

TITLE 7**FIRE PROTECTION AND FIREWORKS****CHAPTER**

1. OPEN BURNING.
2. FIRE CODE.

CHAPTER 1**OPEN BURNING****SECTION**

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7-101. Purpose. The purpose of this chapter is to prevent fires that may be hazardous to life and property, eliminate potentially dangerous accumulations of combustible materials and to assist the city in eliminating unlawful, unnecessary and indiscriminate burning. (as added by Ord. #12-02, Feb. 2012)

7-102. Definitions. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. The word "shall" is always mandatory and not merely directory.

(1) "Contractor" shall mean the primary contractor/builder or subcontractor for a particular construction site for which a building permit has been issued.

(2) "Developer" shall mean the individual or his/her designee that is developing a parcel of land for commercial or residential use.

(3) "Fire extinguishing equipment" shall mean an approved ten (10) pound ABC type fire extinguisher, a garden type hose connected to a reliable water supply, or any other equipment approved in writing in advance by the fire chief.

(4) "Open burning" shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted

directly into the ambient air without passing through an adequate stack, duct, or chimney. (as added by Ord. #12-02, Feb. 2012)

7-103. Permit required, etc. (1) No open burning shall be permitted within the City of Medina without a permit, except as provided in § 7-107 of this chapter.

(2) Open burning may be conducted subject to the following limitations with a valid burning permit, issued by the City of Medina at no charge:

(a) To clear land of brush/wood grown on that land where the land is being maintained for the following purposes:

- (i) Establish private residences, consisting of one (1) or two (2) dwelling units;
- (ii) Establish church congregational properties;
- (iii) New site development projects;
- (iv) Agriculture development.

NOTE: Before clearing brush/wood for development the responsible party must notify the fire department to determine the proper site and method for burning.

(3) All such permits shall be available for inspection throughout the period of time the permit is issued and the open burning is in progress.

NOTE: Materials may not be burned in piles exceeding one hundred eighty (180) cubic feet, except as designated on new site development projects. (as added by Ord. #12-02, Feb. 2012)

7-104. Permit application. To obtain a permit required by this chapter, the applicant shall obtain a burn permit from the fire department at least twenty-four (24) hours before the fire, which shall include:

- (1) The type of materials to be burned;
- (2) The location of the fire;
- (3) The individual(s) designated as being responsible for controlling the fire;

(4) A signed statement by the applicant stating that he or she will follow all outdoor burning regulations contained in this code, that no outdoor burning shall be left unattended, and that a protection against fire spread will be provided in a manner approved by the fire chief or his designee. (as added by Ord. #12-02, Feb. 2012)

7-105. Authority to suspend permit/burning. (1) Regardless of any established permit period, the fire chief or his designee shall have the authority to forbid, restrict or suspend any and all burning or cancel any permit upon determining burning to cause a nuisance, weather or other conditions are unfavorable, or hazardous for outdoor fires.

(2) The fire chief or his designee in granting or denying such permission, shall take into consideration the atmospheric conditions, the site of

the proposed burning in relation to proximate structures, the availability of fire suppression equipment at the site, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous. (as added by Ord. #12-02, Feb. 2012)

7-106. Compliance with chapter. (1) The granting of an open burning permit shall in no way relieve the person responsible for such burning from the consequences or the damages, injuries, or claims resulting from such burning, or of the responsibility of obtaining any other permit from any other agency.

(2) A garden hose and water supply or other fire extinguishing equipment must be on hand and a competent person in constant attendance until all fire has been extinguished.

(3) Shall comply with the rules of Tennessee Department of Environment and Conservation Bureau of Environment Division of Air Pollution Control Chapter 1200-3-4 Open Burning.

(4) Developer and/or contractors. Open burning cannot be located closer than fifty feet (50') to any structure. Burning may not be located closer than one hundred feet (100') to any wooded land.

(5) A bon fire may be allowed, with written approval by the fire chief, provided the size does not exceed five feet (5') in height and six feet (6') in base. The bon fire must be supervised by a person twenty-one (21) years or older with approved fire extinguishing equipment. The City of Medina must be notified at least three (3) days in advance during regular business hours prior to the ignition of a bon fire. If an organization wants to build a bon fire larger than the specifications stated above, a fire apparatus with city firefighters must be arranged to be on site during the ceremony.

(6) Piles exceeding one hundred eighty (180) cubic feet shall meet additional special requirements as determined by the fire chief taking into consideration the atmospheric conditions, the site of the proposed burning in relation to proximate structures, the availability of fire suppression equipment at the site, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous. (as added by Ord. #12-02, Feb. 2012)

7-107. Exemptions. Burning may be conducted under the following conditions without a burn permit provided that no complete burn ban is issued by the fire department. The responsible party conducting the burning must constantly attend the burning material, and must have an expectable level of fire extinguishing equipment present and knowledgeable in the use of such:

(1) Fire used for cooking of food or for ceremonial or recreational purposes, including barbecues, campfires, and outdoor fireplaces or fire pits.

(2) Fires set for the training and instruction of public or private firefighting personnel.

(3) Fires set by or at the direction of responsible fire control agencies for the prevention, elimination, or reduction of a fire hazard.

(4) Heating on construction project sites with a valid building permit may be conducted between October 1 and April 15 provided the burning is in a suitable metal fifty-five (55) gallon container with an ash screen in place on top of the container as a spark arrester.

(a) Only untreated wood may be used. This is not to be construed to allow burning of painted or chemically treated wood or garbage, for comfort heating.

(b) Fire extinguishing equipment must be located within five feet (5') of the container.

(c) Fires shall be extinguished when no worker is in attendance.

(d) Fire containers shall be located a minimum of twenty-five feet (25') from any structure or tree. (as added by Ord. #12-02, Feb. 2012)

7-108. Unauthorized burning prohibited. It shall be unlawful to burn any of the following:

- (1) Tires and rubber products;
- (2) Vinyl siding and shingles;
- (3) Asphalt shingles and other asphalt roofing materials and demolition debris;
- (4) Houses and mobile homes;
- (5) Plywood, oriented strand board and treated wood, including railroad ties;
- (6) Asbestos-containing materials;
- (7) Aerosol cans and food cans;
- (8) Copper wire and electrical wires;
- (9) Plastics and other synthetic materials;
- (10) Paper products, cardboard and newspapers;
- (11) Household trash;
- (12) Branches and trees not grown on site. (as added by Ord. #12-02, Feb. 2012)

7-109. Violation and penalty. The violation of any provision of this chapter is punishable under the general penalty provision of this municipal code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #12-02, Feb. 2012)

CHAPTER 2

FIRE CODE

SECTION

- 7-201. Fire code adopted.
- 7-202. Modifications.
- 7-203. Available in city recorder's office.
- 7-204. Violation and penalty.

7-201. Fire code adopted. Pursuant to the 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 International Fire Code,¹ 2018 edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as part of Medina City Code and is hereinafter referred to as the International Fire Code. (as added by Ord. #13-02, March 2013, and replaced by Ord. #13-14, Dec. 2014, Ord. #17-01, Feb. 2017, and Ord. #20-01, May 2020 *Ch7_06-06-22*)

7-202. Modifications. (1) "The City of Medina" shall be inserted into all blanks referencing the name of the jurisdiction or municipality.

(2) The blanks referring to the date of issuance shall be the effective date of this ordinance.

(3) Section 109.3. The blanks referring to violations shall be inserted with "misdemeanor" and "fifty dollars (\$50.00)" as appropriate; and all references to imprisonment shall be deleted.

(4) Section 903.2.8. The following text shall be inserted: "Exception: One and two family dwelling not more than three (3) stories in height." (as added by Ord. #13-02, March 2013, and replaced by Ord. #13-14, Dec. 2014, Ord. #17-01, Feb. 2017, and Ord. #20-01, May 2020 *Ch7_06-06-22*)

7-203. Available in the city recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of this code shall be placed on file in the office of the Medina City Recorder and shall be kept there for the use and inspection of the public. A copy of the ordinance comprising this chapter shall be kept with the aforementioned code. (as added by Ord. #13-02, March 2013, and replaced by Ord. #13-14, Dec. 2014)

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

7-204. Violation and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the code referenced in § 7-201 of this chapter as herein adopted by reference and modified. The violation of provisions of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. (as added by Ord. #13-02, March 2013, and replaced by Ord. #13-14, Dec. 2014)