volunteer fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the department under the direction and subject to the requirements of the board of mayor and aldermen.

7-207. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief 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.

CHAPTER 3

FIREWORKS

SECTION

- 7-301. Definitions.
- 7-302. Applicability.
- 7-303. Application process.
- 7-304. Restrictions.
- 7-305. Regulations.
- 7-306. Suspension and civil fines.

7-301. Definitions. For the purposes of this chapter:

- (1) "Applicant" shall mean any person or representative of a business organization applying for a permit to sell fireworks.
- (2) "Fireworks" shall mean any combustible or explosive device for producing a striking display of light or loud noise.
- (3) "Permit" shall mean the lawful issuance by the authority of the Town of Gordonsville.
- (4) "Seasonal retailer" means any retailer that engages in the sale of fireworks for a temporary duration.
- (5) "Shall" shall mean mandatory.
- (6) "Stands/booths" shall mean any temporary shelter, tent, or structure utilized for the sale of fireworks. (Ord. #99-05-01R1-05-03, April 2005)

7-302. Applicability. All fireworks stands or booths within the town limits of Gordonsville shall be subject to these regulations. (Ord. #99-05-01R1-05-03, April 2005)

7-303. Application process. (1) Any individual or business organization endeavoring to sell fireworks within the town limits of the Town of Gordonsville shall apply for a permit to sell fireworks and shall include the following:

- (a) Full legal name of applicant;
- (b) Business address;
- (c) Social security number;
- (d) Names and addresses of all persons responsible for the handling, storing and selling of fireworks;
- (e) Name and address of the business organization the applicant represents, if applicable;
- (f) Proposed location of applicant's fireworks stand or booth;
- (g) Date of the application;
- (h) The beginning and ending date the applicant desires to sell the fireworks;

- (i) Copy of fireworks permit from the State of Tennessee;
- (j) Copy of current business license; and
- (k) Signature of applicant.

(2) Each application shall be accompanied by a nonrefundable cashier's check in the amount of three hundred fifty dollars (\$350.00).

(3) Each applicant will be required to post a bond naming the Town of Gordonsville as beneficiary in the amount of five thousand dollars (\$5,000.00) or liability insurance to the Town of Gordonsville in the amount of one million dollars (\$1,000,000.00).

(4) An applicant's permit application will be considered at the next regular meeting of the board of mayor and aldermen after application has been submitted.

(5) When approved or denied, the town recorder shall forthwith notify the applicant of the board's decision.

(6) Any applicant will be allowed two (2) applications in any one (1) calendar year.

Under no circumstances shall any applicant, whether representing oneself as an individual or in a representative corporation, be allowed to apply more than twice in any given year for the same business organization or individual.

(7) In the event an applicant's circumstances change which affect the provisions set forth in this chapter, the applicant shall notify the town recorder in writing within fifteen (15) days from the change in circumstances.

(8) Any applicant denied two (2) times shall not be allowed to reapply until the expiration of one (1) year from the date of the second refusal. (Ord. #99-05-01R1-05-03, April 2005)

7-304. Restrictions. (1) No stand or booth shall be erected in the Town of Gordonsville for the sale of fireworks without a lawful permit issued to the seasonal retailer by the Town of Gordonsville.

(2) No seasonal retailer shall sell fireworks within the Town of Gordonsville without a lawful permit.

(3) No stand or booth for the sale of fireworks shall be erected on any property, or within one hundred feet (100') of any property (measured from the nearest point), wherein hazardous substances or chemicals or combustible materials are sold, exchanged or stored which shall include, but are not limited to, gasoline, liquid flammable, explosives or other combustible products.

(4) All stands and booths shall comply with all zoning ordinances promulgated by the Town of Gordonsville.

(5) No smoking shall be allowed within fifty feet (50') from the nearest point of any booth or stand.

(6) No booth or stand shall be erected within one hundred feet (100') of a church, school or residence measured from the nearest point of the church, school or residence to the nearest point of the booth or stand.

(7) No permit shall be issued when such business would cause congestion of traffic.

(a) Persons engaged in the sale of fireworks shall ensure that the property on which the business is located shall be reasonably safe for motorists and pedestrians and adequate parking is available.

(b) Persons engaged in the sale of fireworks shall prevent the visible obstruction of the business driveways, along State Highway 53, from any motor vehicle ingressing or egressing to and from the premises. (Ord. #99-05-01R1-05-03, April 2005)

7-305. Regulations. (1) All seasonal retailers operating a fireworks stand or booth shall have visibly displayed the permit issued in accordance with this chapter at the locale of the booth stand.

(2) No seasonal retailer shall be permitted more than one (1) booth or stand within the town limits in any season for which fireworks are sold.

(3) All signs shall be in compliance with the Town of Gordonsville zoning regulations.

(4) Permits shall be issued for a maximum of twenty-eight (28) days. (Ord. #99-05-01R1-05-03, April 2005)

7-306. Suspension and civil fines. (1) Any permit issued pursuant to the terms of this chapter may be revoked, suspended and/or a civil penalty may be imposed on the permit holder.

(2) Any applicant or permit holder knowingly making a false statement on the application shall forfeit the permit.

(3) A civil penalty must be paid within seven (7) days or a suspension shall be imposed.

(4) Upon revocation of a permit, no new permit shall be issued to a person whose permit was revoked, or for the same premises for which the permit was revoked, until the expiration or a minimum of one (1) year, from the date the revocation becomes final and effective. (Ord. #99-05-01R1-05-03, April 2005)