

## TITLE 7

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

#### CHAPTER

1. FIRE CODE.
2. RURAL SUBSCRIPTION FIREFIGHTING SERVICES.
3. FIREWORKS.
4. OPEN BURNING.

#### CHAPTER 1

#### FIRE CODE<sup>1</sup>

#### SECTION

- 7-101. Fire code adopted.
- 7-102. Definitions.
- 7-103. Enforcement.
- 7-104. Violations and penalty.

**7-101. Fire code adopted.** Pursuant to the authority granted by *Tennessee Code Annotated*, §§ 6-54-501 through 6-54-506, as amended, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the *International Fire Code*,<sup>2</sup> 2015 edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Pursuant to the requirements of *Tennessee Code Annotated*, §§ 6-54-502, one (1) copy of the fire code has been filed with the building and codes inspector and is available for public use and inspection. Said fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #3018-08, Jan. 2018, modified)

**7-102. Definitions.** Whenever the following terms are used in the fire prevention code they shall have the indicated meanings in the interpretation and administration of this chapter.

- (1) "Fire marshal" shall mean the fire chief.

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<sup>1</sup>Municipal code reference

Building, utility, and residential codes: title 12.  
Public safety department: title 20, chapter 2.

<sup>2</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(2) "Governing body" shall mean the board of commissioners of the Town of Kingston Springs.

(3) "Jurisdiction" shall mean the Town of Kingston Springs. (1996 Code, § 7-102)

**7-103. Enforcement.** The fire chief shall be responsible for the enforcement of the fire prevention code herein adopted. He shall have the same powers as the state fire marshal. To assist him in the performance of his duties, the fire chief may detail such members of the fire department as inspectors as he deems necessary from time to time. (1996 Code, § 7-103)

**7-104. Violations and penalty.** It shall be unlawful for any person to violate any of the provisions of this chapter or the fire code herein adopted, or fail to comply therewith, or violate or fail to comply with any order thereunder; or build in violation of any detailed statement of specificational plan submitted and approved thereunder; or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of commissioners or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code, a fine not to exceed fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. (1996 Code, § 7-105)

## CHAPTER 2

### RURAL SUBSCRIPTION FIREFIGHTING SERVICES

#### SECTION

- 7-201. Established.
- 7-202. Primary responsibility.
- 7-203. Service is non-obligatory.
- 7-204. Subscribing to service.
- 7-205. Subscription fee.
- 7-206. Service call fee.
- 7-207. Forfeiture of service.
- 7-208. Fees not refundable.
- 7-209. Availability.
- 7-210. Fees collected shall be deposited to the general fund.
- 7-211. Authorization to increase fees.
- 7-212. Mutual aid and contract firefighting services.
- 7-213. Policies and procedures.
- 7-214. Contract for fire services with Cheatham County, Tennessee.

**7-201. Established.** There is hereby established a rural subscription firefighting service ("rural subscription service") to be rendered by the fire department of the Town of Kingston Springs, Tennessee, utilizing the personnel and apparatus thereof, to the property situated outside the corporate limits of the municipality. The "rural fire service area" outside the corporate limits is described as follows: bounded on the west by the Dickson County line; bounded on the south by the Williamson County line; bounded on the east by line approximately one hundred fifty feet (150') west of the intersection of South Harpeth Road and Anderson Road running due north from the southerly boundary to its intersection with the South Harpeth River and continuing in a northwesterly direction along the common corporate limits boundary between the Town of Kingston Springs and the Town of Pegram; then continuing due north from the most northeasterly point of the Town of Pegram corporate limits to its intersection with the eastern terminus of an unnamed creek making up part of the northern boundary herein; bounded on the north by an unnamed creek that flows approximately due west into the Harpeth River at Horseshoe Bend; thence continuing in a westerly direction along the Harpeth River to the Dickson County line. (1996 Code, § 7-201)

**7-202. Primary responsibility.** The primary responsibility of the Town of Kingston Springs Fire Department is for the protection of citizens and property situated within the corporate limits of the municipality and, therefore, neither the personnel nor the apparatus and equipment of the town shall be

dispatched to the rural fire service area when, in the opinion of the fire chief of the department, there is no sufficient personnel, apparatus and equipment available due to then existing emergency or commitments within the municipality for on-going firefighting effort and/or for then existing requirements for standby protection of the citizens and property within the corporate limits. Under such conditions, firefighting services shall not be provided within the rural fire service area, notwithstanding that a fire may then be occurring or threatened to occur within the rural fire service area and notwithstanding that any person or property owner shall have paid the requisite fees or otherwise complied with the policies and procedures in effect and in such event mutual aid will be requested. No duty is created by this chapter to respond or to stay at the scene of an emergency outside the corporate limits. (1996 Code, § 7-202)

**7-203. Service is non-obligatory.** Rural subscription service is a non-obligatory service of the town available to subscribing residents and property owners within the rural fire service area that is offered and rendered with the understanding of the primary responsibility of the Town of Kingston Springs Fire Department. Accordingly, any subscriber of subscription service shall acknowledge in writing the priority of such primary responsibility and notwithstanding the payment of applicable fees, the providing of firefighting or protection services shall always be subject to such criteria and shall be set forth in the subscriber application form. The town shall not be responsible for any damage or loss incurred by any person or to any property within the rural fire service area due to a failure at any time to respond with personnel or apparatus to a rural fire call because of lack of sufficient or available personnel or apparatus in the opinion of the fire chief. All subscribers by their execution of an application for subscription service and the payment of the required fees agree to the terms, provisions and conditions of this chapter. (1996 Code, § 7-203)

**7-204. Subscribing to service.** Any person, firm, organization or corporation may apply to the Town of Kingston Springs and be granted subscription service for an individual tract or parcel of land, improved structures, accessory buildings and improvements or for single commercial business operations with accessory buildings and improvements. There is no limit on the number of subscriptions that may be held by any one (1) person, firm, organization or corporation. Depending on the nature of the service requested and the capability to provide firefighting service, the town may refuse to grant subscription service. (1996 Code, § 7-204)

**7-205. Subscription fee.** A subscriber shall pay an annual subscription fee for rural fire service in accordance with the following fee schedule. The fee

shall be applicable for the fiscal year beginning July 1 and ending June 30 during which subscription service shall be in effect.

### FEE SCHEDULE:

Application and set up fee for subscription or re-subscription for lapsed service after 7/1/2001	\$25.00
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#### Single-Family/Duplex Residential

Prior to July 1, 2001	Fee = \$150	
July 1 - Feb. 1, 2002	Fee = \$175	(\$150 + \$25 setup fee)
Feb. 1 - July 1, 2002	Fee = \$100	(\$75 + \$25 setup fee)

#### Commercial Retail and Services

Prior to July 1, 2001	Fee = \$300	
July 1 - Feb. 1, 2002	Fee = \$325	(\$300 + \$25 setup fee)
Feb. 1 - July 1, 2002	Fee = \$175	(\$150 + \$25 setup fee)

#### Manufacturing and HazMat\* Sites

Prior to July 1, 2001	Fee = \$500	
July 1 - Feb. 1, 2002	Fee = \$525	(\$500 + \$25 setup fee)
Feb. 1 - July 1, 2002	Fee = \$275	(\$250 + \$25 setup fee)

#### Seniors with ACV Qualification

Prior to July 1, 2001	Fee = \$50	
July 1 - Feb. 1, 2002	Fee = \$75	(\$50 + \$25 setup fee)
Feb. 1 - July 1, 2002	Fee = \$50	(\$25 + \$25 setup fee)

\*HazMat sites include businesses that utilize or have stored on site petroleum products and chemicals.

For those subscribing after July 1, 2001 residential and commercial rural fire service would begin within seven (7) days of receiving payment.

Churches in the rural service area which are exempt from paying county property taxes are exempt from paying a rural fire service fee.

All active Town of Kingston Springs volunteer firefighters which would otherwise be residential subscribers are exempt from fees while they are in good standing. (1996 Code, § 7-205)

**7-206. Service call fee.** A subscriber may be billed a service call fee of up to five hundred (\$500.00) dollars for each and every service call made to the property of a subscriber to render firefighting services. (1996 Code, § 7-206)

**7-207. Forfeiture of service.** Failure of any person, firm, organization, or corporation to pay the annual subscription fee when due shall immediately cause forfeiture of subscription service and of any fire services as herein provided. (1996 Code, § 7-207)

**7-208. Fees not refundable.** All annual subscription and service call fees paid hereunder and any administrative set-up fee set forth in the policies and procedures for implementation of this chapter shall not be refundable. The town deems that the subscription service runs within the land. The town will make no proration of subscription fees between property owner transferors and transferees. (1996 Code, § 7-208)

**7-209. Availability.** Subscription service shall not be available within the rural fire service area based upon any oral request or application made by any person, firm, organization, or corporation, whether before or after a fire shall be in progress. Any subscriber meeting all of the requirements of this chapter, including payments required hereunder, shall be eligible for rural fire service seven (7) days from full compliance. (1996 Code, § 7-209)

**7-210. Fees collected shall be deposited to the general fund.** All funds received by the town for subscription service shall be earmarked for expenditure in the firefighting service of the town and they shall be promptly deposited to the general fund of the town, subject to appropriation by the board of commissioners. Records shall be maintained and administration of the subscription service shall be under the supervision of the fire chief and town manager and all shall be maintained in the office of the town recorder. (1996 Code, § 7-210)

**7-211. Authorization to increase fees.** At any time the board of commissioners may increase the amount of any fee required to be paid hereunder for subscription service and upon notice thereof, any person, firm, organization or corporation desiring to continue his, her or its service shall deposit additional fees within thirty (30) days from the effective date thereof or otherwise continuation of service shall terminate. (1996 Code, § 7-211)

**7-212. Mutual aid and contract firefighting services.** Notwithstanding the provisions of this chapter, the fire department chief and town retain the right to enter into mutual aid agreements with other fire departments and to otherwise contract for firefighting and emergency services when consistent with the Mutual Aid and Emergency and Disaster Assistance Agreement Act, *Tennessee Code Annotated*, §§ 58-8-101, *et seq.*, as amended, and *Tennessee Code Annotated*, §§ 6-54-601, *et seq.* and the policies and procedures hereafter in full force and effect. (1996 Code, § 7-212, modified)

**7-213. Policies and procedures.** The fire chief and town manager shall promulgate policies and procedures to implement the provisions of this chapter for rural firefighting and emergency services when not inconsistent herewith, and the same shall be made available to any subscriber or potential subscriber. The current policies and procedures shall be maintained in the office of the town recorder. (1996 Code, § 7-213)

**7-214. Contract for fire services with Cheatham County, Tennessee.** The provisions of §§ 7-201 to 7-213 shall not be applicable during the term of a contract for fire services with Cheatham County, Tennessee, by virtue of its levy of a fire district tax upon the properties within the rural fire service area set forth in § 7-201. Upon expiration of the term of the contract with Cheatham County, Tennessee, the provisions set forth in §§ 7-201 to 7-214 shall be enforceable. (1996 Code, § 7-215)

## CHAPTER 3

### FIREWORKS

#### SECTION

- 7-301. Purpose.
- 7-302. Definitions.
- 7-303. Permit required.
- 7-304. Permit fee.
- 7-305. Privilege licenses required.
- 7-306. Permissible types of fireworks.
- 7-307. Conditions for sale and use of permissible items.
- 7-308. Retail sale of permissible items--time limitations--exceptions.
- 7-309. Public displays--permits--regulation.
- 7-310. Regulations governing storing, locating or display of fireworks.
- 7-311. Unlawful acts in the sale, handling or private use of fireworks.
- 7-312. Seizure and destruction of fireworks.
- 7-313. Exceptions to application.
- 7-314. Violations and penalty.

**7-301. Purpose.** The purpose of this chapter is to provide an ordinance for regulation of the manufacture, sale, display and use of certain fireworks for both private and public display within the corporate limits of the Town of Kingston Springs, Tennessee setting certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (1996 Code, § 7-301)

**7-302. Definitions.** As used in this chapter, the following terms shall have the meaning ascribed to them herein, unless clearly indicated otherwise.

(1) "Distributor" means any person engaged in the business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a retailer, wholesaler, or any person who receives, brings, or imports any fireworks of any kind, in any manner into the Town of Kingston Springs, except to a holder of a manufacturer's, distributor's or wholesaler's permit issued by the State Fire Marshal and the Kingston Springs Town Manager.

(2) "D.O.T. Class C common fireworks" means all articles of fireworks as are now or hereafter classified as "D.O.T. Class C common fireworks" in the regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles.

(3) "Manufacturer" means any person engaged in the making, manufacture or construction of fireworks of any kind within the Town of Kingston Springs.

(4) "Permit" means the written authority of the town manager issued under the authority of this chapter.



(5) "Person" means, any individual, firm, partnership or corporation.

(6) "Retailer" means any person engaged in the business of making retail sales of firework at specified times during the year as provided herein.

(7) "Sale" means an exchange of articles of fireworks for money and also includes the barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, salesman, agent, association, co-partnership, or one (1) or more individuals.

(8) "Special fireworks" means all articles of fireworks that are classified is Class B explosives in the regulation of the United States Department of Transportation and includes all articles other than those classified as Class C. (1996 Code, § 7-302)

**7-303. Permit required.** It shall be unlawful for any person to sell, offer for sale, ship or cause to be shipped into the Town of Kingston Springs, except as herein provided, any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler or retailer, from both the Town of Kingston Springs Town Manager and the state fire marshal (as required by *Tennessee Code Annotated*, §§ 68-104-101, *et seq.*), possession of said permits being hereby made a condition prerequisite to selling or offering for sale, shipping or causing to be shipped any fireworks into the Town of Kingston Springs, except as herein provided. Permits issued under this section are not transferable. No permit shall be issued for manufacturing of fireworks within the town as the same is prohibited. (1996 Code, § 7-303)

**7-304. Permit fee.** The permit fee for the permit provided for in § 7-303 of this chapter shall be one thousand dollars (\$1,000.00) and the permit shall be valid for thirty (30) days. However, the board of commissioners may in its discretion waive the permit fee for any non-profit organization requesting the permit. (1996 Code, § 7-304)

**7-305. Privilege licenses required.** The issuance of permits provided for herein shall not replace or relieve any person of state, county, or municipal privilege licenses as now or hereafter provided by law. (1996 Code, § 7-305)

**7-306. Permissible types of fireworks.** It is unlawful for any individual, firm, partnership or corporation to possess, sell or use within the Town of Kingston Springs, or ship into the Town of Kingston Springs, except as provided in this chapter, any pyrotechnics commonly known as "fireworks" other than the following permissible items:

(1) Those items now or hereafter classified as D.O.T. Class 5 C common fireworks; or

(2) Those items that comply with the construction, chemical composition and labeling regulations promulgated by the United States

Consumer Product Safety Commission and permitted for use by the general public under its regulations. (1996 Code, § 7-306)

**7-307. Conditions for sale and use of permissible items.** No permissible articles of common fireworks, shall be sold, offered for sale, or possessed within the Town of Kingston Springs, or used within the town, unless it is properly named and labeled to conform to the nomenclature of allowed fireworks and unless it is certified an "common fireworks" on all shipping cases and by imprinting on the article or retail container "D.O.T. Class C common fireworks," such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public. The Fire Marshal of the State of Tennessee regulations relative to the possession and sale of fireworks, their storage and safety requirements, are here and now incorporated by reference herein, together with the currently adopted fire code, all in full force and effect within the town. (1996 Code, § 7-307)

**7-308. Retail sale of permissible items--time limitations--exceptions.** Permissible articles of fireworks may be sold at retail to residents of the Town of Kingston Springs and used within the Town of Kingston Springs from June 20th through July 5th, and December 10th through January 2nd of each year only, except that "fireworks" does not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five one-hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five one-hundredths (25/100) grains of explosive compounds, cone, bottle, tube, and other type serpentine pop-off novelties, model rockets, wire sparklers, containing not over one hundred (100) grams of composition per item (sparklers containing chlorate or perchlorate sales may not exceed five (5) grams of composition per item), emergency flares, matches, trick matches, and cigarette loads, the sale and use of which shall be permitted at all times. (1996 Code, § 7-308)

**7-309. Public displays--permits--regulation.** Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the Town of Kingston Springs shall include display shells designed to be fired from mortars and display set pieces of fireworks classed by the regulation of the United States Department of Transportation as "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 received written approval from the police chief and town manager, or their designees, and applied for and received a permit for such displays issued by the state fire marshal. Applicants for permits for such public displays shall be made in writing and shall show that the proposed display is to be so located and supervised that it is not hazardous to property and that it shall not endanger human lives. Possession of special fireworks for re-sale to holders of a permit for public fireworks displays shall be confined to holders of a distributors permit only. (1996 Code, § 7-309)

**7-310. Regulations governing storing, locating or display of fireworks.** (1) Placing, storing, locating or displaying fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within ten feet (10') of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "fireworks--no smoking" in letters not less than four inches (4") high. No fireworks shall be sold at retail at any location where paints, oils or vanishes are for sale or use, unless such paints, oils or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property.

(2) All firework devices that are readily accessible to handling by consumers or purchaser, must have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety-type thread-wrapped and coated fuses shall be exempt from this provision.

(3) All firework devices sold under a duly issued permit must be located not less than three hundred feet (300') from any gasoline dispensing pump.

(4) As permits are temporary for a period not to exceed thirty (30) days, the permit shall state any sales site must be at all times free from litter and debris, including the termination date of authorized selling periods. Violation of this provision, for which citation may issue, may give cause to refuse issuance of another permit for a period not to exceed three (3) years. (1996 Code, § 7-310)

**7-311. Unlawful acts in the sale, handling or private use of fireworks.** (1) It is unlawful to:

- (a) Offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person;
- (b) Explode or ignite fireworks within six hundred feet (600') of any church, hospital, asylum, public school or within five hundred feet

(500') of where fireworks are stored, sold or offered for sale, or within five hundred feet (500') of a gasoline retailer or wholesale storage facility; and

(c) Ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people.

(2) All items of fireworks which exceed the limits of D.O.T. Class C common fireworks as to explosive composition, such items being commonly referred to as "illegal ground salutes" designed to produce an audible effect, are expressly prohibited from shipment into, manufacture, possession, sale or use within the Town of Kingston Springs for any purpose. This subsection shall not effect display fireworks authorized by this chapter.

(3) Fail to comply with the town's zoning ordinance relative to minimum front building line setback requirements set forth in said ordinance at a retail sale site. (1996 Code, § 7-312)

**7-312. Seizure and destruction of fireworks.** (1) The Kingston Springs Town Manager, or designee, may seize as contraband any fireworks other than "Class C common fireworks" or "special fireworks" for public displays, which are sold, displayed, used or purchased in violation of this chapter.

(2) Before any seized fireworks may be destroyed:

(a) If the owner of such seized fireworks is known, the town manager shall give notice by registered mail or personal service to such owner, of the fire chief's intention to destroy such seized materials. Such notice shall inform the owner of the owner's right to a hearing. Upon the request of the owner, the town manager shall conduct an appropriate contested case hearing concerning such destruction of fireworks in accordance with the Uniform Administrative Procedures Act, compiled in *Tennessee Code Annotated*, title 4, chapter 5.

(b) If the identity of the owner of any seized fireworks is not known to the town manager, the town manager shall cause to be published, in a newspaper of general circulation in the county wherein the seizure was made, notice of such seizure, and of the fire chief's intention to destroy such fireworks. The notice shall be published once each week for three (3) consecutive weeks and if no person claims ownership of the fireworks within ten (10) days of the date of the last publication, the fire chief may proceed to destroy the fireworks. If the owner does claim the fireworks within the time specified, a hearing as set out in this subsection shall be held. (1996 Code, § 7-312)

**7-313. Exceptions to application.** Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying

to the military or naval forces of the United States, of the State of Tennessee or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser first secures a written permit to purchase and use fireworks for agricultural purposes only from the state fire marshal, and after approval of the county agricultural agent of the county in which the fireworks are to be used and the fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the Town of Kingston Springs. (1996 Code, § 7-314)

**7-314. Violations and penalty.** Any individual, firm, partnership or corporation that violates any provision of this chapter, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of fifty dollars (\$50.00). In addition, the Town of Kingston Springs may refuse to issue another permit to the holder of a permit so convicted for a period not to exceed three (3) years. (1996 Code, § 7-313, modified)

**CHAPTER 4****OPEN BURNING****SECTION**

7-401. Open burning.

**7-401. Open burning.** It shall be unlawful for any person to engage in open burning, except as is allowed by the Rules of the Tennessee Department of Environment and Conservation, Division of Air Pollution Control, §§ 1200-3-4, *et seq.*, as promulgated under authority granted by *Tennessee Code Annotated*, §§ 68-25-105 and 4-5-202, as amended, all to which reference is hereby made and incorporated herein, upon property located within the municipal limits of the Town of Kingston Springs, Tennessee. This section prohibiting the aforesaid shall in no manner limit state law regulating like-kind activity and violation hereof may constitute a separate state offense. (1996 Code, § 17-101)