

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE CODE.
2. FIREWORKS.
3. RECREATIONAL FIRES.

CHAPTER 1

FIRE CODE

SECTION

- 7-101. Fire codes adopted.
7-102. Violations and penalty.

7-101. Fire codes adopted. The *International Fire Code*,² 2018 edition, and the 2018 *NFPA 101 Life Safety Code*³ are hereby adopted by reference as though copied herein verbatim. (Ord. #289, July 2019)

7-102. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference. Each day shall constitute a separate violation of same. Upon conviction of any said violation, such persons shall be punished by levying a civil penalty not to exceed fifty dollars (\$50.00) per violation. (Ord. #289, July 2019)

¹Municipal code reference

Building, utility, residential, and fire codes: title 12.

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

³Copies of this code (and any amendments) may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

CHAPTER 2

FIREWORKS

SECTION

- 7-201. Definitions.
- 7-202. Sale of fireworks prohibited.
- 7-203. Permit for supervised family display.
- 7-204. Restrictions.
- 7-205. Exceptions.
- 7-206. Seizure.
- 7-207. Violations and penalty.

7-201. Definitions. 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 or an audible effect by combustion, explosion, deflagration or detonation, and shall include any fireworks containing any explosive or other device containing any explosive or flammable compound, except that the term "fireworks" shall not include any sparkler, model rockets, or model rocket engines, designed, sold and used for the purpose of propelling recoverable aero models events, toy pistols, toy canes, toy guns or other devices in which paper and/or plastic and/or metal caps manufactured with the specific limitation of an average twenty-five hundredths of a grain of explosive content per cap, the sale and use of which shall be permitted at all times. Each package containing said caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. (2000 Code, § 7-201)

7-202. Sale of fireworks prohibited. The sale of fireworks within the corporate limits of the Town of Pittman Center is hereby prohibited except those items excepted in § 7-201. (2000 Code, § 7-202)

7-203. Permit for supervised family display. A permit shall be required for supervised family displays of fireworks. Before any permit for pyrotechnic display shall be issued, the person/family making application therefor shall furnish to the town administrator the name of the person/family sponsoring the display as well as the names of responsible adult(s) actually in charge of the firing of the display; the date and time of day at which the display is to be held; the exact location planned for the display; a description setting forth age (must be adult), experience, and physical characteristics of the persons who are to do the actual discharging of the fireworks; the number and kinds of fireworks to be discharged; the manner and place of storage of such fireworks prior to display; and a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all

buildings, highways, and other lines of communication, the lines behind which the spectators will be restrained, the location of all nearby trees, power lines, telephone lines or other overhead obstructions. This application for permit must be filed at least one (1) day prior to the date of display and the cost of the permit will be five dollars (\$5.00). All displays must be set up in accordance with NFPA Regulation 494L, Conduct of Display. (2000 Code, § 7-203)

7-204. Restrictions. Displays permitted in this chapter shall be restricted such that no fireworks shall be displayed or discharged in another person's yard or over the Middle Prong of the Little Pigeon River. No fireworks display shall take place later than 10:00 P.M. with the exception of New Year's Eve. (2000 Code, § 7-204)

7-205. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by transportation firms or agencies for signal purposes of illumination, or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the use of fireworks for agricultural purposes under conditions approved by local authorities.

Revocation of permits will be determined by the fire chief or the chief of police determinate upon hazardous weather conditions. (2000 Code, § 7-205)

7-206. Seizure. The town administrator or the chief of police shall seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter. Any person, firm, co-partnership, corporation, or organization violating this chapter shall be cited to town court. (2000 Code, § 7-206)

7-207. Violations and penalty. Any person, partnership or corporation violating the terms of this chapter shall be assessed a fine not greater than the sum of fifty dollars (\$50.00) per day. Each day of the violation of this chapter shall constitute a separate and distinct offense. (2000 Code, § 7-207)

CHAPTER 3

RECREATIONAL FIRES

SECTION

- 7-301. Definition.
- 7-302. Fire safety requirements.
- 7-303. Prohibited burning.

7-301. Definition. The definition of a recreational fire is, "an outdoor fire, burning appropriate materials for pleasure, religious, ceremonial, cooking, warmth, or similar purposes where the fuel burned is not contained in an incinerator, outdoor fireplace, barbeque grill, or barbeque pit, and has a total fuel area of three feet (3') or less in diameter and two feet (2') or less in height." Recreational fires larger than these dimensions (bonfires) should require a permit and follow additional guidelines. NOTE: A fire prevention code permit is not required for a recreational fire. (Ord. #239, June 2011)

7-302. Fire safety requirements. Fire safety requirements are outlined as follows:

(1) Location. Recreational fires shall not be conducted within twenty feet (20') of a structure or combustible material (trees, vegetation, etc.). Conditions which could cause a fire to spread within twenty feet (20') of a structure shall be eliminated prior to ignition.

(2) Attendance. Recreational fires shall be constantly attended until the fire is extinguished. A minimum of one (1) portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment such as dirt, sand, a water barrel, a garden hose, or a water truck shall be available for immediate utilization.

(3) Allowable fuels. Only seasoned dry firewood or similar clean burning materials shall be permitted as fuel for recreational fires. Land-clearing waste and/or refuse shall not be used as fuel for a recreational fire.

(4) Fuel quantity limitation. A recreational fire shall have a total fuel area no greater than three feet (3') in diameter and two feet (2') in height.

(5) Extinguishment. Any person who builds a fire in the open air, or uses a fire built by another person in the open air, within one hundred fifty feet (150') of any woodland, brushland, or field containing dry grass or other flammable material, shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.

(6) Precautions. It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris, or other inflammable material upon such land unless he previously has taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire

to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris, or other inflammable material upon such land unless he has taken similar precautions to prevent the spread of such fire to any other land.

(7) Neighboring property. No person shall kindle nor authorize to be kindled nor maintain any recreational fire in such a manner that will endanger the property of another. No recreational fires shall be built within twenty-five feet (25') of neighboring property lines or within twenty-five feet (25') of a public roadway. Fires should not hinder the health or quality of life of neighbors.

(8) Hazardous materials. Combustible and flammable liquids shall not be used to aid the ignition of any recreational fire. Furthermore, the application, dispensing, or use of a combustible or flammable liquid, or any other hazardous material, upon or into the fuel used in any open burning operation, including a controlled burn, bonfire, or recreational fire, shall be considered an unauthorized release of a hazardous material and is strictly prohibited.

(9) Environmental conditions--high winds. No recreational fires shall be built on days with winds above eight (8) miles per hour, during periods of burning bans, or when a high wind warning is in effect. (Ord. #239, June 2011)

7-303. Prohibited burning. Prohibited burning is described as follows:

(1) Hazardous situations. In accordance with the fire prevention code, the fire marshal may order the extinguishment of a recreational fire because of one (1) or more of the following hazardous situations:

- (a) Unattended fires;
- (b) Unprotected/uncontained fires deemed capable of spreading;
- (c) Inadequate fire extinguishing equipment/materials;
- (d) Combustible exposure hazards;
- (e) Inappropriate or hazardous materials used as fuel; and
- (f) Air contaminants, smoke, or other materials which may cause a traffic hazard.

(2) Air quality/air pollution alert. No recreational fires shall be built between the hours of 10:00 A.M. - 4:00 P.M. on Stage I Air Alert days, when the Air Quality Index (AQI) is Code Orange, 101 or above. (This information can be found at www.airnow.gov or through local weather stations.) An air quality alert is issued when a Code Orange or above is forecasted or is occurring for either ozone or particulate matter. A burning ban or ozone alert supersedes all other regulations that may otherwise allow for open burning. The burning bans are authorized through the Sevier County Fire Department and/or the Tennessee Division of Natural Resources (or other agencies) when atmospheric conditions or local circumstances make burning hazardous.

(3) High winds. Recreational burning may be banned during long periods of drought or during high wind conditions. The fire department or local safety officer will issue announcements if a burning ban becomes necessary.

(4) Refuse. The burning of refuse shall be prohibited. "Refuse" shall mean and include garbage, rubbish, and trade waste defined as follows:

(a) Garbage shall mean animal and vegetable matter such as that originating in houses, kitchens, restaurants, hotels, produce markets, food service or processing establishments, greenhouses, and hospitals, clinics, or veterinary facilities.

(b) Rubbish shall mean solids not considered to be highly flammable or explosive such as, but not limited to, rags, old clothes, leather, rubber, carpets, excelsior, paper, ashes, furniture, metal food containers, glass, crockery, masonry, and other similar materials.

(c) Trade waste shall mean all solid or liquid material resulting from construction, building operations, or the prosecution of any business, trade, or industry such as, but not limited to, plastic products, cinders, and other forms of solid or liquid waste materials.

(5) Materials producing dense smoke. The burning of tires, asphaltic materials, automobile bodies, used crankcase oil, impregnated wood or similar materials which produce dense smoke shall be prohibited. (Ord. #239, June 2011, modified)