

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.
5. OPEN BURNING.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The hereinafter described areas are set apart and designated as the fire limits of the Town of Tiptonville:

(1) Beginning at a point in the east boundary line of Elm Street 200 feet south of the center line of Church Street; runs thence North with the east line of Elm Street, and on in the same course, across Church Street to a point 200 feet north of the center of Church Street; thence East, parallel with Church Street to a point in the west line of LeDuke Street 200 feet North of the center of Church Street; thence South, with the west line of LeDuke Street, and on in the same course to a point 200 feet south of the center of Church Street; thence West, running parallel with Church Street, to the point of beginning.

(2) Beginning at T. E. Morris's southeast corner, in the north line of Church Street; thence North to a point 200 feet north of the center of Church Street; thence East, parallel with Church Street to the railroad tracks of the Illinois Central R.R. Co., being a point 200 feet north of the center of Church Street; thence South to the north boundary line of Church Street; thence West, crossing Phoenix Street, to the point of beginning. (1979 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. Variances.
- 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 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. (1979 Code, § 7-201, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1979 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 Town of Tiptonville, Tennessee. (1979 Code, § 7-203)

7-204. 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 Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

materials is prohibited, is hereby declared to be the fire limits 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, is hereby declared to be the fire limits 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, is hereby declared to be the fire limits 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, is hereby declared to be the fire limits as set out in § 7-101 of this code. (1979 Code, § 7-204)

7-205. 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. (1979 Code, § 7-205)

7-206. 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. (1979 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 municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1979 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 and compensation of members.
- 7-306. Chief responsible for training and maintenance.
- 7-307. Rural fire protection.
- 7-308. Service charge; insurance.
- 7-309. Only one truck to answer rural calls.
- 7-310. 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 town and shall be and remain the property of the town. 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. (1979 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. (1979 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. (1979 Code, § 7-303)

¹Municipal code reference

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

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. (1979 Code, § 7-304)

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. He shall receive such compensation for his services as the board of mayor and aldermen may from time to time subscribe. So that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen. (1979 Code, § 7-305)

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 operations not less than once a month. (1979 Code, § 7-306)

7-307. Rural fire protection. The town will furnish rural fire protection, under the conditions enumerated in the following sections, to the following areas: all the rural area north of Tiptonville, Tennessee to the Kentucky border, south of Tiptonville to the southern limits of Wynnburg, Tennessee; to all the rural area west of Tiptonville extending north as far as the county line, south as far as Mooring, Tennessee; to all the eastern section of Lake County extending as far south as the southern limits of Keefe, Tennessee, and extending north as far as the county line; and to the east to Spillway Bridge at the Lake and Obion County lines. (1979 Code, § 7-307)

7-308. Service charge; insurance. The town will answer all fire calls for a service fee of \$500 for all properties insured for rural fire service calls by a recognized and reputable insurance company. All such coverage shall be subject to approval and acceptance by the Town of Tiptonville. The insuring agent shall certify in writing that he will be responsible for payment of rural fire service calls for each insured property until the service is cancelled by a written notice. (1979 Code, § 7-308)

7-309. Only one truck to answer rural calls. Only one fire truck from the fire department shall answer rural fire calls; other trucks must remain in the city limits at all times. (1979 Code, § 7-308)

7-310. 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. (1979 Code, § 7-310)

CHAPTER 4

FIREWORKS

SECTION

7-401. Fireworks defined.

7-402. Sale, storage, possession, and use of fireworks to be unlawful.

7-403. Public displays--permits required.

7-404. Personal use on July 4.

7-401. Fireworks defined. For the purposes of this chapter, "fireworks" shall mean all articles of fireworks are now or hereafter classified as D.O.T. Class C common fireworks in the regulations of the United States Department of Transportation for transportation of explosive or other dangerous articles; and all articles of fireworks that are classified as Class B explosives in the regulations of the United States Department of Transportation and includes all articles other than those classified as Class C common fireworks. (as added by Ord. #2096, Feb. 2004)

7-402. Sale, storage, possession, and use of fireworks to be unlawful. It shall be unlawful for any person to offer fireworks for sale or to otherwise store, possess, or use fireworks within the corporate limits of the Town of Tiptonville. (as added by Ord. #2096, Feb. 2004)

7-403. Public displays--permits required. Nothing in this chapter shall be construed to prohibit the storage, possession, or use of fireworks which are to be used in a public fireworks display to be held within ten (10) days of July 4 in any year; except that all such public displays shall be subject to the issuance of a permit by the Tiptonville Board of Mayor and Aldermen. (as added by Ord. #2096, Feb. 2004)

7-404. Personal use on July 4. Nothing in this chapter shall be construed to prohibit any person from storing, using, or using D.O.T. Class C fireworks on July 4 in any year; except that all such personal use is prohibited on any publicly-owned property in Tiptonville. (as added by Ord. #2096, Feb. 2004)

CHAPTER 5

OPEN BURNING

SECTION

- 7-501. Purpose.
- 7-502. Permit required, etc.
- 7-503. Permit application.
- 7-504. Authority to suspend permit/burning.
- 7-505. Exemptions.
- 7-506. Compliance with chapter.
- 7-507. Unauthorized burning prohibited.
- 7-508. Violation and penalty.

7-501. Purpose. The purpose of this chapter is to prevent fires that may be hazardous to life and property, eliminate potentially dangerous accumulations of combustible materials and to assist the city in eliminating unlawful, unnecessary and indiscriminate burning. (as added by Ord. #2181, April 2017 *Ch8_08-09-22*)

7-502. Permit required. (1) No open burning shall be permitted within the Town of Tiptonville without a permit, except as provided in § 7-506.

(2) A permit may be issued at no charge pursuant to this chapter for the destruction of leaves, grass, and other natural vegetation which has been cut and stacked, or raked as a result of single residential yard clean-up.

(3) All such permits shall be available for inspection throughout the period of time the permit is issued and the open burning is in progress. (as added by Ord. #2181, April 2017 *Ch8_08-09-22*)

7-503. Permit application. To obtain a permit required by this chapter, the applicant shall file an application with the recorder no more than twenty-four (24) hours before the fire, which shall include:

- (1) The type of materials to be burned.
- (2) The location of the fire.
- (3) The individual(s) designated as being responsible for controlling the fire.

(4) A signed statement by the applicant stating that he or she will follow all outdoor burning regulations contained in this code, that no outdoor burning shall be left unattended or permitted later than one (1) hour after sunset, and that protection against fire spread will be provided in a manner approved by the fire chief or his designee. (as added by Ord. #2181, April 2017 *Ch8_08-09-22*)

7-504. Authority to suspend permit/burning. (1) Regardless of any established permit period, the fire chief or his designee shall have the authority to forbid, restrict or suspend any and all burning or cancel any permit upon determining that weather or other conditions are unfavorable or hazardous for outdoor fires.

(2) The fire chief or his designee in granting or denying such permission, shall take into consideration the atmospheric conditions, including wind, relative humidity, and recent precipitation, the site of the proposed burning in relation to proximate structures, the availability of fire suppression equipment, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous. (as added by Ord. #2181, April 2017 *Ch8_08-09-22*)

7-506. Compliance with chapter. (1) The person to whom the permit is issued shall be the person responsible for any consequences of action of any damages, injuries or claims resulting from such burning or for responsibility of obtaining any other permit that may be required.

(2) A garden hose and water supply or other fire extinguishing equipment must be on hand and a competent person in constant attendance until all fire has been extinguished.

(3) The location of the fire shall not be less than fifty feet from any structure and adequate provision shall be made to prevent fire from spreading within fifty feet of any structure. (as added by Ord. #2181, April 2017 *Ch8_08-09-22*)

7-506. Exemptions. The following outdoor fires are exempt from the permit process:

- (1) Contained cooking fires;
- (2) Fires in outdoor fire pits or fireplaces;
- (3) Open fires for the training and instruction of fire-fighting personnel;
- (4) Heating on construction projects, provided the burning is in a suitable metal container. (as added by Ord. #2181, April 2017 *Ch8_08-09-22*)

7-507. Unauthorized burning prohibited. The open burning of any garbage, trash, rubbish, construction debris, waste material, or any other type of combustible material by any person, firm or corporation is hereby prohibited, except as provided in this chapter. (as added by Ord. #2181, April 2017 *Ch8_08-09-22*)

7-508. Violation and penalty. The violation of any provision of this chapter is punishable under the general penalty provision of this municipal code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2181, April 2017 *Ch8_08-09-22*)