

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. That the geographic limits referred to in certain sections of the 2018 *International Fire Code* are hereby established as follows:

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): City of Algood.

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): City of Algood.

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): City of Algood.

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): City of Algood. (Ord. #658-21, April 2021)

¹Municipal code reference

Building, utility and residential codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Available in recorder's office.
- 7-203. Amendments.
- 7-204. Enforcement.
- 7-205. Definition of "municipality."
- 7-206. Storage of explosives, flammable liquids, etc.
- 7-207. Gasoline trucks.
- 7-208. Variances.
- 7-209. State fire code inspection process exemption.
- 7-208. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 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 firefighters and emergency responders during emergency operations, the *International Fire Code*², 2018 edition, and all subsequent amendments or additions to said code, including Appendix Chapters A through L, omitting K, M, N (see *International Fire Code*, section 101.2.1, 2018 edition), as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the fire code. Said fire code shall be controlling within the corporate limits. (Ord. #658-21, April 2021)

7-202. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

7-203. Amendments. The following sections are hereby revised:

¹Municipal code references

Building, utility and residential codes: title 12.
Burning within corporate limits: § 17-109.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

<u>Section 101.1</u>	Insert "City of Algood."
<u>Section 110.4</u>	Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
<u>Section 112.1</u>	Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."

(Ord. #658-21, April 2021)

7-204. Enforcement. The fire 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. (1997 Code, § 7-203)

7-205. Definition of "municipality". Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the City of Algood, Tennessee. (1997 Code, § 7-204)

7-206. Storage of explosives, flammable liquids, etc. The limits referred to in the currently adopted fire 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 the currently adopted fire 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. (1997 Code, § 7-205)

7-207. 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. (1997 Code, § 7-206)

7-208. 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. (1997 Code, § 7-207)

7-209. State fire code inspection process exemption. The City of Algood is exempting out on the State of Tennessee Fire Code Inspection Process for both residential and commercial and will obtain a certified fire inspector to do the inspections in place of the state fire marshal. (Ord. #595-14, Feb. 2015)

7-210. Violations and penalty. 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. (1997 Code, § 7-208)

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 firefighters as the chief shall appoint. (1997 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. (1997 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. (1997 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

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. (1997 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 city administrator 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. (1997 Code, § 7-305, as amended by Ord. #417, Feb. 2004)

7-306. Chief responsible for training and maintenance. The chief of the fire department shall be fully responsible for the training of the firefighters 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. (1997 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. (1997 Code, § 7-307)

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. (1997 Code, § 7-401)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Definition.
- 7-502. Manufacture prohibited.
- 7-503. Sales restricted.
- 7-504. Districts where permissible.
- 7-505. Permits from state fire marshal required.
- 7-506. City fireworks permit required; permit application; permit required for each location; permit fee; permit not transferable; expiration of permit.
- 7-507. Permit revocation.
- 7-508. Business license required for each site; location compliance required.
- 7-509. Separate sales tax number required.
- 7-510. Certificate of insurance required.
- 7-511. Standards for year-round sale of fireworks.
- 7-512. Standards for seasonal sale of fireworks.
- 7-513. Use restricted.
- 7-514. Public display; permit required.
- 7-515. Seizure authorized.
- 7-516. Exceptions.
- 7-517. Severability.
- 7-518. Violations and penalty.

7-501. Definition. "Fireworks" means and shall include D.O.T. Class C common fireworks as defined by *Tennessee Code Annotated*, title 68, chapter 104.

7-502. Manufacture prohibited. No person or firm shall manufacture any fireworks within the corporate limits of the City of Algood. (Ord. #597-15, April 2015)

7-503. Sales restricted. It shall be unlawful to sell, or offer for sale, fireworks, within the corporate limits of the City of Algood except in compliance with the provisions of this chapter, the provisions of the latest fire code adopted, and the provisions of *Tennessee Code Annotated*, §§ 68-104-101 to 68-104-116. (Ord. #597-15, April 2015, modified)

7-504. Districts where permissible. The sale of fireworks shall be permitted only on Main Street but not within three hundred feet (300') of any school. The sale of fireworks along any other street is expressly prohibited. (Ord. #597-15, April 2015)

7-505. Permit from state fire marshal required. It shall be unlawful to sell, or offer for sale, ship, or cause to be shipped into the City of Algood any item of fireworks, as defined in the latest fire code adopted, without a permit from the state fire marshal. All fireworks permits shall be issued in compliance with the fire code and *Tennessee Code Annotated*, §§ 68-104-101 to 68-104-116, inclusive. (Ord. #597-15, April 2015, modified)

7-506. City fireworks permit required; permit application; permit required for each location; permit fee; permit not transferable; expiration of permit. (1) It shall be unlawful to sell, or offer for sale, ship, or cause to be shipped into the City of Algood any item of fireworks, as defined in the latest fire code adopted by the city, without a city fireworks permit issued by the City of Algood Fire Chief (or designated representative).

(2) An application for a city fireworks permit shall be completed and submitted to the City of Algood Fire Chief (or designated representative) no later than two (2) working days prior to the date the applicant desires to begin making sales. The application shall contain and include the following information:

(a) Name, address and telephone number of applicant. The applicant's name shall also be the same as the name on the state fire marshal permit.

(b) Location where the sale of fireworks is proposed.

(c) Site plan, which shall include the dimensions of the structure used for the sale of fireworks.

(d) A copy of the state fire marshal permit as required under § 7-505 of this chapter.

(e) Confirmation of business license for site and zoning code compliance as required under § 7-508 of this chapter.

(f) Documentation of separate sales tax number as required by § 7-509 of this chapter.

(g) Documentation of certificate of insurance as required under § 7-510 of this chapter.

(3) A separate city fireworks permit is required for each location at which fireworks will be sold.

(4) The fee for the city fireworks permit shall be one hundred dollars (\$100.00) for any structure or any tent, trailer or other temporary structure used for the seasonal sale of fireworks. This fee must be paid when submitting application for permit.

(5) City fireworks permits shall not be transferable.

(6) All city fireworks permits shall be on a seasonal basis. (Ord. #597-15, April 2015)

7-507. Permit revocation. The City of Algood Fire Chief (or designated representative) shall be authorized to revoke any city fireworks permit upon

failure to correct any of the following conditions within twenty-four (24) hours after written notice given.

(1) The permittee or the permittee's operator violates any lawful rule, regulation, or order of the City of Algood.

(2) The permittee's application contains any false or untrue statements.

(3) The permittee fails to timely file and/or pay any report, tax, fee, fine or charge.

(4) The permittee or the permittee's operator violates any provisions of this chapter or of *Tennessee Code Annotated*, §§ 68-104-101 to 68-104-116. (Ord. #597-15, April 2015, modified)

7-508. Business license required for each site; location compliance required. The City of Algood Fire Chief (or designated representative) shall issue no permit for the sale of fireworks unless the applicant has first obtained a Tennessee Business License from the Algood City Clerk for each site at which fireworks will be sold. (Ord. #597-15, April 2015)

7-509. Separate sales tax number required. A separate sales tax number shall be required for each site at which fireworks will be sold. The City of Algood Fire Chief (or designated representative) shall issue no permit for the sale of fireworks unless the applicant has first provided documentation that a separate sales tax number has been obtained for the site of the proposed sale of fireworks. (Ord. #597-15, April 2015)

7-510. Certificate of insurance required. The City of Algood Fire Chief (or designated representative) shall not issue a permit for the sale of fireworks unless the applicant has first provided a current certificate of insurance with a minimum of two million dollars (\$2,000,000.00) in product liability and one million dollars (\$1,000,000.00) in general liability with the City of Algood being named as an additional insured on the general liability insurance policy. (Ord. #597-15, April 2015)

7-511. Standards for year-round sale of fireworks. The year-round sale of fireworks is prohibited within the corporate limits of the City of Algood. (Ord. #597-15, April 2015)

7-512. Standards for seasonal sale of fireworks. The following standards shall apply for seasonal sale of fireworks within the corporate limits of the City of Algood:

(1) Seasonal sales of fireworks shall only be permitted from June 20 to July 5 of any given year.

(2) Seasonal sales of fireworks shall be conducted within a tent or other structure inspected and approved by the Algood Fire Chief (or designated representative).

(3) All tents or similar temporary structures used for the seasonal sale of fireworks shall be composed entirely with fire retardant materials.

(4) All tents or similar temporary structures used for the seasonal sale of fireworks shall provide an emergency exit remote from the point of entrance. Tents shall be enclosed on no more than two (2) sides during times that customers are present.

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

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

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

(8) The sites utilized for the seasonal sale of fireworks shall be a minimum of two hundred feet (200') from any fuel source and no farther than one thousand feet (1,000') from an operable fire hydrant.

(9) The seasonal sale of fireworks shall be restricted to D. O. T. Class C common fireworks as defined by *Tennessee Code Annotated*, §§ 68-104-101 to 68-104-116. The sale of "bottle" rockets with an explosive cartridge under the size of two inches (2") in length is expressly prohibited.

(10) No person shall smoke within fifty feet (50') of an area where fireworks are sold. No person selling fireworks shall permit the presence of lighted cigars, cigarettes, or pipes within fifty feet (50') of where fireworks are offered for sale. At all places where fireworks are stored or sold, there shall be posted at each entrance signs with the words "Fireworks -- No Smoking" in letters not less than four inches (4") high.

(11) A minimum of two (2) ten (10) pound ABC fire extinguishers shall be present at each site where fireworks are sold. Said extinguishers shall bear record of its inspection date and operative status.

(12) 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. #597-15, April 2015, modified)

7-513. Use restricted. The following restrictions shall apply for the use of fireworks within the corporate limits of the City of Algood:

(1) Except as permitted under § 7-512 of this chapter, the use of fireworks shall be restricted to D. O. T. Class C common fireworks as defined by *Tennessee Code Annotated*, §§ 68-104-101 to 68-104-116. The sale of "bottle"

rockets with an explosive cartridge under the size of two inches (2") in length is expressly prohibited.

(2) It shall be unlawful to use or explode/discharge any fireworks within the corporate limits of the City of Algood except from July 1 to July 5.

(3) It shall be unlawful to use or explode/discharge fireworks within the corporate limits of the City of Algood earlier than 10:00 A.M. or later than 10:00 P.M., with the exception of July 4 on which the time shall be no later than 12:00 A.M.

(4) It shall be unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age.

(5) It shall be unlawful to offer for sale or to sell any fireworks to any intoxicated or seemingly irresponsible person.

(6) It shall be unlawful to explode or ignite fireworks on or onto another person's property unless permission is obtained from the owner or occupant of said property.

(7) It shall be unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, funeral home, public or private school, or within two-hundred feet (200') of where fireworks are stored, sold, or offered for sale.

(8) It shall be unlawful to ignite or discharge fireworks from or within a motor vehicle. It shall be unlawful for any person to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons. (Ord. #597-15, April 2015, modified)

7-514. Public display; permit required. Nothing in this chapter shall be construed as applying to the shipping, sale, possession and use of fireworks for public display by holders of a permit for public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks that are to be used for public display only and which are otherwise prohibited for sale and use within the City of Algood shall include display shells designed to be fired from mortars and display set pieces of fireworks classified as D. O. T. Class B special fireworks and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such display issued by the state fire marshal. A condition for state issuance of a permit for public fireworks display is the approval of the chief official of the fire and of the police departments of the city. Such approval shall be granted if, in the opinion of those officials, the proposed display will be located and supervised in conformity with state law and will not be hazardous to life or property. (Ord. #597-15, April 2015)

7-515. Seizure authorized. The Algood Fire Chief or his designee shall seize, take, remove or cause to be removed at the expense of the owner of all stocks or fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter. (Ord. #597-15, April 2015)

7-516. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, the sale or use of blank cartridges for a show or theater, the use of fireworks for military operations, or for public displays of fireworks meeting the requirements of the fire code. (Ord. #597-15, April 2015)

7-517. Severability. If any court of competent jurisdiction declares any portion of these regulations to be invalid that ruling shall not affect any other portion not specifically included in that ruling. (Ord. #597-15, April 2015)

7-518. Violations and penalty. The violation of any part of this chapter is hereby declared to be a misdemeanor and upon conviction of any person for such violation, that person is to be fined according to general penalty provision of this municipal code. Each subsequent day that any violation continues unabated shall constitute a separate offense. In addition, the fire chief (or designated representative) may refuse to issue another city fireworks permit to the holder of a permit so convicted for a period not to exceed two (2) years. (Ord. #597-15, April 2015)