

## TITLE 7

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

## CHAPTER

1. VOLUNTEER FIRE DEPARTMENT.
2. FIREWORKS.

## CHAPTER 1

VOLUNTEER FIRE DEPARTMENT<sup>2</sup>

## SECTION

- 7-101. Establishment, equipment, and membership.
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- 7-103. Organization, rules, and regulations.
- 7-104. Records and reports.
- 7-105. Tenure and compensation of members.
- 7-106. Chief responsible for training and maintenance.
- 7-107. Chief to be assistant to state officer.
- 7-108. Refusal to return equipment to the fire chief; penalty

7-101. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations of the board of commissioners. Any funds raised by the volunteer fire department as a whole, or by any individual or group of volunteer firemen in the name of the volunteer fire department, and any gifts to the volunteer fire department shall be turned over to and become the property of, the town and the town shall use such funds in the equipping of the volunteer fire department. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the town and shall be and remain the property of the town. The volunteer fire department shall be composed of a chief appointed by the board of commissioners, and such number of subordinate officers and firemen as the fire chief shall appoint.

7-102. Objectives. The volunteer fire department shall have as its objectives:

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>Municipal code reference

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

- (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.

7-103. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department.

7-104. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the mayor or to the board of commissioners as they may require.

7-105. Tenure and compensation of members. The fire chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The fire chief may be suspended for up to thirty (30) days by the mayor, but may be dismissed only by the board of commissioners.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of commissions may from time to time prescribe.

7-106. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of commissioners.

7-107. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, section 68-17-108, the fire chief is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 17, and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

7-108. Refusal to return equipment to the custody of the fire chief; penalty. It is an offense against the town for any fireman who is issued fire

department equipment to refuse to return the equipment to the custody of the fire chief or fire commissioner upon demand of same.

Said offense is punishable by a fine of not less than \$2.00 nor more than \$50.00 for each offense. (Ord. # 1982-4, modified)

## CHAPTER 2

FIREWORKS

## SECTION

- 7-201. Permissible items of fireworks; exceptions.
- 7-202. Public displays.
- 7-203. Unlawful acts in the sale and handling of fireworks.
- 7-204. Conditions for sale and use of permissible articles.
- 7-205. Seizure and destruction of fireworks.
- 7-206. Penalty for violation.

7-201. Permissible items of fireworks; exceptions, It shall be unlawful for an individual, firm, partnership or corporation to possess, sell or use within the Town of Graysville any pyrotechnics commonly known as "fireworks" other than the permissible items enumerated below or otherwise provided herein. Permissible fireworks consist of U.S. Department of Transportation (DOT) Class C common fireworks only including but not limited to:

(1) Roman candles, not exceeding ten (10) balls or pellets spaced uniformly in the tube, total pyrotechnic composition not exceed the weight of 20 grams. The tube shall be of heavy paper or cardboard not exceeding 3/8 inch (9.5 mm) inside diameter.

(2) Sky rockets, with sticks, total pyrotechnic composition not to exceed twenty (20) grams. The inside diameter of the tube shall not exceed one-half (1/2) inch (12.5 mm) The rocket tube must be securely fastened to the stick. Missile type fins may be substituted for a stick.

(3) Helicopter aerial spinners, total weight of pyrotechnic composition not to exceed twenty (20) grams; the inside tube diameter shall not exceed one-half (1/2) inch (12.5 mm).

(4) Cylindrical fountains, total weight of pyrotechnic composition not to exceed seventy-five (75) grams; the inside tube diameter shall not exceed three-fourths (3/4) of an inch (19 mm).

(5) Cone fountain, total weight of pyrotechnic composition not to exceed fifty (50) grams each.

(6) Wheels, total weight of pyrotechnic composition not to exceed sixty (60) grams of for each driver unit and two hundred and forty (240) grams for each complete wheel. The inside tube diameter of driver units shall not exceed one-half (1/2) inch (12.5 mm).

(7) Illuminating torches and colored fire in any form, except items exempted by name below, total weight of pyrotechnic composition not to exceed one hundred (100) grams each.

(8) Mines and shells of which the mortar is an integral part, total weight of pyrotechnic composition not to exceed forty (40) grams each and an inside diameter not to exceed 2.5 inches (63.5 mm).

(9) Firecrackers, salutes, and chasers in small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition.

(10) Combination items, devices containing combinations of two or more of the fireworks described above.

(11) Those items that comply with the construction, chemical composition and labeling regulations promulgated by the U.S. consumer product safety commission and permitted for use by the general public under its regulations.

Exceptions, not defined as fireworks:

(12) Railway fuses, truck flares, hand held maritime distress signals, smoke signals, smoke pots, and other emergency flares.

(13) Novelties including 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, and toy paper pistol caps which contain less than 25/100's 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 any chlorate or per chlorate salts may not exceed five (5) grams of composition per item), matches, trick matches and cigarette loads. (as added by Ord. #\_\_\_, May 1995)

7-202. Public displays. 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 rules and regulations promulgated by the state fire marshal and NFPA 1123 Standard for Public Display of Fireworks. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the state shall include pieces of fireworks classified by DOT as Class B explosives but shall not include such items of commercial fireworks and cherry bombs, tubular sales, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such display(s) have:

(1) applied to the Town of Graysville and received the signatures of the mayor acting on behalf of the board of commissioners, chief of police and fire chief on the application to the state fire marshal as required by TCA 68-104-107.

(2) Before any such signatures shall be made, the person, firm or corporation making application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm, or corporation or any agent or employee thereof, in such amount, character, and form as the

board of commissioners determines to be necessary for the protection of the public. And,

(3) received such permit approved by the state fire marshal. Permits shall be limited to the time specified therein, and shall not be transferable. After such permit has been granted, sales, possession, use and distribution of fireworks for such displays shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (as added by Ord. #\_\_\_, May 1995)

7-203. Unlawful acts in the sale and handling of fireworks. (1) It is unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person.

(2) It is unlawful to explode or ignite fireworks on the property of any church, hospital, asylum, public school or nearby while public school is in session or church services are being held.

(3) No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place, aim or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people.

(4) All items of fireworks which exceed the limits of DOT Class C or U.S. consumer product safety commission as to explosive composition, provided this subsection shall not affect display fireworks as authorized by this chapter. (as added by Ord. #\_\_\_, May 1995)

7-204. Conditions for sale and use of permissible articles. No permissible articles of common fireworks defined in section 7-201 shall be sold, offered for sale or possessed within the town or used within the town, except as provided in section 7-202, unless it shall be properly named to conform to the nomenclature of section 7-201, unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container "DOT 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. (as added by Ord. #\_\_\_, May 1995)

7-205. Seizure and destruction of fireworks. (1) The Graysville town police shall seize as contraband any fireworks other than "class C common fireworks" defined in section 7-201 or "special fireworks" for public displays as provided in section 7-202, which are sold displayed, used or possessed in violation of this chapter.

(2) The chief of police is authorized to destroy fireworks so seized after:

(a) if the owner of such seized fireworks is known, the chief of police shall give notice by registered mail or personal service to such owner, of the intention to destroy such seized materials. Such notice shall inform the owner of the his/her right to a hearing before the town

court, provided such hearing is requested within ten (10) days of notice being received.

(b) if the owner of any seized fireworks is not known to the chief of police, the chief shall publish notice in a newspaper of general circulation within Rhea County, giving notice of such seizure, and that if no person claims ownership within ten (10) days of publication, such fireworks shall be destroyed. Where the owner claims the fireworks, a hearing shall be scheduled before the town court.

(c) where the owner claims a hearing, a date for a bearing shall be set in the town court and the owner so notified.

(d) where the owner does not claim a hearing or no owner comes for-ward for fireworks under subsection (b), the chief of police shall obtain permission from the town court to destroy such seized fireworks. (as added by Ord. #\_\_\_, May 1995)

7-206. Penalty for violation. Any individual, firm partnership or corporation that violates any provision of this chapter, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than two dollars (\$2.00) or more than fifty dollars (\$50.00). (as added by Ord. #\_\_\_, May 1995)