

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

1. GENERAL PROVISIONS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.
5. SPECTATOR AND VEHICLE CONTROL.
6. RURAL FIRE SERVICE.

CHAPTER 1

GENERAL PROVISIONS

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as set by the town council. (1983 Code, § 7-101, modified)

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.
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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 1999 edition, including any subsequent future amendments and modifications thereto approved and adopted by the Southern Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and are 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. (1983 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. (1983 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 White Bluff, Tennessee. (1983 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in § 1901.42 of the fire prevention code, in which storage of explosives and

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.

blasting agents is prohibited, are hereby declared to be the fire limits as set out in § 7-101 in this code.

The limits referred to in § 902.2.1 of the fire prevention code, in which storage of flammable liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 906.1 of the fire prevention code, are hereby declared to be the fire limits as set out in § 7-101 in this code.

The limits referred to in § 1701.4.2 in the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this code. (1983 Code, § 7-204, modified)

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. (1983 Code, § 7-205)

7-206. Variances. The chief of the fire department shall have the power to modify any of the provisions of the fire prevention code hereby adopted on 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 this code, provided that the spirit of the fire prevention code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

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 true intent and meaning of the fire prevention code have been construed or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the Town Council of the Town of White Bluff within thirty (30) days from the date of the decision appealed. (1983 Code, § 7-206)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code hereby 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 Town Council of White Bluff or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (1983 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.

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

7-301. Establishment, equipment, and membership. There is hereby established a voluntary fire department to be supported and equipped from appropriations by the town council of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the Town of White Bluff and shall be and remain the property of this municipality. The fire department shall be composed of a chief appointed by the town council and such number of physically-fit subordinate officers and firemen as the town council shall approve. (1983 Code, § 7-301, modified)

7-302. Objectives. The fire department shall have as its objectives:

- (1) To enforce fire prevention regulations.
- (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. (1983 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. (1983 Code, § 7-303)

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

¹Municipal code reference

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

the mayor once each month, and at the end of the year a detailed annual report shall be made. (1983 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 town council. However, so that adequate discipline may be maintained, the chief or mayor 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 town council.

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. (1983 Code, § 7-305)

7-306. Chief responsible for training. The chief of the fire department, shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1983 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1983 Code, § 7-308)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Common fireworks.
- 7-402. Display and fireworks shows.
- 7-403. Pyrotechnic compositions.
- 7-404. Certificate of competency for operator.
- 7-405. Financial responsibility.
- 7-406. Penalty for violation.
- 7-407. Compliance with fireworks code for the State of Tennessee.

7-401. Common fireworks. (1) Definition. The term "common fireworks" shall mean any small firework device designed primarily to produce visible effects by combustion and which must comply with the construction, chemical composition and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in title 16, Code of Federal Regulations, part 1507. Some small devices designed to produce audible affects are included, such as whistling devices, ground devices containing fifty (50) mg or less of explosive composition, and serial devices containing one hundred thirty (130) mg or less of explosive composition. Common fireworks are classified as Class C explosives by the U.S. Department of Transportation.

(2) Public use regulated. No person, or persons, shall shoot, fire or explode any fireworks within the city limits, corporate boundaries, of the Town of White Bluff, Tennessee, unless such person or persons obtain a permit from the Town of White Bluff Fire Department. No permit shall be issued except for special occasions, holidays, and times and circumstances as may be designated or provided hereafter by the town council by motion and as permitted herein.

(3) Sale and storage regulated. No person, or persons, firm, or corporation shall sell, unless an application has been completed and an annual permit shall be issued by the town and upon the payment of an annual permit fee in the amount of one thousand dollars (\$1,000.00). The permit shall be effective for sales from June 20th through July 5th of each and every year and from December 26th through January 5th of each and every year. Each business may use one (1) tent at each location which may be erected beginning on June 14th and must be taken down no later than July 10th of each year and on December 26th and taken down no later than January 5th of each year. Each permit holder must comply with all state and federal laws regarding the sale and transportation of fireworks and comply with all fire ordinances, fire codes, and zoning ordinances presently in effect in the Town of White Bluff including those regarding building restrictions, set-backs and zoning regulations and ordinances, except as otherwise allowed herein. (Ord. #234, May 2004)

7-402. Displays and fireworks shows. (1) Permit. It shall be unlawful for anyone to fire, explode or display fireworks within the municipal boundaries of the Town of White Bluff unless such person has a special effects permit and paid an application fee of one hundred dollars (\$100.00).

(2) Application. Each person desiring to display or discharge fireworks must submit an application for a permit on forms furnished by the Town of White Bluff Fire Department fifteen (15) days in advance of the date of the display. Any denial of an application by the fire chief for a display under this subsection shall be for a just cause, and the applicant shall be notified of such denial in writing within twenty-four (24) hours of such denial.

(3) Display of special effects or pyrotechnic show. The display of special effects and pyrotechnic shows shall only be permitted under the approval of the fire marshal, who must be present at the display, or his designee. (Ord. #234, May 2004)

7-403. Pyrotechnic compositions. (1) Uses. Only approved types and amounts of pyrotechnic compositions, as listed on the permit application, may be used. Pyrotechnic compositions are to be ignited or exploded only in an approved type of container or by an operator holding a valid certificate of competency.

(2) Pyrotechnic devices. Only approved types and amounts of pyrotechnic devices, as listed on the permit application, may be used. Pyrotechnic devices are to be ignited or exploded by an operator holding a valid certificate of competency.

(3) Prohibited pyrotechnic compositions. The following materials shall not be used in special effects materials:

- (a) Fulminate of mercury;
- (b) Carbon tetrachloride for making black smoke;
- (c) Benzoyl peroxide;
- (d) Black powder. (Ord. #234, May 2004)

7-404. Certificate of competency for operator. Every display of special effects shall be handled by a competent operator certified as such by the town fire department. Such operator shall have a certificate of competency in his possession when engaged in conducting a special effects display or pyrotechnic display and shall exhibit the same upon the request of any authorized person or municipal official. (Ord. #234, May 2004)

7-405. Financial responsibility. Before any permit for pyrotechnic displays or sale of fireworks is issued, the person, firm or corporation making application therefore, shall furnish proof of financial responsibility to satisfy claims for damages to property or persons or injuries arising out of any act or omission on the part of such person, firm or corporation, or any agent or

employee thereof, in such amounts, character or form as the Town of White Bluff determines necessary for the protection of the public. (Ord. #234, May 2004)

7-406. Penalty for violation. Any person or persons violating this chapter shall be punishable by a fine of not more than one hundred dollars (\$100.00) for each day that a violation exists and not more than thirty (30) days in jail, or both, for each violation. (Ord. #234, May 2004)

7-407. Compliance with fireworks code for the State of Tennessee. Prior to the issuance of a permit all applicants for the sale or display of fireworks must comply with § 68-104-101, et seq., or additions thereto, and must have all licenses and permits required by the State of Tennessee. (Ord. #234, May 2004)

CHAPTER 5

SPECTATOR AND VEHICLE CONTROL

SECTION

7-501. Interfering with fire department at the location of a fire or other calamity prohibited.

7-502. Enforcement.

7-503. Identification of security firemen.

7-504. Security firemen not to be armed.

7-505. Violators responsible for cost of vehicle or other property removal.

7-501. Interfering with fire department at the location of a fire or other calamity prohibited. It shall be unlawful for any person to sit, stand, lie or move about by foot, or to park, place or drive about any vehicle in such a manner that it interferes with, obstructs, blocks, or delays the movement of fire department personnel and equipment at the location of a fire or other calamity or interferes with, obstructs or blocks the entrance and the exits from the location of the fire or other calamity. (1983 Code, § 7-501)

7-502. Enforcement. The police department shall have the primary responsibility for enforcing this chapter, but in the absence of a police officer the senior fire department officer present at the location of the fire or other calamity shall have the discretionary authority to designate security firemen in such numbers as he deems appropriate to secure the location and protect the free movement of fire department and other emergency service personnel and equipment coming to, working at, and leaving the location. In making a determination of whether and how many such security firemen to designate, the senior fire officer shall take into consideration the following immediate and prospective conditions: size and nature of the fire or calamity; need for additional emergency personnel and equipment; condition and availability of location entrance and exit routes; the number of spectators and spectator vehicles at the location; and the levels of personal injury and property destruction.

Firemen designated as security firemen shall have the authority to order the movement of persons and vehicles at the location of fires and other calamities, to arrest spectators and other persons in violation of this chapter, and to remove vehicles and other transportable property positioned in violation of this chapter. (1983 Code, § 7-502)

7-503. Identification of security firemen. Firemen designated by the senior fire department officer to secure the location of the fire or other calamity and to protect the free movement of emergency service personnel and equipment coming to, working at and leaving the location shall, while performing that duty,

be conspicuously identified by markings designated by the chief of the fire department. (1983 Code, § 7-503)

7-504. Security firemen not to be armed. Firemen designated as security firemen under this chapter shall not carry, use or display any firearm or other weapon in the course of performing their functions. (1983 Code, § 7-504)

7-505. Violators responsible for cost of vehicle or other property removal. The owner of any vehicle or other property removed from the location of a fire or the calamity under the provisions of this chapter shall be responsible for the cost of removal, including, but not limited to, towing and wrecker fees. (1983 Code, § 7-504)

CHAPTER 6

RURAL FIRE SERVICE

SECTION

- 7-601. Authority; limitation; subscription agreement.
- 7-602. Priority of service.
- 7-603. Subscription charges.
- 7-604. Reduced fee for senior citizens and disabled persons.
- 7-605. Application.
- 7-606. Limitation of liability.
- 7-607. Acceptance of application.
- 7-608. Commencement of service.
- 7-609. Subscribe address.

7-601. Authority; limitation; subscription agreement. (1) The Town of White Bluff Fire Department is authorized to offer rural fire service to business owners and residences outside the corporate city limits for the Town of White Bluff limited to those areas as shown on the rural fire service map maintained by the fire chief.

(2) The maximum number of subscribers shall be limited as may be determined in the discretion of the fire chief in consultation with the mayor for the Town of White Bluff.

(3) All subscribers must complete and submit an annual subscription agreement on the forms approved by the town council and the fire chief and only in compliance with this chapter. (Ord. #228, May 2003)

7-602. Priority of service. (1) Businesses and residences within the Town of White Bluff shall be given priority by the fire department in responding to any emergency. To the extent that the fire department has personnel and equipment available to respond to a rural fire or other emergency, the fire chief or senior officer on duty at the time of the call for service shall respond to current subscribers.

(2) If the fire department has responded to a rural fire call and the fire chief or senior officer determines that there is a fire call inside the city limits and there is not otherwise sufficient equipment or men available to respond to that call, then in such event the White Bluff Fire Department and its personnel may withdraw from the rural fire call and respond to the fire call within the corporate limits of the Town of White Bluff. (Ord. #228, May 2003)

7-603. Subscription charges. (1) The annual fee for the fire service subscription shall be one hundred fifty dollars (\$150.00) for each residential dwelling and five hundred dollars (\$500.00) for each commercial building. For commercial buildings of less than five thousand (5,000) square feet, the

subscription fee may be reduced to two hundred fifty dollars (\$250.00) if the business does not store or sell hazardous wastes, explosive materials, or petroleum products.

(2) The subscription fee shall be paid annually on or before July 1 of each year and shall terminate June 30 of each year. For those subscribers who apply mid year, the fee shall be prorated.

(3) For all members of the White Bluff Fire Department who live outside the city limits, they shall be entitled to receive rural fire service at no charge if they live within the rural service area.

(4) For each fire call made to a rural subscriber, a fee shall be assessed to that subscriber's insurance company in the amount of five hundred dollars (\$500.00). If the subscriber's insurance policy does not cover this charge or pays a lesser amount, the fee shall be waived or reduced. Each subscriber shall provide the name of their insurance agency, insurance company, and policy number for each fire insurance policy in effect during the subscription period.

(5) All fees collected for subscription charges shall be included within the White Bluff Fire Department budget and used to upgrade equipment and hire and train personnel. (Ord. #228, May 2003)

7-604. Reduced fee for senior citizens and disabled persons.

(1) The subscription fee shall be seventy five dollars (\$75.00) per year for residential property owners who are sixty-five (65) years of age or older and have an annual income of less than twelve thousand two hundred dollars (\$12,200.00) per year (or as annually adjusted as determined by the Dickson County Trustee's Office).

(2) Disabled persons shall also be allowed to pay a reduced annual subscription fee of seventy-five dollars (\$75.00) per year if they are approved as a disabled person under the rules applicable to the Dickson County Trustee's Office for disabled persons who are considered disabled by the Social Security Administration or by the Veterans Administration for disabled veterans who also have income of less than twelve thousand two hundred dollars (\$12,200.00) per year (or as annual adjusted as determined by the Dickson County Trustee's Office). (Ord. #228, May 2003)

7-605. Application. (1) Each business owner or resident shall submit a separate application for each residence or each business.

(2) The annual fee shall be paid in advance at the time of the submission of the application. No partial payments shall be allowed. If the applicant fails to renew the fire service by the anniversary date, the service shall be cancelled and a twenty-five dollar (\$25.00) reinstatement fee shall be assessed for all late renewals.

(3) All applications shall contain a 911 street address, telephone number of the owner or occupant, daytime and evening phone numbers, and a general description of the property. (Ord. #228, May 2003)

7-606. Limitation of liability. (1) The Town of White Bluff shall not be responsible for damages or injuries to subscribers or their property due to the unavailability of personnel or equipment under any circumstances.

(2) The Town of White Bluff Fire Department shall not be responsible for any damages incurred by any subscriber due to the Fire Department's failure to respond, failure to respond timely, failure to stop or prevent the spread of a fire, or for any incidental or consequential damages incurred as a result of water damage, structural damage, or damage to the premises caused by the fire department's response to the fire or emergency. It shall be a condition of each subscriber that this limitation shall be a condition of the rural fire service subscription agreement. The Town of White Bluff's liability shall be limited as provided by Tennessee Code Annotated, § 29-20-101, et seq. (Ord. #228, May 2003)

7-607. Acceptance of application. It shall be in the sole discretion of the Town of White Bluff Fire Chief to reject or accept a subscription for rural fire service. The fire chief may use his discretion in making this decision and he shall also have the right to reject renewal applications in his sole discretion. (Ord. #228, May 2003)

7-608. Commencement of service. Subscribers shall not be covered for rural fire service until an application has been received and approved by the fire chief or his designated assistant. In no event, shall service commence until seven (7) days after the application has been received and approved. (Ord. #228, May 2003)

7-609. Subscriber address. Each subscriber shall maintain a 911 street address number located on the residence, mail box, or roadside sign and it must be visible from the road. (Ord. #228, May 2003)