

**TITLE 7**

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

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.

**CHAPTER 1**

**FIRE DISTRICT**

**SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be as follows: Central business district as shown on the municipal zoning map of Ridgetop, Tennessee. (1977 Code, § 7-101)

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<sup>1</sup>Municipal code reference  
Building, utility and residential codes: title 12.

## CHAPTER 2

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

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Regulation and sale of fireworks.
- 7-206. Gasoline trucks.
- 7-207. Variances.
- 7-208. Violations.

**7-201. Fire code adopted.** Pursuant to 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,<sup>2</sup> 2012 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1977 Code, § 7-201, modified, as amended by Ord. #2012-105, Oct. 2012, and replaced by Ord. #2016-104, April 2016 *Ch4\_5-21-19*)

**7-202. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1977 Code, § 7-202, as replaced by Ord. #2016-104, April 2016 *Ch4\_5-21-19*)

**7-203. Definition of "municipality."** Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Ridgetop, Tennessee. (1977 Code, § 7-203, as replaced by Ord. #2016-104, April 2016 *Ch4\_5-21-19*)

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<sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

<sup>2</sup>Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

**7-204. Storage of explosives, flammable liquids, etc.** The limits referred to in the fire prevention code, in which storage of explosive materials is prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire limits as set out in § 7-101 of this code. (1977 Code, § 7-204, as amended by Ord. #2012-105, Oct. 2012, and replaced by Ord. #2016-104, April 2016 *Ch4\_5-21-19*)

**7-205. Regulation and sale of fireworks.** The International Fire Code as adopted by the City of Ridgetop shall be amended only to the extent to allow for the retail sale of fireworks in the City of Ridgetop, with the additional requirements as follows:

(1) If the sale of fireworks is to be housed in a tent, the owner or operator of the retail fireworks business shall file with the building official of the City of Ridgetop a certificate executed by an acceptable testing laboratory certifying that the tent, decorative attachments of any kind to the tent, and tarpaulins meet the requirements for flame resistance prescribed for both the small and large tents as specified in NFPA 701, and that such flame resistance will be effective for the entire period of the permit.

(2) A fireworks tent shall be located in such a manner that all portions of the tent and the fireworks inventory are not more than three hundred feet (300') from an operable standard fire hydrant.

(3) A fireworks tent shall be located in such manner that all portions of the tent and inventory are not closer than one hundred feet (100') to any source of flammable or combustible liquid or gas.

(4) A fireworks tent shall have a minimum of two (2) exits, with at least one (1) exit at each end of the tent for use in an emergency. The emergency exits and all aisles shall be kept free and clear of obstructions at all times while the tent is open for occupancy by the public.

(5) No smoking will be allowed within any fireworks tent or on the premises. No smoking signs will be placed inside and outside of the tent, with at least one sign to be placed on the outside and inside of each side of the tent.

(6) Each fireworks tent shall be equipped with a minimum of three (3) fire extinguishers to be located within the tent, one (1) at each end and one (1) in the middle. The fire extinguishers must of a type approved by the Ridgetop Building Official or Fire Chief and must be a minimum weight of five (5) pounds

and have a current maintenance record. All extinguishers must be secured to tent poles.

(7) No fireworks tent may be located under any utility line, except such line as may be established for the purpose of providing electrical power to the tent.

(8) All other provisions of title 7, chapter 2 of the Ridgetop Municipal Code and of the International Fire Code shall continue in full force and effect unless otherwise amended by the foregoing provisions. (as added by Ord. #2001-106, June 2001, amended by Ord. #2012-105, Oct. 2012, and replaced by Ord. #2016-104, April 2016 *Ch4\_5-21-19*)

**7-206. Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1977 Code, § 7-205, as renumbered by Ord. #2001-106, June 2001, and replaced by Ord. #2016-104, April 2016 *Ch4\_5-21-19*)

**7-207. Variances.** The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1977 Code, § 7-206, as renumbered by Ord. #2001-106, June 2001, and replaced by Ord. #2016-104, April 2016 *Ch4\_5-21-19*)

**7-208. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code herein 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 board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (1977 Code, § 7-207, as renumbered by Ord. #2001-106, June 2001, amended by Ord. #2012-105, Oct. 2012, and replaced by Ord. #2016-104, April 2016 *Ch4\_5-21-19*)

**CHAPTER 3**

**FIRE DEPARTMENT**<sup>1</sup>

[RESERVED FOR FUTURE USE]

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<sup>1</sup>The voluntary fire department serving the city is a unit of the Joint Ridgetop and Robertson County Civil Defense Office.

## 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 to 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 seasonal sale of fireworks.
- 7-411. Use restricted.
- 7-412. Public display: permit required.
- 7-413. Seizure authorized.
- 7-414. Exceptions.
- 7-415. Penalty for violation.
- 7-416. Severability.

**7-401. Definition.** Fireworks means and shall include 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, explosive, deflagration, or detonation. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**7-402. Manufacture prohibited.** No person or firm shall manufacture any fireworks within the corporate limits of the City of Ridgetop. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**7-403. Sales restricted.** It shall be unlawful to sell, or offer for sale, fireworks within the corporate limits of the City of Ridgetop except in compliance with the provisions of this chapter, and the provisions of Tennessee Code Annotated, title 68, chapter 104, §§ 101 through 116. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**7-404. Permit from state fire marshal required.** It shall be unlawful to sell, or offer for sale, ship or cause to be shipped into the City of Ridgetop any item of fireworks without a permit from the state fire marshal. All fireworks permits shall be issued in compliance with the fire code and Tennessee Code

Annotated, title 68, chapter 104, §§ 101 through 116 inclusive. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**7-405. City fireworks permit required; permit application; permit required to each location; permit fee; permit not transferable; expiration of permit.**

(1) It shall be unlawful to sell, or offer for sale, or cause to be shipped into the City of Ridgetop any item of fireworks without a city fireworks permit issued by the City of Ridgetop Codes Administrator.

(2) An application for a city fireworks permit shall be completed and submitted to the codes administrator no later than two (2) 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;

(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 compliance as required under § 7-407 of this chapter;

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

(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) for any structure or any tent, trailer or other temporary structure used for the sale of fireworks.

(5) City fireworks permits shall not be transferable.

(6) All city fireworks permits shall be for one (1) seasonal sales period only. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**7-406. Permit revocation.** The Ridgetop Code Administrator 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 codes administrator:

(1) The permittee or the permittee's operator violates any lawful rule, regulation, or order of the Ridgetop Zoning and Planning Commission.

(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, §§ 101 through 116. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**7-407. Business license required for each site: zoning compliance required.** The Ridgetop Code Administrator shall issue no permit for the sale of fireworks unless the applicant has first obtained a Tennessee business license from the Ridgetop City Clerk for each site at which fireworks will be sold. Temporary sales vendor's permit, bonds, and fees shall not apply for the sale of fireworks. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**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 Ridgetop Codes Administrator 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. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**7-409. Certificate of insurance required.** The Ridgetop Codes Administrator shall not issue a permit for the sale of fireworks unless the applicant has first obtained a current certificate of insurance with a minimum of one million dollars (\$1,000,000.00) in product liability and one million dollars (\$1,000,000.00) in general liability with the City of Ridgetop being named as an additional insured on the general liability insurance policy. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**7-410. Standards for seasonal sale of fireworks.** The following standards shall apply for seasonal sale of fireworks within the corporate limits of the City of Ridgetop:

(1) Seasonal sales of fireworks shall only be permitted from the sales period extending from June 20 through July 5, and from December 10 through January 2.

(2) Seasonal sales of fireworks shall be conducted in compliance with the provisions of the City of Ridgetop Municipal Code.

(3) The sale of fireworks shall be conducted on:

(a) Any approved lot, within any zoning district located solely on State Route Highway 41 (SR41) and that has a driveway or TDOT approved curb cut for safe ingress and egress.

(b) There shall be one (1) tent or similar temporary structure located on one (1) approved lot.



(c) The tent or similar temporary structure shall be located no closer than thirty feet (30') to the nearest building.

(4) All tents or similar temporary structures used for seasonal sale of fireworks shall be composed entirely of fire retardant materials and shall be located on paved, concrete, gravel surface, or grassy area if cut/mowed to no more than one inch (1") in height within the structure area and to a boundary of a minimum of twenty feet (20') surrounding the entire structure.

(5) All tents or similar temporary structures used for seasonal sale of fireworks shall provide an emergency exit remote from the point of entrance, at the opposite end from the entrance. Tents shall be enclosed on no more than two (2) sides during times that customers are present.

(6) The site utilized for seasonal sale of fireworks shall be a minimum of two hundred feet (200') from any fuel source such as motor fuel pump dispensers, retail propane dispensers, above ground storage tanks containing flammables, or CNG dispensers.

(7) The seasonal sale of fireworks shall be restricted to DOT Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104. The sale of "bottle" rockets with explosive cartridge under the size of two inches (2") in length is expressly prohibited.

(8) No person shall smoke 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 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 on a contrasting background.

(9) A minimum of two (2) ten (10) pound ABC fire extinguishers shall be present at each site where fireworks are sold.

(10) Extension cords and wiring, when used outdoors, must be listed for wet locations, and be protected against physical damage. (2008 NFPA 70, 525-20 (A))

(11) Ground fault circuit interrupter protection must be used for power cords that supply power to tents and other outside locations. (2008 NFPA 70, 525-23)

(12) 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. (2008 NFPA 70, 525-21 (B))

(13) Heating devices must be listed and used in accordance with their listings. Temporary heating shall have overheat and tip over protection devices. (2006 NFPA 1124, 7.3.17.2)

(14) Portable generators and their fuel shall be located no less than twenty feet (20') from the tent or similar temporary display structure.

(15) Cooking equipment shall be located no less than twenty feet (20') from tent or similar temporary display structure. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**7-411. Use restricted.** The following restrictions shall apply for the use of fireworks within the corporate limits of the City of Ridgetop:

(1) Except as permitted under § 7-412 of this chapter, the use of fireworks shall be restricted to DOT Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104. The use of "bottle" rockets with an explosive cartridge under the size of two inches (2") in length is expressly prohibited.

(2) It shall be unlawful to use or explode any fireworks within the corporate limits of the City of Ridgetop except during the periods extending from June 20 through July 5, and from December 10 through January 2.

(3) It shall be unlawful to use or explode fireworks within the corporate limits of the City of Ridgetop earlier than 9:00 A.M. or later than 10:00 P.M. during the periods defined above in section § 7-411(2) with the exception of July 4 and December 31 on which the time shall be no later than 12:30 A.M., January 1.

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

(5) It shall be unlawful to offer for sale or to sell any fireworks to any intoxicated or seemingly irresponsible person.

(6) 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.

(7) 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 offer for sale.

(8) It shall be unlawful to ignite or discharge fireworks from 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. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**7-412. 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. Such items of fireworks that are to be used for public display only and which are otherwise prohibited for sale and use within the City of Ridgetop shall include display shells designed to be fired from mortars and display set pieces of fireworks classified as DOT 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 applied for and received a permit for such display

issued by the state fire marshal. A condition for state issuance of a permit for public fireworks display is the approval of the chief official of the fire and police departments of the city. Such approval shall be granted if, in the opinion of those officials, the proposed display will be located and supervised in conformity with state law and will not be hazardous to life or property. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**7-413. Seizure authorized.** The codes administrator or his designee shall seize, take, remove or cause to be removed at the expense of the owner of all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**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 code. In addition, the codes administrator may, at any time, authorize the restricted use of DOT Class C common fireworks for public health purposes in order to disperse flocks of blackbirds and other bird pests. A permit for the restricted use of fireworks for public health purposes shall be issued and signed by the code administrator or his or her designee before the approved fireworks can be discharged. The permitted fireworks shall be handled and discharged by a competent person approved by the codes administrator or his or her designee. The duration of the permit and the quantity of the permitted fireworks shall be the minimum needed to accomplish the public health purpose. The permitted fireworks shall be located and discharged in a manner that shall not be dangerous to persons or hazardous to property. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**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 the general penalty provision of this municipal code. Each subsequent day that any violation continues unabated shall constitute a separate offense. In addition, the codes administrator 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. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

**7-416. Severability.** If any court of competent jurisdiction declares any portion of these regulations to be invalid, that ruling shall not affect any other portion not specifically included in that ruling. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)