

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. [DELETED.]
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. UNDERGROUND STORAGE OF FLAMMABLE LIQUIDS.
6. FIREWORKS.

CHAPTER 1

[DELETED]

This chapter was deleted by Ord. #6, 2012, Sept. 2012

¹Municipal code reference
Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

7-201. Fire code adopted.

7-202. Open burning.

7-203. Modifications.

7-201. Fire code adopted. A certain document, three (3) copies of which are on file in the office of the city recorder, being marked and designated as the International Fire Code,² 2012 edition, including appendixes, as published by the International Code Council, be and is hereby adopted as the fire code of the City of Pulaski, in the State of Tennessee for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 7-202. (1977 Code, § 7-201, as amended by Ord. #15, 1996, Dec. 1996, and Ord. #3, 2000, July 2000; and replaced by Ord. #2, 2006, Jan. 2006, Ord. #10, July 2007, and Ord. #7, 2016, June 2016)

7-202. Open burning. (1) Intent. It is the intent and purpose of this section to protect its citizens from injury arising the public from hazards and public nuisances and to reduce the accidental spread of fire for the benefit of the health, safety, general welfare and physical property of the people. The city shall seek the accomplishment of these objectives through the regulation of open burning as adopted and set forth herein.

(2) Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Air curtain destructor or air curtain" incinerator means a portable or stationary combustion device that directs a plane of high

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

velocity forced draft air through a manifold head into a burn chamber with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a recirculating motion of air under the curtain.

(b) "Fire chief" means the duly appointed fire chief or acting fire chief of the city.

(c) "Open burning" means the burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

(3) Implementation and enforcement. The regulations set forth herein shall be implemented and enforced by the fire chief and by such other persons as the city administrator may designate.

(4) Open burning prohibitions and restrictions. (a) No open burning shall be allowed unless a permit is first obtained from the fire chief, except that no permit shall be required for:

(i) Outdoor fireplaces or outdoor noncommercial food preparation.

(ii) Training burns under the direction of the fire chief or the fire chief's designee; provided that such training burns shall be conducted only when weather or other environmental conditions do not pose a significant health or safety risk to nearby residents, individuals or properties; and provided further that all property owners or tenants located within five hundred (500) feet of the site shall be notified of the training burn at least seven (7) calendar days in advance.

(b) The burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials and/or asbestos containing materials is expressly prohibited, and such materials shall not be included in any open burning conducted under the provisions of this section. Furthermore, burning for the purpose of disposing of construction or demolition waste or debris not otherwise described herein is expressly prohibited, and such waste or debris shall not be included in any open burning conducted under the provisions of this section.

(c) Burning for the purpose of clearing vegetation from land for new development or a change in the use of the land shall be permitted only if:

(i) The property containing the burn site is of adequate size to accommodate the movement of necessary equipment to move brush and the digging of a pit and placement of an air curtain destructor or air curtain incinerator.

(ii) The burning will take place at an adequate distance from any building, roadway, walkway or any other location as may be specified by the fire chief.

(iii) The materials to be burned are placed in a pit and an air curtain destructor or air curtain incinerator is used.

(iv) Priming materials used to facilitate such burning are limited to #1 or #2 grade fuel oils.

(v) The burning occurs between the hours of 7:00 A.M. and dusk.

(d) Burning for the purpose of disposing of detached tree limbs and leaves shall be permitted only if:

(i) The property containing the burn site is of adequate size to accommodate the movement of necessary equipment for digging of a pit and placement of an air curtain destructor or air curtain incinerator.

(ii) The materials to be burned consist solely of leaves and limbs gathered from the property containing the burn site.

(iii) The burning will take place at an adequate distance from any building, roadway, walkway or any other location as may be specified by the fire chief.

(iv) The materials to be burned are placed in a pit and an air curtain destructor or air curtain incinerator is used.

(v) Priming materials used to facilitate such burning are limited to #1 or #2 grade fuel oils.

(vi) The burning occurs between the hours of 7:00 A.M. and dusk.

(e) An application for a bonfire permit for a special event must be submitted to the fire chief at least seven (7) calendar days prior to the event, and must identify the location and describe the type of materials to be used in the bonfire. The application must be accompanied by a one hundred dollars (\$100.00) deposit. The deposit shall be refunded if the bonfire is fully extinguished and all debris removed by the permit holder at the end of the event. Prior to approval of the permit, the fire chief or the fire chief's representative may inspect the location and may condition the issuance of the bonfire permit on the use of specified materials and prescribed safety measures. The fire chief or the fire chief's representative may revoke the bonfire permit before or during the bonfire if the fire chief or the fire chief's representative has reason to believe the bonfire will not be adequately supervised, or if weather or other conditions on the day of the bonfire pose a significant public health or safety risk.

(f) Neither the exceptions allowed hereunder nor the granting of a permit for open burning shall relieve any person of liability for injuries or damage caused by such open burning, nor shall an exception or permit relieve any person of the responsibility to obtain any other permit required by any other federal, state or county agency, or of complying with other applicable requirements, ordinances, statutes or restrictions.

(g) In the event a permitted fire is determined by the fire chief or the fire chief's representative to be a nuisance to adjacent property owners or occupants or to the public at large, the fire chief or the fire chief's representative shall order the permit holder to extinguish the fire immediately or, if necessary, the fire department may extinguish the fire.

(h) The fire chief or the fire chief's representative may order all open burning temporarily stopped at any time due to weather conditions or other environmental conditions which may cause open burning to pose a significant public health or safety risk.

(5) Violations. Any violation of this provision shall be punishable by a fine not exceeding fifty dollars (\$50.00) for each occurrence. Additionally, should the City of Pulaski incur any expenses in responding to and/or extinguishing any open burning in violation of this provision shall be subject to and shall pay restitution to the City of Pulaski in the amount of such expenses incurred. (1977 Code, § 7-202, as replaced by Ord. #9, 2008, July 2008)

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

Section 101.1: City of Pulaski

Section 109.4: Insert "misdemeanor"

Section 111.4: Insert \$50.00. (as added by Ord. #7,2016, June

2016)

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. [Deleted.]
- 7-306. [Deleted.]
- 7-307. [Deleted.]
- 7-308. Chief to be assistant to state officer.
- 7-309. Safety committee.
- 7-310. [Deleted.]

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief, who shall serve ex officio as fire marshal, and such other officers and personnel as required. (1977 Code, § 7-301, as amended by Ord. #6, 2012, Sept. 2012)

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. (1977 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. (1977 Code, § 7-303)

¹Municipal code reference

Special privileges with respect to traffic: title 15, chapter 2.

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1977 Code, § 7-304)

7-305. [Deleted]. (1977 Code, § 7-305, as amended by Ord. #3, 2000, July 2000, and deleted by Ord. #6, 2012, Sept. 2012)

7-306. [Deleted]. (1977 Code, § 7-306, as deleted by Ord. #6, 2012, Sept. 2012)

7-307. [Deleted]. (1977 Code, § 7-308, as deleted by Ord. #6, 2012, Sept. 2012)

7-308. 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.

The chief of the fire department is empowered to issue all appropriate citations and warnings to any person or entity violating the Standard Fire Prevention Code or any subsequent fire prevention code adopted by the City of Pulaski. (1977 Code, § 7-310, as amended by Ord. #9, 2003, March 2003)

7-309. Safety committee. The safety committee shall see that the policies of the governing body are made known to and carried out by the fire department. The committee shall also keep the governing body informed of the status and needs of the fire department and make recommendations with respect thereto. (1977 Code, § 7-311, as amended by Ord. #3, 2000, July 2000)

7-310. [Deleted]. (1977 Code, § 7-312, as deleted by Ord. #6, 2012, Sept. 2012)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Calls outside the city limits.

7-401. Calls outside the city limits. The fire department is authorized to answer calls beyond the corporate limits as hereinafter set out, provided the calling party has entered into a contract with the fire department.

The safety committee is hereby authorized to promulgate the conditions of a contract for this purpose that will provide for an annual fee of \$50.00 and a charge of \$1,000.00 for each response to a fire call. Any person, firm or corporation requesting new service during the year shall pay a prorata amount.

The board of mayor and aldermen shall approve the terms of the master contract by resolution and the safety director or his deputy shall execute the same for the fire department after it is signed by the owner.

Giles County Government must likewise contract with the city for protection of its buildings and property.

The fire department may answer calls to fires so close to the corporate limits as to constitute a threat to the property within the city limits.

The fire department is not authorized to answer calls to property within the corporate limits of any town or city in Giles County unless the mayor or any alderman thereof calls for help in a life or death situation.

If the Giles County Rescue Squad calls for aid in a life or death situation the fire department is hereby authorized to answer the call.

The fire department will not answer calls for any vehicle outside its corporate limits except school buses, buses hauling passengers for hire, vehicles in industrial parking lots, and vehicles hauling toxic chemicals. Those owners will be billed one thousand dollars (\$1,000.00) per call.

The senior fire official on duty shall, upon the receipt of a request for assistance, use his best and good faith judgment as to what action to take under the circumstances as relayed to him by the person calling.

The fire department will answer calls to any toxic or chemical explosion or spill or event in any place in Giles County, for which the owner thereof shall be liable to pay one thousand dollars (\$1,000.00) per call. (1977 Code, § 7-309, as amended by Ord. #3, 2000, July 2000)

CHAPTER 5

UNDERGROUND STORAGE OF FLAMMABLE LIQUIDS

SECTION

- 7-501. Permit required for underground storage.
- 7-502. Issuance of permit.
- 7-503. Installation of tanks.
- 7-504. Classes of flammable liquids.
- 7-505. Capacity of tanks.
- 7-506. Setting of tanks.
- 7-507. Material and construction of tanks,
- 7-508. Venting of tanks.
- 7-509. Filling pipe.
- 7-510. Manhole.
- 7-511. Test well or gauging device.
- 7-512. Withdrawal of liquid from tank.
- 7-513. Care and attendance.
- 7-514. Rules of state fire marshal adopted.

7-501. Permit required for underground storage. It shall be unlawful for any person, firm or corporation to install any underground tank for the storage of flammable liquids in the city without first obtaining a permit therefor from the city building inspector, provided, however, this chapter shall not apply to tanks installed in or about residences. (1977 Code, § 7-401)

7-502. Issuance of permit. The permit shall be issued by the city recorder upon the authorization of the city building inspector. (1977 Code, § 7-402)

7-503. Installation of tanks. No storage tank for flammable liquids with a flashpoint below one hundred degrees, Fahrenheit (100°F) shall be installed above the lowest level of any floor, basement, cellar or pit of any building or structure within twenty-five (25) feet of any such building or structure. The level of said tank shall be determined by its highest part. If it shall be impracticable to comply with the foregoing requirement for the location of a storage tank, then said tank shall be enclosed in an approved concrete vault and properly vented to the outside, with no equipment in such vault except tank, pipes, and fittings necessary for such storage. (1977 Code, § 7-403)

7-504. Classes of flammable liquids. In this chapter flammable liquids are divided into three classes according to the flashpoint as follows:

- Class 1. Liquids with flashpoint below 25°F. closed Cup Tester;

- Class 2. Liquids with flashpoint above that of Class 1 and below 70° F. closed Cup Tester;
- Class 3. Liquids with flashpoint above that of Class 2 and below 200° F. closed Cup Tester.

The flashpoint shall be determined with the Elliott, Abel, Abel-Pensky, or the Tag closed Cup Testers, but the Tag closed Cup Tester (standardized by the U. S. Bureau of Standards) shall be authoritative in case of dispute. All tests shall be made in accordance with the methods adopted by the American Society for Testing Materials and approved by the American Standards Association. (1977 Code, § 7-404)

7-505. Capacity of tanks. It shall be unlawful for any person, firm or corporation to install within the city any underground tank for the storage of gasoline or other flammable liquids, having a capacity of more than that set out by the regulations of the state fire marshal. (1977 Code, § 7-405)

7-506. Setting of tanks. (1) Tanks shall be buried underground, with the top of the tank not less than two feet below the surface of the ground and below the level of any piping to which the tanks may be connected except that in lieu of the two-foot cover, the tank may be buried under 12 inches of earth and a slab of reinforced concrete or equivalent construction in no case less than four inches in thickness. The slab shall be set on a firm, well tamped earth foundation, and shall extend at least one foot beyond the outline of the tank in all directions. Where necessary to prevent floating, tanks shall be securely anchored or weighted.

Where tanks are buried under driveways subject to traffic by heavy vehicles, the total coverage above the top of the tank shall be not less than three feet, provided, however, that where such driveways are paved with reinforced concrete not less than six inches in thickness, the total coverage may be reduced to two feet.

Where a tank cannot be entirely buried, it shall be covered over with earth to a depth of at least two feet with a slope on all sides of not less than 1 1/2 to 1.

(2) Tanks shall be set on a firm foundation and surrounded with soft earth or sand well tamped in place.

(3) When located underneath a building, the tanks shall be so buried and otherwise installed and protected as to comply in all respects with the provisions of paragraph (1) of this section. (1977 Code, § 7-406)

7-507. Material and construction of tanks. (1) Tanks shall be constructed of steel or wrought iron of a minimum gauge (U. S. Standard) depending upon the capacity as given in the following table:

Capacity (Gallons)	Minimum Thickness	Weight, lbs. per sq. ft.
1 to 285	16 gauge	2.50
286 to 560	14 gauge	3.125
561 to 1,100	12 gauge	4.375
1,101 to 4,000	7 gauge	7.50
4,001 to 12,000	1/4 inch	10.00
12,001 to 20,000	5/16 inch	12.50
20,001 to 30,000	3/8 inch	15.00

Tanks of open hearth steel or wrought iron thinner than No. 7 gauge shall be galvanized.

For Class 3 liquids, if adequate internal bracing is provided, tanks from 12,001 to 30,000 gallons capacity may be built of 1/4 inch plate.

(2) All joints of tanks shall be riveted, welded or brazed and shall be soldered, caulked or otherwise made tight by some equally satisfactory process. Tanks shall be tight and sufficiently strong to bear without injury the most severe strains to which they may be subjected in practice. Shells of tanks shall be properly reinforced where connections are made, and at all connections made through the top of tank above the liquid level.

Tanks for systems under pressure shall be constructed in accordance with Section 8 of the Boiler Code of the A.S.M.E. generally termed the "Unfired Pressure Vessel Code," and tested in compliance with the provisions of said code.

(3) Prior to installation tanks shall be protected against corrosion on the outside in a manner satisfactory to the inspection department having jurisdiction, but in every case with at least the equivalent of two preliminary coatings of red lead followed by a heavy coating of hot asphalt. (1977 Code, § 7-407)

7-508. Venting of tanks. (1) Storage tanks (except for hydraulic or inert gas systems) shall be equipped with an open vent or an approved automatically operated vent arranged to discharge to the open air. The lower end of the vent pipe shall extend through the top into the tank for a distance of not more than one inch.

(2) Vent openings shall be of sufficient area to permit proper inflow of liquid during the filling operation in no case less than 1 1/4 inches in diameter for tanks up to 500 gallons capacity, except those automatically operated.

Vent openings, excepting those on underground tanks containing Class 3 liquids, shall be protected by approved flame arrestors which shall be accessible for examination and cleaning.

Open vent pipes shall be provided with weather-proof hoods and terminate outside of buildings. When Class 1 liquids are stored, vent terminals shall be not less than 12 feet above top of fill pipe; or if a tight connection is

made in filling line, and filling is by gravity, the vent terminal shall be at least one foot above the level of the highest reservoir from which the tanks may be filled. When other than Class 1 liquids are stored, vent pipes shall terminate sufficiently above ground to prevent obstruction by snow and ice, provided, that when tanks contain heaters as is usually the case where heavy fuel oil is stored, vent pipes shall be extended to a location where oil vapors discharging from vent will be readily diffused without danger of ignition. All vent pipes shall terminate at a point not less than two feet measured vertically or horizontally from any window or other building opening.

Where a battery of tanks designed to hold the same class of liquids is installed, the vent pipe may run into a main header. Individual vent pipes shall, however, be screened between tank and header, and the connection to the header shall not be less than one foot above the level of the top of the highest reservoir from which the tanks may be filled. (1977 Code, § 7-408)

7-509. Filling pipe. Tanks shall be filled only through fill pipes terminating outside of buildings at a point at least five feet from any building opening at the same or lower level. Fill terminals shall be closed tight when not in use by a metal cover designed to prevent tampering. (1977 Code, § 7-409)

7-510. Manhole. Manhole covers shall be securely fastened in order to make access difficult by unauthorized persons. No manhole shall be used for filling purposes. (1977 Code, § 7-410)

7-511. Test well or gauging device. (1) All tanks in which a constant oil level is not maintained by an automatic pump shall be equipped with an approved device for determining the oil level, or otherwise gauged in an approved manner.

(2) Test wells shall not be installed inside buildings and where permitted for outside service shall be kept closed when not in use by a metal cover designed to prevent tampering.

(3) Gauging devices such as liquid level indicators or signals shall be installed so that oil or vapor will not be discharged into the building. Glass gauges, the breakage of which will allow the escape of liquid, shall not be used. (1977 Code, § 7-411)

7-512. Withdrawal of liquid from tank. (1) Liquid shall be withdrawn from a tank without unnecessary exposure by a substantially constructed discharge device of approved design which will prevent the delivery or leaking of liquid when not in use.

(2) The opening for withdrawal of liquid shall be provided with a lock to prevent tampering. (1977 Code, § 7-412)

7-513. Care and attendance. (1) Tanks shall be filled preferably during daylight hours. All openings shall be locked except when in use.

(2) Liquid to be withdrawn shall be delivered directly to the receptacle from which it is to be used. When the liquid is to be taken inside the building it shall be delivered directly from the storage tank to approved safety cans or portable tanks. Open containers shall not be used.

(3) Discharge devices, if removable for purposes of storage, shall be carefully drained before removing from the suction pipe. (1977 Code, § 7-413)

7-514. Rules of state fire marshal adopted. The standards for the installation of containers for storage and handling of flammable liquids as prescribed by the state division of fire prevention shall govern in all cases not specifically covered by the preceding sections and those standards are hereby adopted, it being the intent of the board to cover underground storage only, in detail, in this chapter. (1977 Code, § 7-414)

CHAPTER 6

FIREWORKS

SECTION

7-601. Regulation.

7-602. Exception for city-sponsored events.

7-601. Regulation. The detonation of fireworks and the sale thereof is hereby declared to be unlawful within the corporate limits of the City of Pulaski. The term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible and/or audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, roman candles, daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing an explosive or flammable compound or any tablets or other device containing any explosive substance except that the term "fireworks" shall not include model rockets and model rocket engines designed and sold and used for the purpose of propelling recoverable aerial models and shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the United States Department of Transportation regulation for packing and shipping of toy, paper or plastic caps are used and toy, paper and/or plastic caps manufactures as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy, paper and/or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. Any violation hereof shall be punishable as are any other misdemeanors described in this code. (1977 Code, § 7-501)

7-602. Exception for city-sponsored events. From time to time the City of Pulaski desires to sponsor civic events and celebration that may involve professional pyro-technic displays. Section 7-601 of this municipal code shall not apply to any discharge or display of fireworks by a licensed, professional sponsored by the City of Pulaski or any other event approved by resolution of the board of mayor and aldermen. (as added by Ord. #5,2008, June 2008)