

TITLE 7**FIRE PROTECTION AND FIREWORKS¹****CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN LIMITS.
5. FIREWORKS.

CHAPTER 1**FIRE DISTRICT****SECTION**

- 7-101. Fire limits described.
7-102. Mutual aid.

7-101. Fire limits described. The fire district for the Town of Alamo is composed of an area that includes the central portion of Crockett County, much of which is outside the corporate limits. Crockett County provides an annual monetary contribution to the Alamo Volunteer Fire Department to provide this coverage. The area in which the AFD is the primary responder is identified in the GIS database of the Crockett County E-911 office.

7-102. Mutual aid. As a volunteer department, the AFD has an informal mutual aid agreement with other volunteer fire departments in Crockett County and will respond when requested.

¹Municipal code reference

Building, utility and residential codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

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

7-201. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the *Standard Fire Prevention Code*,² 1999 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 town 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. (1965 Code, § 7-201, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. (1965 Code, § 7-202)

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 Town of Alamo, Tennessee. (1965 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. (1) The limits referred to in the fire code, in which storage of explosive materials is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

¹Municipal code reference

Building, utility and residential codes: title 12.

²Copies of this code are available from the International Building Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

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

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

(4) The limits referred to in the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire district as set out in § 7-101 of this code. (1965 Code, § 7-204)

7-205. 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. (1965 Code, § 7-205)

7-206. Modifications. The chief of the fire department may recommend to the board of mayor and aldermen modifications of 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 modifications when granted or allowed shall be contained in an amendment to this code or a resolution of the board of mayor and aldermen. (1965 Code, § 7-206)

7-207. 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 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 municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1965 Code, § 7-207)

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. Tenure and compensation of members.

7-306. Chief responsible for training and maintenance.

7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1965 Code, § 7-301)

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; and
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1965 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. (1965 Code, § 7-303)

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

¹Municipal code reference

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

to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1965 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1965 Code, § 7-305)

7-306. Chief responsible for training and maintenance. The chief of the fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1965 Code, § 7-306)

7-307. 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. (1965 Code, § 7-308)

CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

- 7-401. Equipment to be used only within corporate limits generally.
- 7-402. Exceptions.
- 7-403. Fees.

7-401. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless authorized by the governing body. (1965 Code, § 7-307, modified)

7-402. Exceptions. The primary obligation of the Alamo Volunteer Fire Department is to protect the citizens and property of the Town of Alamo. Calls for the services of the volunteer fire department to extinguish fires located outside the corporate limits of the Town of Alamo will be restricted to properties located within Crockett County, Tennessee. The Alamo Volunteer Fire Department will not be dispatched to a fire anywhere outside the town limits, when, in the opinion of the fire chief, the forces remaining would be insufficient for adequate protection within the corporate limits of the Town of Alamo. The town will accept no responsibility for damages incurred as a result of answering a call for fire department services outside the corporate limits of the Town of Alamo. (Ord. #____, Feb. 1987, as amended by Ord. #12-04-2012A, Dec. 2012, modified)

7-403. Fees. (1) The fee for a minor fire call outside the corporate limits is set at five hundred dollars (\$500.00).

(2) The fee for a major fire call outside the corporate limits is set at one thousand dollars (\$1,000.00).

(3) The fee for false alarm call outside the corporate limits is set at one hundred fifty dollars (\$150.00).

The Alamo Fire Chief, using his best professional judgment or his designee, is vested with the authority and responsibility to classify each fire call outside the corporate limits of the Town of Alamo as either "minor," or "major." (Ord. #2018-13, Nov. 2018, modified)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Purpose.
- 7-502. Definitions.
- 7-503. Permit required.
- 7-504. Permit fees and length of validity.
- 7-505. Application for permit.
- 7-506. Separate sales and use tax numbers required.
- 7-507. Permissible types of fireworks.
- 7-508. Conditions for sale, use and storage of permissible items.
- 7-509. Retail sale of permissible items--time limitations--exceptions.
- 7-510. Public displays--permits--regulation.
- 7-511. Regulations governing storing, location or displaying fireworks.
- 7-512. Unlawful acts in the sale, handling, or private use of fireworks.
- 7-513. Due process; penalty for violation.
- 7-514. Exceptions to application.
- 7-515. Seasonal use of fireworks.

7-501. Purpose. The purpose of this chapter is to provide an ordinance for regulating the manufacturing, sale, display, use and storage of D.O.T. Class C common fireworks for both private and public display within the corporate limits of the Town of Alamo, Tennessee, setting certain guidelines which shall provide for the general safety and welfare of the citizens thereof and property therein. (Ord. #2019-4, June 2019)

7-502. Definitions. As used in this chapter, the following terms shall have the meaning ascribed to them herein, unless clearly indicated otherwise.

(1) "Distributor." Any person engaged in the business of selling of fireworks to any other person engaged in the business of reselling fireworks either as a wholesaler or retailer, or any person who receives, brings, or imports any fireworks of any kind, in any manner into the town, except to a holder of a manufacturer's, distributor's or wholesaler's permit issued by the state fire marshal and the town fire chief.

(2) "D.O.T. Class C common fireworks." 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 explosives and other dangerous articles.

(3) "Manufacturer." Any person engaged in the making, manufacturing or constructing of fireworks of any kind.

(4) "Permit." The document granting the written authority of the town recorder or fire chief or his/her designee issued under the authority of this chapter.

(5) "Person." Any individual, organization for profit, organization not for profit, firm, partnership or corporation.

(6) "Retailer." Any person engaged in the business of making retail sales of fireworks.

(7) "Sale." An exchange of articles of fireworks for money, also including a 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) "Shell." A circular or cylindrical shaped paper casing or cartridge propelled into the air from a mortar or tube that produces a burst or break with varying colors, effects and noise. A shell contains pyrotechnic composition, a burst charge and an internal time fuse or module.

(9) "Sign, portable." Any advertising sign or device in the shape of an "A" frame or any variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually a two (2) sided sign and including any single or double surface painted or pestered panel type sign or any variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached to the premises or any building, wall, fence, pole or any other structure situated upon any real property.

(10) "Special fireworks." All articles of fireworks that are classified as Class B explosives in the regulation of the United States Department of Transportation and includes all articles other than those classified as Class C.

(11) "Storage." A place where merchandise is stocked or supply is reserved for future use.

(12) "Storage facility." A place where fireworks are stockpiled or kept for future use.

(13) "Town." The Town of Alamo, Tennessee.

(14) "Wholesaler." Any person engaged in the business of making sales of fireworks to a retailer. (Ord. #2019-4, June 2019)

7-503. Permit required. It shall be unlawful for any person to sell, publicly display, offer for sale, ship, cause to be shipped or stored in the town, except as herein provided, any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler, person or entity in charge of a public display event, or retailer, from both the town's fire chief or his designee and the State of Tennessee Fire Marshal (as required by *Tennessee Code Annotated*, § 68 -104-101, *et seq.*). Possession of said permits shall be a condition prerequisite to selling, putting on a public display, offering for sale, shipping or causing to be shipped into, or storing any fireworks in the town, 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. (Ord. #2019-4, June 2019)

7-504. Permit fees and length of validity. (1) The fee for the permit provided for in § 7-503 of this chapter for retail sales of fireworks shall be one hundred dollars (\$100.00) and the permit shall be valid for a period of one (1) year and shall expire the following year on the day and date it was previously issued.

(2) The fee for storage of fireworks shall be one hundred fifty dollars (\$150.00) and the permit shall be valid for a period of one (1) year and shall expire the following year on the day and date it was previously issued.

(3) The fee for public or private display events shall be fifty dollars (\$50.00) and the permit shall be valid for a maximum period of three (3) days as stated on such permit.

(4) The fee for obtaining a permit for a distributor shall be one hundred fifty dollars (\$150.00) and the permit shall be valid for a period of one (1) year and shall expire the following year on the day and date it was previously issued. (Ord. #2019-4, June 2019)

7-505. Application for permit. Applicants for a permit under this chapter must obtain a permit packet and file with the town recorder a sworn written application containing the following:

(1) The name and addresses of the persons, firms, corporations, or other organizations wishing to obtain said permit.

(2) The complete home address, business address and local address of the applicant.

(3) A brief description of the location where such applicant intends to either sell, display or store said fireworks.

(4) The amount of fireworks on hand and the amount of fireworks to be stored.

(5) The date and length of time for which the right to do business is desired.

(6) After the application has been submitted and approved, the fire chief or his designee shall inspect the site for compliance.

(7) Any fees are to be paid when the application is submitted and all fees are non-refundable.

(8) The town shall be named as an additional insured on applicant's liability policy with a required minimum of one million dollars (\$1,000,000.00) in coverage. (Ord. #2019-4, June 2019)

7-506. Separate sales and use tax numbers required. A separate sales and use tax number shall be required for each location where D.O.T. Class C fireworks are sold.

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 are required by law. (Ord. #2019-4, June 2019)

7-507. Permissible types of fireworks. It is unlawful for any individual, firm, partnership or corporation to possess, sell, use or store within the town, or ship into the town, 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 1.4 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. (Ord. #2019-4, June 2019)

7-508. Conditions for sale, use and storage of permissible items. No permissible articles of D.O.T. Class C common fireworks, shall be sold, offered for sale, or possessed within the town, 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 "D.O.T. Class C 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 regulations of the State of Tennessee Fire Marshal's Office relative to the possession and sale of fireworks, their storage and safety requirements, are hereby incorporated by reference herein, together with the regulations of the National Fire Protection Association (NFPA 1124). Retail sales for fireworks will only be allowed in commercial zones defined by the Alamo Zoning Ordinance. No parking at any site shall be allowed in the town rights-of-way. Signs advertising fireworks are allowed only on the permitted site. No portable signs as defined herein shall be allowed. A minimum distance for the sale of fireworks shall be a minimum of fifty feet (50') from any public right-of-way and/or permanent building. Fireworks shall not be sold or stored within three hundred feet (300') of any residential district, hospital, hotel, motel, private or public schools. All permits must be kept on site and visibly posted in the sales or storage area. A business license must be obtained from the town recorder's office. (Ord. #2019-4, June 2019)

7-509. Retail sale of permissible items--time limitations--exceptions. Permissible articles of fireworks may be sold at retail to residents of the town from June 22 through July 5, and December 20 through January 2 of each year. The definition of 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. 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 per chlorate sales may not exceed five (5) grams of composition per item), emergency flares, matches, trick matches, and cigarette loads, may be sold at all times. Retail sales displays of the fireworks within the town must be housed in a temporary facility, such as a tent or trailer, away from any permanent structure and the temporary facility cannot be attached to said permanent structure. Proof of tent flame retardant is required. (Ord. #2019-4, June 2019)

7-510. 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's office. 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, 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 fire chief, or their designees, and applied for and received a permit for such displays issued by the town and the state fire marshal's office. 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 is not hazardous to property and that it shall not endanger human lives. (Ord. #2019-4, June 2019)

7-511. Regulations governing storing, locating or displaying 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 allow the presence of open flames, lighted cigars, cigarettes, or pipes within fifty feet (50') 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 (not hand-made) 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 varnishes are offered for sale or used, 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.

(2) All firework devices that are readily accessible to handling by consumers or purchasers 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 or stored under a duly issued permit must be located not less than two hundred fifty feet (250') from any gasoline-dispensing pump.

(4) Any sales or storage facilities must be at all times free from litter and debris.

(5) All proposed sales or storage facilities must be inspected prior to the selling or storing of any fireworks.

(6) Storage facilities must have a placard with a NFPA 704 warning symbol "Fireworks." (Ord. #2019-4, June 2019)

7-512. 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 sixteen (16) years or to any intoxicated or incompetent person.

(b) Explode or ignite fireworks within two hundred feet (200') of any church, hospital, hotel, motel, or public school or within two hundred fifty feet (250') of where fireworks are stored, sold or offered for sale, or within two hundred fifty feet (250') of a gasoline retailer or wholesale storage facility.

(c) Ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle or to place or throw any ignited article of fireworks into or at 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.

(3) It shall be unlawful for any person to sell any item of fireworks without providing the purchaser with a written list of the days and hours of lawful use of fireworks within the town as well as written safety instructions appropriate for the type of fireworks sold.

(4) It is unlawful to fail to comply with the Town of Alamo's Zoning Ordinance. (Ord. #2019-4, June 2019)

7-513. Due process; penalty for violation. Violations of any of the provisions of this chapter may result in the issuance of a citation, the revocation of any applicable permit or the refusal to issue any future permits for a period of not to exceed three (3) years.

The permit holder shall be held responsible in the event of fire, personal

injury, physical injury, and/or any property damage as a result of the permit holder's or the permit holder's employees actions. If permit is suspended or revoked the permit holder may request a due process hearing in front of the mayor of the town within three (3) days.

If a person or organization fails to obtain any required permits prior to manufacturing, possession, use, sales or storage of fireworks, the required permit fees shall be doubled. (Ord. #2019-4, June 2019)

7-514. 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 from the state fire marshal's office, and after approval of the local county agricultural agent 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. (Ord. #2019-4, June 2019)

7-515. Seasonal use of fireworks. Except as part of a public display pursuant to title 7, chapter 5, §§ 7-503, 7-504 and 7-510, or otherwise permitted by this chapter, fireworks may only be used in the Town of Alamo on Saturday, Sunday and Monday of Memorial Day weekend from 10:00 A.M. to 11:00 P.M. each day; July 3rd, July 4th July 5th between the hours of 10:00 A.M. and 11:00 P.M.; Saturday, Sunday and Monday of Labor Day weekend from 10:00 A.M. to 11:00 P.M. and on December 31st from 10:00 A.M. until January 1st at 1:00 A.M., and again January 1st from 10:00 A.M. to 11:00 P.M. (Ord. #2019-4, June 2019)