

## TITLE 7

### FIRE PROTECTION AND FIREWORKS<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1<sup>2</sup>

#### FIRE CODE<sup>3</sup>

#### SECTION

- 7-101. International Fire Code adopted.
- 7-102. NFPA Fire Code adopted.
- 7-103. Enforcement.
- 7-104. Available in recorder's office.
- 7-205. Definition of "municipality."
- 7-106. Variances.
- 7-107. Appeals.
- 7-108. New materials, processes, and occupancies requiring permits.
- 7-109. Violations.

**7-101. International Fire Code adopted.** Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of regulating governing conditions hazardous to life and property from fire or explosions, the International Fire Code, 2018 edition, including Appendices A, B, C, D, F, and I, is hereby adopted by reference and included as a part of this code. With regard to the codes and standards identified in section 102.7 and chapter 80 of the International Fire Code, the fire marshal will reference the latest published edition of said codes and standards. Said International Fire Codes are adopted and incorporated as referenced; with the exclusion of the

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>"Fire District" formerly § 7-101, was deleted in its entirety by Ord. #12-282, May 2012.

<sup>3</sup>Municipal code reference

Building, utility, and residential codes: title 12.

residential one- and two-family dwellings. The International Fire Code shall be subject to the following local modification:

(1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the City of Alcoa by inserting "City of Alcoa" as the name of the jurisdiction. (Ord. #1037, Oct. 1996, as replaced by Ord. #01-025, Nov. 2001, and Ord. #07-133, July 2007, amended by Ord. #07-142, Aug. 2007, replaced by Ord. #09-196, June 2009, renumbered by Ord. #12-282, May 2012, and replaced by #Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 ***Ch15\_12-10-19***)

**7-102. NFPA Fire Code adopted.** The NFPA Life Safety Code 101, 2018 edition, chapters 15, 17 and their references, is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of this code, has been filed with the city clerk and is available for public use and inspection. (as added by Ord. #18-464, Nov. 2018 ***Ch15\_12-10-19***)

**7-103. Enforcement.** The fire codes herein adopted by reference shall be enforced by the Bureau of Fire Prevention in the fire department of the city which is hereby established and which shall be operated under the supervision of the chief of the fire department. (1971 Code, § 7-202, as amended by Ord. #01-025, Nov. 2001, renumbered by Ord. #12-282, May 2012, and replaced by #Ord. #14-326, Jan. 2014, as amended and renumbered by Ord. #18-464, Nov. 2018 ***Ch15\_12-10-19***)

**7-104. Available in recorder's office.** The Commission of the City of Alcoa hereby declares that one (1) copy of the aforesaid codes and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days to the passage of the ordinance comprising this section and all public hearing and notice requirements in Tennessee Code Annotated, § 6-54-502, et seq., have been or will be met by the time of the final passage of the ordinance comprising this section. (as added by #Ord. #14-326, Jan. 2014 as amended and renumbered by Ord. #18-464, Nov. 2018 ***Ch15\_12-10-19***)

**7-105. Definition of "municipality."** Whenever the word "municipality" is used in the fire codes herein adopted, it shall be held to mean the City of Alcoa, Tennessee. (1971 Code, § 7-203, as amended by Ord. #01-025, Nov. 2001, and renumbered by Ord. #12-282, May 2012, and Ord. #14-326, Jan. 2014 as amended and renumbered by Ord. #18-464, Nov. 2018 ***Ch15\_12-10-19***)

**7-106. Variances.** The chief of the bureau of fire prevention shall have power to modify any of the provisions of the fire codes upon 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 the codes,

provided that the spirit of the codes 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 bureau of fire prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (1971 Code, § 7-204, as amended by Ord. #01-025, Nov. 2001, renumbered by Ord. #12-282, May 2012, and Ord. #14-326, Jan. 2014, and amended and renumbered by Ord. #18-464, Nov. 2018 *Ch15\_12-10-19*)

**7-107. Appeals.** 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 provisions of the codes do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the Board of Building Code Appeals of the City of Alcoa within thirty (30) days from the date of the decision appealed. (1971 Code, § 7-205, as renumbered by Ord. #12-282, May 2012, and Ord. #14-326, Jan. 2014, as amended and renumbered by Ord. #18-464, Nov. 2018 *Ch15\_12-10-19*)

**7-108. New materials, processes, and occupancies requiring permits.** The city manager, the chief of the fire department and the fire code inspector shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said codes. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (1971 Code, § 7-206, as renumbered by Ord. #12-282, May 2012, Ord. #14-326, Jan. 2014, and amended and renumbered by Ord. #18-464, Nov. 2018 *Ch15\_12-10-19*)

**7-109. Violations.** It shall be unlawful for any person to violate any provisions of this chapter or the fire codes 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 chief of the bureau of fire prevention 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. (1971 Code, § 7-207, as amended by Ord. #01-025, Nov. 2001, and renumbered by Ord. #12-282, May 2012, Ord. #14-326, Jan. 2014, and amended and renumbered by Ord. #18-464, Nov. 2018 *Ch15\_12-10-19*)

## CHAPTER 2

### FIRE DEPARTMENT<sup>1</sup>

#### SECTION

7-201. Administration.

7-202. Records.

**7-201. Administration.** (1) The fire department shall be composed of a fire chief and such officers, firemen, and other employees as the city manager shall determine.

(2) The fire chief shall have control of the officers, firemen, and other employees constituting the fire department under such rules and regulations as the city manager shall prescribe or approve.

(3) The fire chief shall have the right to suspend any of the officers, firemen, and other employees under his management and control. If any such person be suspended, the fire chief shall certify the fact, together with the cause for the suspension, to the city manager, who shall hold a hearing as provided in this section.

(4) Charges against any member of the fire department, other than those made by the city manager, must be made to the city manager, verified by the oath of the complainant, except that charges made by any member of the board of commissioners or the fire chief or recorder need not be in writing nor verified. When charges are made, as above provided, it shall be the duty of the city manager to file said charges with the recorder, who shall summon said person, setting forth in the summons the nature of the charges made, to appear before the city manager and make defense thereto. Three days shall be allowed the accused to prepare his defense. The said charges shall be tried and determined by the city manager. If the city manager shall find him guilty he shall discharge or discipline said person. The recorder shall issue subpoenas for, and the chief of police, or some member of the force, shall summon such witnesses as may be asked for by either party, and the accused may be represented by counsel.

(5) Any member of the fire department may be suspended or discharged against whom any of the following charges shall be substantiated, to-wit:

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<sup>1</sup>Charter reference

Fire department: art. 18.

Municipal code reference

Police powers of the fire department: §§ 15-303 and 15-304.

Special privileges with respect to traffic: title 15, chapter 4.

- (a) Any act of insubordination or disrespect toward a superior officer;
- (b) Acts of oppression and tyranny over those under their control;
- (c) Neglect of duty;
- (d) Violation of the rules governing the fire department;
- (e) Absence without leave;
- (f) Immoral conduct, drinking on duty, drunkenness, gambling, or conduct unbecoming a public employee.
- (g) Any legal offense;
- (h) Any conduct injurious to the peace and welfare of the public;
- (i) Incapacity, mental or physical. (1971 Code, § 7-301, as renumbered by Ord. #12-282, May 2012)

**7-202. Records.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. (1971 Code, § 7-302, as renumbered by Ord. #12-282, May 2012)

## CHAPTER 3

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-301. Restrictions on fire service outside city limits.

**7-301. Restrictions on fire service outside city limits.** No personnel or equipment of the fire department shall be used for fighting any fire outside the city limits unless the fire is on city property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the city as to endanger the city property, or unless the board of mayor and aldermen has developed policies for providing emergency services outside of the city limits or entered into a contract or mutual aid agreement pursuant to the authority of:

(1) The Local Government Emergency Assistance Act of 1987, as amended, codified in Tennessee Code Annotated, § 58-2-601, et seq.<sup>1</sup>

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<sup>1</sup>State law references

Tennessee Code Annotated, § 58-2-601, et seq., as amended by Public Acts 1988, Ch. 499, authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

This statute, as amended, does not require written agreements between the local governments, but authorizes them to develop policies and procedures for requesting and responding to requests for emergency assistance, including provisions for compensation for service rendered.

The statute specifies which municipal officers may request and respond to requests for emergency assistance and provides for the appointment by municipal governing bodies of additional municipal officers with the same authority.

The statute provides that the senior officer of the requesting party will be in command at the scene of the emergency.

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its employees shall be liable for any property damage or bodily injury at

(continued...)

(2) Tennessee Code Annotated, § 12-9-101, et seq.<sup>1</sup>

(3) Tennessee Code Annotated, § 6-54-601.<sup>2</sup> (as renumbered by Ord. #12-282, May 2012)

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(...continued)

the actual scene of any emergency due to actions performed in responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

<sup>1</sup>State law reference

Tennessee Code Annotated, § 12-9-101, et seq., is the Interlocal Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with industrial fire departments, to furnish one another with fire fighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide such communities with firefighting assistance. (3) Provide fire protection outside their city limits to either citizens on an individual contractual basis, or to citizens in an area without individual contracts, whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided. (Counties may compensate municipalities for the extension of fire services.)

## CHAPTER 4

### FIREWORKS

#### SECTION

- 7-401. Definition.
- 7-402. Manufacture prohibited.
- 7-403. Sales restricted.
- 7-404. Permit from state fire marshal required.
- 7-405. City fireworks permit required; permit application; permit required for each location; permit fee; permit not transferable; expiration of permit.
- 7-406. Permit revocation.
- 7-407. Business license required for each site; zoning compliance required.
- 7-408. Separate sales tax number required.
- 7-409. Certificate of insurance required.
- 7-410. Standards for sale and storage of fireworks.
- 7-411. Parking for retail fireworks sales sites.
- 7-412. Use restricted.
- 7-413. Public display; permit required.
- 7-414. Exceptions.
- 7-415. Penalty for violation.
- 7-416. Transitory vendor requirements.

**7-401. Definition.** Fireworks means and shall include D.O.T. Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104. (as deleted by Ord. #01-025, Nov. 2001, renumbered by Ord. #12-282, May 2012, and replaced by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)

**7-402. Manufacture prohibited.** No person or entity shall manufacture any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including fireworks, within the corporate limits of the City of Alcoa. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)

**7-403. Sales restricted.** It shall be unlawful to sell, or offer for sale, fireworks, within the corporate limits of the City of Alcoa except in compliance with the provisions of this Municipal Code and the provisions of Tennessee Code Annotated, Title 68, Chapter 104, Sections 101 through 116. Only seasonal sales of fireworks shall be permitted within the corporate limits of the City of Alcoa. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)

**7-404. Permit from state fire marshal required.** It shall be unlawful to sell, offer for sale, ship, or cause to be shipped into the City of Alcoa any item of fireworks, without a permit from the State Fire Marshal, in compliance with Tennessee Code Annotated, Title 68, Chapter 104, Sections 101 through 116, inclusive. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)

**7-405. 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, offer for sale, ship, or cause to be shipped into the City of Alcoa any item of fireworks without a city fireworks permit issued by the City of Alcoa Planning and Codes Department.

(2) An application for a city fireworks permit shall be completed and submitted to the planning and codes department no later than seven (7) 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 and customer parking.

(d) A copy of the state fire marshal permit as required under § 7-404 of this chapter.

(e) Confirmation of business license for site and zoning code compliance as required under § 7-407 of this chapter.

(f) Documentation of separate sales tax number as required by § 7-408 of this chapter.

(g) Documentation of certificate of insurance as required under § 7-409 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 thousand dollars (\$1,000.00) unless the applicant obtains a license for the operation of a business within the city limits of Alcoa pursuant to the City of Alcoa Municipal Code § 5-202, in which case the fee for a city fireworks permit shall be one hundred fifty dollars (\$150.00).

(5) City fireworks permits shall not be transferable. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*, and amended by Ord. #19-491, Dec. 2019 *Ch15\_12-10-19*)

**7-406. Permit revocation.** The Alcoa Planning and Codes Department 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 by the planning and codes department:

(1) The permittee or the permittee's operator violates any lawful rule, regulation, or order of the Alcoa Planning and Codes Department.

(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, title 68, chapter 104, sections 101 through 116. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)

**7-407. Business license required for each site; zoning compliance required.** The Alcoa Planning and Codes Department shall issue no permit for the sale of fireworks unless the applicant has first obtained a Tennessee Business License from the Alcoa City Recorder for each site at which fireworks will be sold and is in compliance with all applicable zoning requirements. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*, and amended by Ord. #19-491, Dec. 2019 *Ch15\_12-10-19*)

**7-408. Separate sales tax number required.** A separate sales tax number shall be required for each site at which fireworks will be sold. The Alcoa Planning and Codes Department 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. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)

**7-409. Certificate of insurance required.** The Alcoa Planning and Codes Department 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) in product liability and one million dollars (\$1,000,000) in general liability with the City of Alcoa being named as an additional insured on the general liability insurance policy. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)

**7-410. Standards sale and storage of fireworks.** The following standards shall apply to the sale of fireworks within the corporate limits of the City of Alcoa:

(1) Sales of fireworks shall only be permitted from June 20th until July 5th and from December 10th until January 2nd of any given year.

(2) Sales of fireworks shall be conducted in compliance with the provisions of the City of Alcoa Municipal Zoning Code.

(3) Fireworks may not be stored, sold, or offered for sale in or from a permanent building. All tents or similar temporary structures used for the storage or sale of fireworks shall be composed entirely with fire retardant materials, meet the current adopted International Building Code, International

Fire Code, and the Life Safety Code (NFPA 101), and shall be located on a paved surface and in no event may be erected or placed on a grass or gravel area.

(4) All tents or similar temporary structures used for the storage or 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) The site utilized for the sale of fireworks shall be a minimum of two hundred feet (200') from any fuel source and no farther than five hundred feet (500') from an operable fire hydrant.

(6) The sale of fireworks shall be restricted to D.O.T. Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104.

(7) No person shall smoke within a structure where fireworks are stored or sold or 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 a structure where fireworks are sold or 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.

(8) A minimum of two (2) ten pound (10 lb.) ABC fire extinguishers, inspected at tagged, shall be present at each site where fireworks are stored or sold.

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

(10) Fireworks are not permitted to be stored in residential districts, except for personal use.

(11) All unsold product must be removed within five (5) days of the sales period set forth in this chapter.

(12) Ground fault interrupter protection must be used for power cords that supply power to tents and other outdoor structures. Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by suitable fixture or guard. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)

**7-411. Parking for retail fireworks sales site.** The site for a fireworks retailer shall provide at least ten (10) paved parking places for off-street customer parking. In addition, the retail fireworks site must provide for an on-site turn-around area so that backing of vehicles onto the street will not be necessary. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)

**7-412. Use restricted.** The following restrictions shall apply for the use of fireworks within the corporate limits of the City of Alcoa:

(1) The use of fireworks shall be restricted to D. O. T. Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104.

(2) It shall be unlawful to use or explode any fireworks within the corporate limits of the City of Alcoa except on July 3rd and July 4th and on December 31st and January 1 of any given year.

(3) It shall be unlawful to use or explode fireworks within the corporate limits of the City of Alcoa earlier than 11:00 A.M. or later than 11:00 P.M., with the exception of New Year's Day on which the time shall be no later than 1:00 A.M.

(4) 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.

(5) 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.

(6) 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. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*, and amended by Ord. #19-491, Dec. 2019 *Ch15\_12-10-19*)

**7-413. 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. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)

**7-414. 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 prevention code. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)

**7-415. Penalty for violation.** 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 planning and codes department 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. At the expense of the owner, the building official or his/her designee shall seize, take, remove or cause to be removed all stocks or fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)

**7-416. Transitory vendor requirements.** To the extent that it does not directly conflict with this chapter, all fireworks vendors must also comply with the transitory vendor requirements in chapter 5 of title 9 of this municipal code. (as added by Ord. #18-465, Dec. 2018 *Ch15\_12-10-19*)