

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. GASOLINE TRUCKS.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIREWORKS.
5. FIRE CODE.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be that area covered by Court Square and extending outwardly one block completely around such square.

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

GASOLINE TRUCKS

SECTION

7-201. Gasoline trucks.

7-202. Violations and penalties.

7-201. 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.

7-202. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter 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 municipal code shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 3

VOLUNTEER 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 and compensation of members.

7-306. Chief responsible for training and maintenance.

7-307. 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 board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall appoint.

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.

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.

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

¹Municipal code reference

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

to the mayor once each month, and at the end of the year a detailed annual report shall be made.

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. The chief may be suspended by the mayor but may be dismissed only by the board of mayor and aldermen.

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

7-306. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month.

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.

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Regulations.
- 7-402. Permits.
- 7-403. When allowed.
- 7-404. Disturbing the peace.
- 7-406. Minors.

7-401. Regulations. All firework sales in the City of Lexington are to be in agreement with state regulations concerning dates and times set by the state fire marshall's office. (Ord. of Oct. 6, 1992)

7-402. Permits. All persons selling fireworks must have the following:

- (1) State fireworks permit.
- (2) State sales tax number.
- (3) City business license.
- (4) County business license. (Ord. of Oct. 6, 1992)

7-403. When allowed. The shooting of fireworks inside the corporate limits of the City of Lexington shall be allowed three (3) days prior, the day of, and three (3) days following the holidays designated below until 9:00 P.M.:

- (1) July 4th (Independence Day);
- (2) Halloween;
- (3) Christmas Day;
- (4) New Year's Day.

Sponsored professional fireworks displays by the City of Lexington shall be allowed until 10:00 P.M. on the above designated days and at other such dates of special events as determined by the mayor and board of aldermen. (Ord. of Oct. 6, 1992, as replaced by Ord. #200804, July 2008)

7-404. Disturbing the peace. The discharging of fireworks on the above dates and times shall not constitute disturbing the peace subject to the following conditions.

In the event that the police department of the City of Lexington becomes aware of any discharging of fireworks which is excessive or which in the opinion of the officer constitutes a danger or other safety problem or which constitutes in the opinion of the officer a disturbance of the peace due to the excessive discharging of fireworks or due to the location of the discharging of fireworks and such person or persons are warned by said officer or officers and fail to obey the warning, then the officer may in his discretion issue a warrant for disturbing the peace (Ord. of Oct. 6, 1992)

7-405. Minors. All minors will be required to be under the direct supervision of responsible adults at these specific periods of time. (Ord. of Oct. 6, 1992)

CHAPTER 5

FIRE CODE¹

SECTION

- 7-501. Fire code adopted.
- 7-502. Enforcement.
- 7-503. Definition of "municipality."
- 7-504. Storage of explosives, flammable liquids, etc.
- 7-505. Gasoline trucks.
- 7-506. Variances.
- 7-507. Open burning regulated.
- 7-508. Violations and penalties.

7-501. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the International Fire Code,² 2015 edition 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 International Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #980001, Feb. 1998, modified, as replaced by Ord. #201803, May 2018)

7-502. 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.

7-503. 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 Lexington, Tennessee. (as amended by Ord. #200702, Feb. 2007)

7-504. Storage of explosives, flammable liquids, etc. (1) The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive

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.

materials is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

(2) The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

(3) 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 declared to be the fire district as set out in § 7-101 of this code.

(4) 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 declared to be the fire district as set out in § 7-101 of this code.

7-505. 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.

7-506. 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.

7-507. Open burning regulated. The open burning of any garbage, trash, rubbish, leaves, grass, construction debris, waste materials or any other type of combustible material by any person, firm or corporation, without first having obtained written permission from the chief of the fire department, is hereby prohibited.

(1) **Exceptions.** Fire used for cooking food, ceremonial or recreational purposes, including barbecues and outdoor fireplaces, shall be excepted from the requirements contained herein. This exception does not include bonfires or commercial food preparation facilities and their operation.

(2) **Permits.** The fire chief, in granting or denying such permission, shall take into consideration the following:

(a) All burning shall be between the hours of 9:00 A.M. until sundown, or as authorized by the chief.

(b) No burning shall be kindled or maintained on any private land unless the location is not less than fifty feet (50') from any structure and adequate provision is made to prevent fire from spreading within fifty feet (50') of any structure, or the fire is contained in an approved

waste burner located safely, not less than fifteen feet (15') from any structure.

(c) Open burning shall be constantly attended by a competent person, over eighteen (18) years of age, until such fire is extinguished. Such person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

(d) No gasoline, kerosene, diesel, or flammable liquids or solids are to be used as an accelerator.

(e) The fire chief may prohibit any open burn when atmospheric conditions or local circumstances make such fires hazardous.

Permits will be valid for the period stated by the fire chief, or his designated representative. Prior to burning, the permittee will call the fire department to inform them that a permit has been obtained and the permittee is going to be burning.

The granting of an open burning permit shall in no way relieve the person responsible for such burning from the consequences or the damages, injuries, or claims resulting from such burning, or of the responsibility of obtaining any other permit from any other agency.

(3) **Prohibitions.** It shall be unlawful to burn any of the following:

- (a) Tires and rubber products;
- (b) Vinyl siding and shingles;
- (c) Asphalt shingles and other asphalt roofing materials and demolition debris;
- (d) Building material, construction debris and mobile homes;
- (e) Plywood, oriented strand board and treated wood, including railroad ties;
- (f) Asbestos - containing materials;
- (g) Aerosol cans and food cans;
- (h) Copper wire and electrical wires;
- (i) Plastics and other synthetic materials;
- (j) Paper products, cardboard and newspaper;
- (k) Household trash;
- (l) Leaves, branches and trees not grown on site. (as added by Ord. #200702, Feb. 2007)

7-508. Violations and penalties. 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 municipal

Change 4, May 5, 2009

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code shall not be held to prevent the enforced removal of prohibited conditions.
(as renumbered by Ord. #200702, Feb. 2007)