

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows: the corporate limits. (1974 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. Amendments.
- 7-203. Enforcement.
- 7-204. Definition of "municipality."
- 7-205. Storage of explosives, flammable liquids, etc.
- 7-206. Gasoline trucks.
- 7-207. Variances.
- 7-208. Violations.
- 7-209. Burning within corporate limits.

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 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 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. (1974 Code, § 7-201, modified)

7-202. Amendments. Sections 105.1.1 and 105.1.2 of the fire prevention code shall be replaced by the foregoing amendments:

105.1.1 There is hereby established a board to be called the "Codes Enforcement Board" which shall consist of five (5) members. The board shall be appointed by the applicable governing body.

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.

105.1.2

105.1.2(a) - Membership - The Board of Adjustment and Appeals should consist of five (5) members. Such board members should be composed of individuals with knowledge and experience in technical codes; however, this is not an absolute requirement. A board member shall not act in a case in which he has a personal or financial interest.

105.1.2(b) - Terms - The term of office of board members shall be for two (2) year periods. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

105.1.2(c) - Quorum and Voting - A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required. In modifying a decision of the fire prevention official, not less than a majority of the board shall be required.

Subsequent to the passage of the foregoing amendment, the name "Board of Adjustments and Appeals" as used throughout the code shall be synonymous with the name "Codes Enforcement Board". (Ord. #323, Aug. 1992)

7-203. 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. (1974 Code, § 7-202)

7-204. 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 Algood, Tennessee. (1974 Code, § 7-203)

7-205. Storage of explosives, flammable liquids, etc. The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

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 limits as set out in § 7-101 of this code.

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 limits as set out in § 7-101 of this code.

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 limits as set out in § 7-101 of this code. (1974 Code, § 7-204)

7-206. 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. (1974 Code, § 7-205)

7-207. Variances. The chief of the fire department may recommend to the governing body 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 governing body. (1974 Code, § 7-206)

7-208. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the 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 governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1974 Code, § 7-207)

7-209. Burning within corporate limits. It shall be unlawful for any person, firm, corporation or entity to burn or attempt to burn refuse, structure, forest, grassland or woodland on private or public property within the corporate limits of the City of Algood, without first securing the approval in writing of the city fire chief or designate. Failure to secure said approval is a violation of this section and shall result in a fine of up to fifty dollars (\$50.00). (Ord. #350A, Aug. 1996)

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. 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 governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the governing body and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1974 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. (1974 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. (1974 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. (1974 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 governing body. However, 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 governing body.

All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe. (1974 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 practice operations not less than once a month. (1974 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. (1974 Code, § 7-308)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Equipment to be used only within corporate limits generally.

7-401. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the municipal governing body. (1974 Code, § 7-307)

CHAPTER 5

FIREWORKS

SECTION

7-501. Rules and regulations of state to apply.

7-502. Districts where permissible.

7-503. Definitions of fireworks sales.

7-504. General rules and regulations.

7-505. Permits required and procedures.

7-506. Fees.

7-507. Discharge of fireworks.

7-501. Rules and regulations of state to apply. Tennessee Code Annotated, §§ 66-222-101 through 66-22-116, grants to the Tennessee Department of Commerce and Insurance, Division of Fire Prevention, the statutory authority to regulate the sale of fireworks within the State of Tennessee. Said rules and regulations shall apply to the sale of fireworks in the City of Algood, proof of compliance with these rules and regulations shall be furnished to the fire chief of the City of Algood, (or designated representative) upon request. (Ord. #346A, June 1996)

7-502. Districts where permissible. The sale of fireworks shall be permitted only on Main St. but not within 300 feet of any school. The sale of fireworks along any other street is expressly prohibited. (Ord. #346A, June 1996)

7-503. Definitionsoffireworks sales. Seasonal sale: the seasonal sale of fireworks shall be permitted from June 20 until July 5 and December 10 until January 2 of any given year. Seasonal sales of fire works shall be defined as taking place within a tent or other structure approved by the fire chief (or designated representative). (Ord. #346A, June 1996)

7-504. General rules and regulations. (1) All tents used for the sale of fireworks shall be of fire retarding material and display proof of same.

(2) All tents or other temporary structures used for the sale of fireworks shall be located a minimum of fifteen (15) feet from any other structure.

(3) All tents or other temporary structures used for the sale of fireworks shall be located a minimum of fifteen (15) feet from any public street or right-of-way.

(4) All lighting and other electrical facilities used in association with tents or temporary structures shall be approved by the fire chief (or designated representative).

(5) All locations used for the sale of fireworks shall maintain on premises a fire extinguisher of at least a 2-A rating. Said extinguisher shall have record of its inspection date and operative status.

(6) Parking shall not be permitted on public streets or in such a way as to interfere with the visibility of vehicles using said streets. (Ord. #346A, June 1996)

7-505. Permits required and procedures. Any individual or firm wanting to sell fireworks within the corporate limits of the City of Algood shall purchase an Algood business license from the city clerk and a fireworks permit from the Algood fire chief (or designated representative).

The sale of fireworks requires a permit from the Tennessee State Marshall. The forms necessary to obtain such permits are available at the office of the Algood Fire Chief.

Upon obtaining the permit from the office of the State Fire Marshall, the applicant shall present the approved application and Algood business license to the fire chief (or designated representative). The fire chief (or designated representative) shall then inspect the site of the proposed fireworks sale. If the site is in conformance with all applicable rules and regulations, the fire chief (or designated representative) shall approve it for such use. (Ord. #346A, June 1996)

7-506. Fees. Prior to issuance of a fireworks permit by the Algood fire chief (or designated representative), the applicant shall have paid a fee of \$25.00 for the seasonal sale of fireworks. A separate permit for seasonal sales and appropriate fees shall be paid for each of the periods listed above. (Ord. #346A, June 1996)

7-507. Discharge of fireworks. It shall be unlawful for anyone to fire, setoff or otherwise discharge fireworks within the City of Algood limits, except in cooperation with an established organization and in celebration of a special event or holiday and with, not less than ten (10) days notice, to the City Administrator, Police & Fire Chief and the securing of a properly issued burn permit. (Ord. #355A, Nov. 1996)