

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 fire limits of the Town of Huntingdon shall be all of that area located within the corporate limits of the town except as otherwise provided by the zoning ordinance or by temporary directive of the chief of the fire department. (1978 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

Director of public safety: title 1, chapter 4.

Emergency assistance: title 20, chapter 2.

Ord. #327, (Sept. 1993) states: "**BE IT FURTHER ORDAINED** by said Town Council that throughout the Huntingdon Municipal Code (Title 1 thru Title 20), any and/or all references to the "Police Chief", "Chief of Police" or "Chief, Police Department", and/or "Fire Chief" or "Chief, Fire Department", or other such references to the head of these departments, shall also be deemed a reference to the "Director of Public Safety"."

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Definitions.
- 7-203. Storage of explosives and blasting agents.
- 7-204. Storage of flammable liquids above ground.
- 7-205. Bulk storage of liquefied petroleum gas.
- 7-206. Establishment of routes for vehicles transporting explosives, etc.
- 7-207. Routes for transportation of hazardous chemicals.
- 7-208. Fire lanes.
- 7-209. Modifications.
- 7-210. Appeals.
- 7-211. Hearing for permit involving new materials.
- 7-212. Penalties.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-504, inclusive, 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 adopted by the Southern Building Code Congress International, Inc., is hereby adopted by reference and included herein as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, §§ 6-54-502 and 6-54-503, one (1) copy of said fire prevention code has been filed with the 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 except that Standard Fire Code, chapter 20, Fireworks, is deleted, as this subject is regulated separately by chapter 4, title 7, HMC. (1978 Code, § 7-201, modified)

7-202. Definitions. (1) Where the term bureau of fire prevention is used in the fire prevention code, it shall be held to mean the Huntingdon Fire Department.

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.

(2) Wherever the terms chief of the bureau of fire prevention or fire official are used in the fire prevention code, they shall be held to mean Chief of the Huntingdon Fire Department.

(3) Whenever the word municipality is used in the fire prevention code, it shall be held to mean the Town of Huntingdon.

(4) Whenever the term "corporation counsel" is used in the fire prevention code, it shall be held to mean the attorney for the Town of Huntingdon.

(5) Whenever the term "Building Official" is used in the fire prevention code it shall be held to be the Codes Enforcement Officer of the Town of Huntingdon and/or those person or persons duly designated by the mayor or town council to enforce the provisions hereof.

(6) So much of paragraph 105.1 of the Standard Fire Prevention Code as reads "five members" is amended to read "three (3) members." (1978 Code, § 7-202)

7-203. Storage of explosives and blasting agents. Storage of explosives and blasting agents within the corporation limits of the Town of Huntingdon is prohibited; therefore, the limits referred to in § 1901.4.2 of the fire prevention code include the whole town. Temporary storage of said materials shall be by special permit only, as issued by the chief of the fire department. (1978 Code, § 7-203)

7-204. Storage of flammable liquids above ground. (1) The limits referred to in § 902.1.1 of the fire prevention code in which storage of flammable liquids in outside aboveground tanks is prohibited are hereby established as follows:

Storage of such liquids shall be confined to those areas designated for said storage as outlined in the Huntingdon zoning ordinance, and pursuant to a permit issued for said storage by the chief of the fire department.

(2) 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 established as follows: The location and establishment of new bulk plants for the storage of such liquids shall be confined to those areas designated for said storage as outlined in the zoning ordinance, and pursuant to a permit issued for such location by the chief of the fire department. (1978 Code, § 7-204)

7-205. Bulk storage of liquefied petroleum gas. 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 established as follows:

Storage of such liquids shall be confined to those areas designated for said storage as outlined in the Huntingdon zoning ordinance, and pursuant to a permit for said storage by the chief of the fire department. (1978 Code, § 7-205)

7-206. Establishment of routes for vehicles transporting explosives, etc. The routes referred to in § 1903.2.11 of the fire prevention code for vehicles transporting explosives and blasting agents are hereby established as follows:

All such vehicles entering the Town of Huntingdon on any of the US, state or local routes shall proceed directly to the nearest point of access to the SR-1/SR-11 By-pass, and shall remain on these by-passes until they exit the town. In no case shall such vehicles be on any street, road or highway within the area of the town encompassed by these by-passes without the expressed authorization of the chiefs of the fire and police departments. No vehicle transporting explosives or blasting agents shall enter any other routes, nor shall they stop or park within the corporation limits of the Town of Huntingdon without the expressed permission of the chief of the police department. (1978 Code, § 7-206)

7-207. Routes for transportation of hazardous chemicals. Vehicles transporting hazardous chemical and other dangerous articles shall use the established heavy vehicle routes (truck routes) as established by § 15-122 hereof. (1978 Code, § 7-207)

7-208. Fire lanes. When the fire lanes referred to in § 602.6 of the fire prevention code become necessary and available, they shall be established by the chief of the fire department, and appropriate traffic signs shall be posted thereon. (1978 Code, § 7-208)

7-209. Modifications. (1) The Unified Board of Codes Adjustments and Appeals shall have power to modify any of the provisions of the fire prevention code upon application in writing by the 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 and the decision of Unified Board of Codes Adjustments and Appeals thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. Section 105 of the fire prevention code is hereby deleted.

(2) The designation of "fire lanes" or "fire access roadways" by the "Fire Official", under the provisions of § 602.6 of the Standard Fire Prevention Code, shall be subject to the prior review and approval of the Council. (1978 Code, § 7-209)

7-210. Appeals. Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the

applicant may appeal from the decision of the chief of the fire department to the Unified Board of Codes Adjustments and Appeals within 30 days from the date of the decision appealed. (1978 Code, § 7-210)

7-211. Hearing for permit involving new materials. The Unified Board of Codes Adjustments and Appeals shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies which shall require permits, in addition to those now enumerated in said code. The chief of the fire department shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons. (1978 Code, § 7-211)

7-212. Penalties. It shall be unlawful for any person or firm to violate or fail to comply with any provision of the fire prevention code as herein adopted by reference, and such violation and/or failure to comply therewith shall be deemed a misdemeanor. (1978 Code, § 7-212)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the town council. This department shall be composed of both regular full time employees of the town, and a volunteer fire-fighter component. All apparatus, equipment, and supplies shall be purchased or procured pursuant to the town's purchasing and procurement regulations as administered by the town's purchasing officer, and shall be and remain the property of the town. The fire department shall be composed of a chief employed by the mayor with the advice and consent of the town council, and such number of physically-fit subordinate officers and fire fighters as authorized in the annual budget document and related personnel manning authorizations, who shall be employed in accordance with the town's personnel management regulations, and such volunteer fire fighters as hereinafter provided for. The chief shall report directly to, and be under the direct operational control of the mayor. (1978 Code, § 7-301)

7-302. Objectives. The Huntingdon 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. (1) Purpose: The primary purpose for the creation and maintenance of the Huntingdon Fire Department is to provide adequate, efficient, professional and effective fire prevention and fire protection services for the citizens of the Town of

¹Municipal code reference

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

Huntingdon on a twenty-four hour basis. The purpose of this regulation is to provide managerial, administrative and operational guidance to that department.

(2) Concept: The operation, administration and training of the fire department is based on the concept of an integrated force of trained fire fighters composed of both a regular and a volunteer component.

(a) Regular component: This component shall consist of regular, full-time, paid employees of the town and shall be a chief, who is employed by the mayor with the advice and consent of the town council, and three (3) separate fire-fighting teams, each staffed with one (1) captain as officer-in-charge, and one (1) lieutenant as second-in-command and pumper operator. (The personnel manning levels may vary from year to year as established for the fiscal year by the annual budget documents.)

(b) Volunteer component: This component shall consist of twenty-two (22) volunteer fire fighters. They shall function as does any normal volunteer/reserve component of an active regular fire service, and shall respond to activation (fire calls or fire drills) as required. They shall be assigned to one of the three fire-fighting teams. One volunteer on each team shall be elected by the other volunteer members of that team as "lieutenant" (with the advice and consent of the chief and the mayor), who shall serve under the direct supervision of the team captain. Two of the volunteer fire fighters on each team shall be cross trained as "pumper operators." One volunteer fire fighter, who shall be professionally qualified, shall be elected by the volunteer component as "assistant chief" (subject to the advice and consent of the chief and the mayor). He shall serve as the principal representative of the volunteer component to the chief and to the mayor.

(3) Personnel:

(a) Regular component: The number of positions and current wage and or salary levels shall be as prescribed by the mayor with the advice and consent of the town council, as set forth in the annual budget documents and related personnel manning authorizations. As of Fiscal Year 1985, the Huntingdon Fire Department shall be organized as follows:

(i) There shall be a full-time, paid, Chief, Huntingdon Fire Department. He shall serve as the chief officer responsible for the fire protection and fire prevention services for the town. He shall also be responsible for the day-to-day administration, operation and training of all fire department personnel, both regular and volunteers, under the guidance and regulations of the mayor and town council, and such state or federal regulations as may be mandated upon the town. He shall also function as the fire marshal for the town, as and where may be required.

(ii) There shall be three (3) fire-fighting teams. Each team shall be composed of two (2) regular fire fighters. One shall be designated "Captain" and shall be in command of the team. The other shall be designated "lieutenant," and he shall be primarily in charge of the fire apparatus.

(b) Volunteer component: This auxiliary force shall be of such number, positions and remuneration for active duty periods as established and authorized by the annual budget documents and related personnel manning levels and wage/salary determinations for that fiscal year. At the present time (FY-85), the volunteer component consist of twenty-two (22) fire fighters who serve on a volunteer status as their regular employments will permit. They shall be organized as follows:

(i) One senior, professionally qualified, volunteer fire fighter, with the advice and consent of the chief and the mayor, shall be elected by the volunteer fire fighters as "assistant chief" (see paragraph (2) (b), above). He will be directly responsible to the chief.

(ii) The remaining twenty-one (21) volunteers shall be assigned to one of the three fire-fighting teams, seven to each team. The volunteers on each team may elect, with the advice and consent of the chief and the mayor, one of their members to serve as team "lieutenant," who shall be responsible for the supervision of the volunteers on each team, under the supervision and control of the team captain or the assistant chief.

(iii) In the event of a vacancy in the regular employees of the fire department, a volunteer fire fighter shall be given preferential consideration in the filling of such vacancy.

(c) Personnel qualifications:

(i) Regular components: The prerequisites for employment of personnel as regular, full-time employees of the Huntingdon Fire Department shall be as established by the town's personnel management program.

(ii) Volunteer components: Each applicant for enlistment into the volunteer component of the fire department shall complete and submit an application for same on such forms as are prescribed by the Department of Finance and Administration. All applications will be duly considered by an ad hoc committee composed of the mayor, fire chief and the assistant chief. Each applicant for such membership shall meet the following minimum prerequisites:

(A) Shall be at least eighteen (18) years of age and less than sixty-five (65) years of age.

(B) Shall be in good physical and mental condition, and possess the necessary physical strength and mental

stability to properly function in a hazardous and critical situation. A physical examination shall be required of each applicant prior to actual acceptance into the volunteer component, which shall be at the town's expense. Performance records and physical condition shall be subject to review after a six (6) month probationary period prior to final confirmation as a volunteer member of the fire department.

(C) Shall be of good moral character, and shall not have been convicted of a felony, nor other crime or misdemeanor which may reflect unfavorably upon the reputation of the town.

(D) Shall have regular employment of such nature that the applicant can be reasonably expected to respond to fire calls during working hours.

(E) Shall be willing to submit to the rules and regulations of the Town of Huntingdon and/or the Huntingdon Fire Department.

(F) Shall be a resident of the Town of Huntingdon, or reside within five (5) road miles of the town limits.

(G) Shall be willing to participate in regularly scheduled periods of training.

(H) Shall be willing to accept accountability and responsibility for the maintenance of all items of accountable uniforms or equipment issued thereto.

(d) Personal insurance protection: The Town of Huntingdon will provide each volunteer fire fighter, as well as the regular fire fighters, an insurance plan which shall provide medical, disability, death and/or dismemberment coverage, as approved and funded by the town council without cost to the volunteers.

(i) As full-time employees of the town, all regular fire fighters are provided with these coverages through the town's employee group hospitalization plan and workmen's compensation insurance; however, the "special risk" insurance, which is issued especially for volunteer fire fighters will also provide coverage to the regulars at the same cost.

(ii) The volunteer fire fighters are also covered under the town's workmen's compensation insurance; however, the coverages available under this policy as pertains to the volunteer fire fighter other than the medical expenses are minimal, e.g, disability income, etc. Therefore, a special "Volunteer Fire Fighters Blanket Accident Policy" will be provided the volunteers at no cost by the town. This policy will provide both "accidental death and dismemberment" and "disability income" protection to the

volunteer fire fighter (as well as the regulars). A copy of this insurance policy will be provided each fire fighter, volunteer and regular, by the Department of Finance and Administration, upon issuance of same.

(4) Training: The Chief, Huntingdon Fire Department, shall be responsible for the professional technical training of all members of the department, both regulars and volunteers. He shall develop and maintain the necessary training programs, schedules and proficiency records as required by the laws of the town and the State of Tennessee, and as recommended by the National Fire Protection Codes (NFPA), or the International Fire Service Training Association (ASTA), the instructional arm of the NFPA, to assure that all fire-fighting personnel receive acceptable levels of technical training. When possible under manpower and budget limitations, volunteer fire fighters will be scheduled to attend formal fire training sponsored by the State of Tennessee or other governmental agency.

(a) It is the desired goal of the town that the volunteer component be fully integrated with the regular component so that they unite to form one cohesive, efficient and professionally competent fire-fighting unit, without any differentiating between the two components. They shall work as one team; train as one team, and will be in fact one composite team. Competition between the fire-fighting teams is a healthy and effective mode of training, and will be utilized where feasible, and proper recognition awarded where due and proper. When appropriate, individual fire fighters should be recommended to the mayor for awards for special recognition.

(b) Schedules of training periods shall be prepared sufficiently in advance to enable the volunteers to arrange their personal time.

(i) A training officer shall be designated by the chief from the membership of the fire department, who shall be directly responsible under the supervision of the chief to implement the training programs and to conduct training drills. The chief may designate one or more assistant training officers, as may be required. Individual training records will be maintained and one completed copy will be filed in the employee personnel file.

(c) Fire-fighting techniques developed through the training program and approved adaptable to the standard operating procedures of the Huntingdon Fire Department shall be incorporated into the departmental operating procedures, with the prior approval of the chief and the mayor, and implemented whenever possible by amendment to this section of the code.

(d) Payment for attendance at fire drills or other called training sessions for which payment is normally made, will not be made to any member of the fire department who is not present for the training, or who

absences himself prior to the conclusion of the training without the proper authorization.

(e) All officers of the fire department shall complete all phases of officer training within the first 12 months subsequent to their acceptance into the department.

(5) Operations: It should be needless to state specifically, but there shall be only one Fire Department for the Town of Huntingdon. One with a regular component and a volunteer component. It is recognized that the operation of a fire department, as is presently operated by the Town of Huntingdon, requires one single point of control, supervision and operation. This is accomplished by the position of Chief, Huntingdon Fire Department, who shall be the individual solely responsible to the mayor and town council for the operation, administration and training of the fire department. This responsibility cannot be shared with a non-regular, or volunteer member as that would not be consistent with good leadership and management principles and practices; however, the needs and requirements of those individuals who donate their time and efforts as members of the volunteer component of the fire department must be recognized. This need is fulfilled by the positions of "assistant chief" and of "lieutenant" on each of the teams.

(a) The Chief of the Huntingdon Fire Department is also, pursuant to Tennessee Code Annotated, § 68-102-108, designated as an Assistant to the Commissioner of Insurance of the State of Tennessee, and as such functions as a deputy fire marshal in and for the Town of Huntingdon, and is invested with all powers thereof as set forth in Tennessee Code Annotated, title 68, chapter 102, and will discharge all the duties and responsibilities required thereby.

(b) It shall also be his duty as Fire Marshal of the Town of Huntingdon to formulate, implement and maintain a fire prevention plan and program for the town, subject to the review and approval of the mayor and to conduct such fire inspections, and provide such programs of public instruction throughout the town to assure an active and effective fire prevention attitude within the community, and to correct any deficiencies noted, particularly within the area of industrial, commercial, business or public gathering places.

(i) He will also be responsible for the preparation of fire prevention and protection inspection schedules, lecture/instructional schedules, the results of fire and safety inspections, and the maintenance of an adequate records management program to document the program.

(ii) He will also be responsible for the conduct of fire inspections of the town's departments and activities on a quarterly basis and for the conduct of a minimum of one (1) fire drill per year in each department or activity, the results of which will be

transmitted to the mayor for his review and any corrective action required.

(6) Logistics: The chief of the fire department, as the supervisory official, shall be responsible for the provision and maintenance of the necessary equipment and apparatus to adequately support the fire prevention and fire protection programs of the town. In the event of a deficiency in such equipment or apparatus it shall be the responsibility of the chief to call such matters to the attention of the mayor and the town council for resolution.

(a) The chief of the fire department shall also be responsible for the preparation of the annual operating budget for his department, with the assistance of the mayor and director of finance.

(b) The chief of the fire department shall, with the approval of the mayor and town council, establish "Table of Clothing and Equipment" for each individual fire fighter. This table will indicate the type and quantity of individual clothing and equipment to be issued to each fire fighter. There will be one table for regular personnel and one table for volunteer personnel.

(c) Each fire fighter shall be issued a gratuitous issue of such clothing and equipment. Subject to the approval of the mayor and the town council, a system of periodic clothing maintenance allowance payments for expendable items of clothing and equipment will be established in coordination with the director of finance.

(d) A formal system of accountability shall be established within the fire department for the issuance, inspection, maintenance and disposition of each item of clothing and equipment. An inspection of all items of clothing and equipment shall be completed each six (6) months during the course of a regular fire drill. The department of finance and administration will provide such administrative support as may be needed. (1978 Code, § 7-303)

7-304. Chief to be assistant to state officer. As stated in § 7-303(5)(a) of this chapter, and pursuant to the requirements of Tennessee Code Annotated, § 68-102-108, the Chief, Huntingdon Fire Department, is designated as an Assistant to the Commissioner of Insurance of the State of Tennessee, and as such is subject to all the duties and responsibilities imposed by Tennessee Code Annotated, title 68, chapter 102; is invested with all the powers authorized therein, and shall be subject to the directions of the State Fire Prevention Commissioner in the execution of the provisions thereof. (1978 Code, § 7-305)

CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

7-401. Authority to use fire equipment outside town limits.

7-401. Authority to use fire equipment outside town limits. The mayor and/or the fire chief of the Town of Huntingdon (the "town") are hereby authorized, in their discretion, and subject to the limitations imposed by § 1.04(t) of the town's charter, to respond to request to aid in the extinguishing of fires on private property within a reasonable distance from the town, or on property immediately adjacent to the town where there is a possibility of fire spreading to property within the corporate limits, under the following conditions:

(1) Calls may be responded to only with such personnel and apparatus which in the judgement of the mayor or fire chief can be safely sent without unduly impairing the fire protection capabilities within the town and when highway and weather conditions do not pose an unacceptable hazard to safety of personnel and equipment.

(2) The individual requesting such emergency services shall be responsible for any liabilities incurred by the response of the town's equipment to the request, and must compensate the town for any injuries suffered or incurred by the town's personnel while responding to such a request and while working at such fire or fires.

(3) The Town of Huntingdon has no duty or legal responsibility to respond to any request for such firefighting services outside the town's limits, and no such duty or legal responsibility shall be established or implied by this section.

(4) The individual requesting assistance must pay the actual cost of personnel and equipment provided in the responses, with a minimum service charge of three hundred dollars (\$300.00).

(5) All charges or fees for such services are to be paid to the town's department of finance and administration within fifteen (15) days of billing.

(6) The personnel of the town shall have extended to them to any geographic area necessary as a result of a request for emergency assistance the same jurisdiction, authority, rights, privileges, and immunities, including coverage under the workers's compensation laws, which they have in the town. (1978 Code, § 7-304)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Purpose.
- 7-502. Definition of terms.
- 7-503. Permits required for sale.
- 7-504. Business license required.
- 7-505. Permissible items of fireworks.
- 7-506. Conditions for sale and use of permissible articles.
- 7-507. Public displays--permits--regulations.
- 7-508. Retail sales of permissible articles--time limitations--exceptions.
- 7-509. Private use of permissible articles--time limitations--exceptions.
- 7-510. Regulations governing storing, locating or display of fireworks.
- 7-511. Unlawful acts in the sale and handling of fireworks.
- 7-512. Exceptions to application.
- 7-513. Penalty for violation.
- 7-514. Seizure and destruction of fireworks.
- 7-515. Requirements or compliance with state regulations not affected.

7-501. Purpose. The purpose of this chapter is to provide for the display, sale and use of certain fireworks for both private and public display within the corporate limits of the Town of Huntingdon, Tennessee within certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (1978 Code, § 7-401)

7-502. 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) "Manufacturer," any person engaged in making, manufacture, or construction of fireworks of any type within the Town of Huntingdon or the State of Tennessee.

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

(3) "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.

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

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

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

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

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

(9) "Permit," a permit is the written authority of the town fire marshal issued under the authority of HMC, title 7, or under the authority of the state fire marshal issued under the authority of Tennessee Code Annotated, §§ 68-104-106--68-104-116.

(10) "I.C.C. class C common fireworks," shall mean all articles of fireworks as are now or hereafter classified as "1CC Class C common fireworks" in the regulation of the Interstate Commerce Commission for the transportation of explosive and other dangerous articles.

(11) The term "special fireworks" shall mean 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. (1978 Code, § 7-402)

7-503. 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 Town of Huntingdon, except as herein provided, any item of fireworks, without first having secured the required applicable permit from the town fire marshal 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 Town of Huntingdon, except as herein provided. This provision applies to non-residents as well as residents of the Town of Huntingdon.

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

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

(3) The decision of the town fire marshal 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 permits, after the

expiration thereof. Permits issued to retailers must be displayed near the point of sale and visible for public inspection. No permit provided for herein shall be transferable nor shall a person be permitted to operate under a permit issued to any person.

(4) In addition to charges for permits authorized to the state fire marshal for state permits, the town fire marshal is authorized and directed to charge for permits issued as follows: wholesaler \$10.00; retailer \$10.00; display \$10.00.

(5) A record of all sales, other than retail sales directly to private consumers, must be kept showing the names and address of purchasers. All fees collected for said permits shall be payable directly to the general fund of the town shall constitute general revenue. (1978 Code, § 7-403)

7-504. 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 town business or privilege license, the town recorder shall require each applicant to submit adequate proof of possession of valid fireworks permits as issued by the town fire marshal and by the state fire marshal. (1978 Code, § 7-404)

7-505. Permissible items of fireworks. It shall be unlawful for an individual, firm, partnership, or corporation to possess, sell, or use within the Town of Huntingdon, or ship into the Town of Huntingdon, except as provided in § 7-506, 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. (1978 Code, § 7-405)

7-506. 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 town, or used in the Town of Huntingdon, except as here 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. (1978 Code, § 7-406)

7-507. Public displays--permits--regulation. The public display of fireworks within the corporate limits of the Town of Huntingdon 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 town fire marshal and the town chief of police. (1978 Code, § 7-407)

7-508. 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 Town of Huntingdon and used within the Town of Huntingdon from June 20th through July 5th, and from December 10th through January 2nd of each year only, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredth (25/100th) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredth (25/100th) grains of explosive compounds, cone, bottles, tube and other type serpentine pop-off novelties, nonpoisonous toy snakes, smoke sticks with report and sparklers, the sale and use of which shall be permitted at all times. (1978 Code, § 7-408)

7-509. 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 Town of Huntingdon by private citizens for their personal use and enjoyment during the periods June 20th through July 5th, and from December 10th through January 2nd of each year under the following restrictions.

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

(2) Permitted fireworks shall not be ignited, exploded, or otherwise used within six hundred (600) feet of any business or storage area whereat or wherein flammable materials are sold, used or stored.

(3) Permitted fireworks may be ignited, exploded or otherwise used during the hours of 8:00 A.M. through 10:00 P.M., daily during the permitted periods.

(4) Small children, those under the age of ten (10) years, shall be supervised by adults when using permitted fireworks.

(5) If the use of permitted fireworks in a specific area of the town becomes a public nuisance or endangerment to private or public property in the opinion of the town fire marshal or the town chief of police, these officials or their authorized representatives are authorized and directed to prohibit said use therein or thereat. (1978 Code, § 7-409)

7-510. Regulations governing storing, locating or display of fireworks. Placing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to

permit the presence of lighted cigars, cigarettes, or pipes within twenty-five (25) feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "FIREWORKS -NO SMOKING WITHIN 25 FEET" in letters not less than four (4) inches high.

(1) No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers.

(2) No fireworks shall be stored, placed, located, sold or traded within fifty (50) feet of any other building, nor within one hundred (100) feet of a retail gasoline sales outlet (service station, market, or other such facility) or bulk petroleum storage or distribution facility. All measurement shall be from building-to-building, and not from property line-to-property line.

(3) The physical site proposed for the location of storage, placement or sale of permissible fireworks shall require the prior approval of the town fire marshall and the town chief of police previous to the issuance of any required permits and licenses. (1978 Code, § 7-410)

7-511. Unlawful acts in the sale and handling of fireworks. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years, or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum, public school, or place where fireworks are stored, sold, or offered for sale. 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 persons. (1978 Code, § 7-411)

7-512. Exceptions to application. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or 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 as applying to the military or naval forces of the United States, or of the State of Tennessee or to the peace officers of the town or of the state, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser shall first secure a written permit to purchase and use fireworks for agricultural purposes only from the town fire marshal, and the state fire marshal, after approval of the county agricultural agent of Carroll County, Tennessee, and said fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the town and the state. (1978 Code, § 7-412)

7-513. Penalty for violation. 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 twenty dollars (\$20.00), nor more than fifty dollars (\$50.00). Each day that any violation of the provisions of this chapter continues shall be a separate triable offense. (1978 Code, § 7-413)

7-514. Seizure and destruction of fireworks. The town fire marshal shall seize as contraband, any fireworks other than "Class C Common Fireworks" as defined in § 7-505 hereof, and Tennessee Code Annotated, § 68-104-108, or "Special Fireworks" for public displays as provided in § 7-507 of this chapter, which are sold displayed, used or possessed in violation of this chapter. The town fire marshal is authorized to destroy any fireworks so seized. (1978 Code, § 7-414)

7-515. Requirements or compliance with state regulations not affected. This chapter shall in no wise affect 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 Town of Huntingdon in accordance with the applicable state regulations, as augmented by the rules and regulations of the Town of Huntingdon.

The enforcement of this regulation shall be the responsibility of the fire marshal of the Town of Huntingdon. (1978 Code, § 7-415)