

**TITLE 7****FIRE PROTECTION AND FIREWORKS<sup>1</sup>****CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIRE HYDRANTS OUTSIDE THE CITY LIMITS.
6. FIREWORKS.
7. OPEN BURN.

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

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be as follows: The local commercial districts as shown on the official municipal zoning map of Portland. (1980 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

## CHAPTER 2

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

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Amendments.
- 7-203. Existing ordinances.
- 7-204. Responsible official.
- 7-205. Enforcement.
- 7-206. Definition of "municipality."
- 7-207. Storage of explosives, flammable liquids, etc.
- 7-208. Gasoline trucks.
- 7-209. Variances.
- 7-210. Violations.

**7-201. Fire code adopted.** Certain documents, copies of which are on file in the office of the City Recorder, City of Portland, being marked and designated as the International Fire Code, 2018 edition and NFPA 101,<sup>2</sup> 2006 edition, including all appendices as published by the International Code Council and NFPA, be and is hereby adopted as the Fire Code of the City of Portland in the State of Tennessee 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 of Portland are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in § 7-202 of this chapter. (1980 Code, § 4-101, as amended by Ord. #567, April 1998, and Ord. #04-06, April 2004; replaced by Ord. #05-04, April 2005, and Ord. #09-36, Aug. 2009, and amended by Ord. #15-28, June 2015, and Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.  
Fireworks: title 7, chapter 6.

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

**7-202. Amendments.** The following sections are hereby revised:

- (1) Section 101.1 Insert: "City of Portland"
- (2) Section 109.3 Insert: Fifty Dollars (\$50.00)
- (3) Section 111.4 Insert: Fifty Dollars (\$50.00) (1980 Code, § 4-102, and replaced by Ord. #09-36, Aug. 2009)

**7-203. Existing ordinances.** Any matters in the fire code which are contrary to existing ordinances of the City of Portland shall prevail. (1980 Code, § 4-103, modified)

**7-204. Responsible official.** Within the fire code, when reference is made to the duties of certain official named therein, that designated official of the City of Portland who has duties corresponding to those of the named official in the fire code shall be deemed to be the responsible official insofar as enforcing the provisions of the fire code are concerned. (1980 Code, § 4-104)

**7-205. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the fire inspector of the city. He shall have the same powers as the state fire marshal. (1980 Code, § 7-202)

**7-206. 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 Portland, Tennessee. (1980 Code, § 7-203)

**7-207. Storage of explosives, flammable liquids, etc.** (1) The district referred to in § 1901.4.2 of the fire prevention 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.

(2) The district referred to in § 902.1.1 of the fire prevention 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 district referred to in § 906.1 of the fire prevention 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 district referred to in § 1701.4.2 of 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. (1980 Code, § 7-204)

**7-208. 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. (1980 Code, § 7-205)

**7-209. Variances.** The chief of the fire department may recommend to the city council 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 governing body. (1980 Code, § 7-206)

**7-210. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention 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 city council 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. (1980 Code, § 7-207)

## CHAPTER 3

### FIRE DEPARTMENT<sup>1</sup>

#### 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.
- 7-308. Fire hydrants within corporate limits.

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department to be supported and equipped from appropriations by the city council. 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 appointed by the city council and such number of physically-fit subordinate officers and firemen as the council shall appoint. (1980 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.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1980 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

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<sup>1</sup>Municipal code reference

Offense of making a false alarm: § 11-503.

Offense of running over fire hose: § 15-204.

Right of way of fire equipment: § 15-501.

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

Ord. #446 (Dec. 7, 1992) created the position of public safety officer. Wherever this municipal code refers to the fire chief, it shall be deemed to be a reference to the public safety officer. See title 20, chapter 5, for further reference to the department of public safety.

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. (1980 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 to the city council once each month, and at the end of the year a detailed annual report shall be made. (1980 Code, § 7-304)

**7-305. Tenure and compensation of members.** The chief shall hold office for one year subject to reappointment by the city council. 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 city council.

All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe. (1980 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 for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1980 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. (1980 Code, § 7-308)

**7-308. Fire hydrants within corporate limits.** All future water mains and fire hydrants shall be installed in such a manner to provide adequate fire flows. All water mains shall be at least six inches in diameter. However, larger mains shall be installed when necessary to insure that a minimum of 500 gallons per minute (gpm) at 20 pounds per square inch (psi) residual pressure is available at all fire hydrants.

Fire hydrants that currently exist on mains that will not flow at least 500 gallons per minute at 20 pounds per square inch of pressure will not be used by the fire department for connection to the pumper connection of the fire apparatus. Such fire hydrants shall be painted solid red in color to indicate to

firefighters that this hydrant will not flow adequate gallons per minute to be used in firefighting operations. All such fire hydrants shall be identified by the fire chief, color-coded, and a list of such fire hydrants shall be compiled and attached to a cover letter from the fire chief to the responsible water provider. The cover letter shall contain at least the following words. "The attached list of fire hydrants have been found to have inadequate fire flows and will not be used by the fire department for pumping operations except in the event of immediate and imminent threat of life safety." Such letter shall be generated annually with a copy to the mayor. (as added by Ord. #04-06, April 2004)

## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-401. Equipment to be used only within corporate limits generally.

**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 the fire is on city property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the city council. Provided, however, and notwithstanding the above such equipment of the fire department may be used in fighting fires within an area and in a radius of eight (8) miles of the corporate limits of the city. (1980 Code, § 7-307)



**CHAPTER 5****FIRE HYDRANTS OUTSIDE THE CITY LIMITS****SECTION**

7-501. Prohibited.

**7-501. Prohibited.** The installation of any fire hydrants beyond the existing city limits without the approval of the mayor and aldermen is prohibited. This action is taken because the Portland Utility System is unable to protect and control the fire hydrants located in the remote areas of the system. (1980 Code, § 7-401)

## CHAPTER 6

### FIREWORKS

#### SECTION

- 7-601. Permissible fireworks.
- 7-602. Permit required.
- 7-603. Period of time for sale.
- 7-604. Period of time for discharging fireworks.
- 7-605. Safe storage and sale of permissible fireworks.
- 7-606. Safe discharge of permissible fireworks.
- 7-607. Violations and penalties.

**7-601. Permissible fireworks.** (1) Generally, only those fireworks deemed as 1.4G Consumer Fireworks by the U.S. Department of Transportation, or 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, are eligible for public sale and/or discharge;

(2) Any fireworks or pyrotechnic display not designed or designated for the general consumer must be under the control of a licensed pyrotechnics technician. (Ord. #572, § 1, June 1998, as replaced by Ord. #21-17, April 2021 *Ch12\_12-06-21*)

**7-602. Permit required.** (1) Permit for a fireworks seasonal retailer is required to be obtained from the State of Tennessee, along with a permit from the City of Portland, Tennessee, to permit the seasonal sale of consumer class fireworks within the city limits.

(2) A fee of one thousand four hundred dollars (\$1,400.00) per fireworks stand shall be paid and this amount covers all associated city fees, such as any sign permit, transient vendor, or other; and all necessary insurance and licenses shall be supplied for permit approval. Each seasonal permit is valid for both selling periods within that season as defined in § 7-603;

(3) Each stand (season retailer) must have at least one (1) sign plainly visible to the public of not less than two hundred (200) square inches that details the hours and days that fireworks can be legally discharged (shot) in the city as detailed in § 7-604, in addition to the no smoking signs as detailed in § 7-605(2);

(4) Permits are not transferable;

(5) No sales may begin prior to issuance of permit;

(6) All necessary permissions, affidavits, insurance, and site certifications are required before the issuance of a permit, and are the responsibility of the retailer to ensure they have been obtained;

(7) All required signage within this chapter is the responsibility of the retailer. (Ord. #572, § 1, June 1998, as replaced by Ord. #21-17, April 2021 *Ch12\_12-06-21*)

**7-603. Period of time for sale.** The period of time for the sale of permissible fireworks shall be from June 20th through July 5th and from December 10th through January 2nd as allowed in Tennessee Code Annotated, § 68-104-101(8). This time period defines the length of one (1) season covered under the annual permit. (Ord. #572, § 2, June 1998, as amended by Ord. #06-03, Oct. 2006, as replaced by Ord. #21-17, April 2021 *Ch12\_12-06-21*)

**7-604. Period of time for discharging fireworks.** (1) Unless otherwise excluded, the permissible discharge dates and times are as follows: From June 25th to July 5th from 11:00 A.M. to 9:00 P.M.; with the exception of July 4th, where the time shall be 10:00 A.M. to 11:00 P.M.; and from December 24th to Jan 1st from 11:00 A.M. to 8:00 P.M.; with the exception of December 31st where the time shall be from 10:00 A.M. on December 31st until 12:30 A.M. on January 1st;

(2) Permitted festivals, events, and city functions are excluded. (as added by Ord. #21-17, April 2021 *Ch12\_12-06-21*)

**7-605. Safe storage and sale of permissible fireworks.** (1) No person may smoke within a structure where fireworks are sold. No person selling fireworks may permit the presence of lighted cigars, cigarettes, or pipes within a structure where fireworks are offered for sale;

(2) At all places where fireworks are sold or stored, for the purpose of sale during the time periods set forth in this chapter, signs must be posted with the words "Fireworks-No Smoking" in letters not less than four inches (4") high;

(3) Each retail vendor must have at least one (1) properly rated fire extinguisher with a valid inspection tag on site at all times;

(4) Fireworks shall not be stored in residential districts, except for personal use;

(5) Fireworks shall not be sold from any property zoned residential, from the right-of-way, or from city owned property;

(6) All unsold product must be removed within five (5) days of the ending sales period set forth in this chapter;

(7) Fireworks shall not be stored or sold within fifty feet (50') of a fuel source;

(8) Each retail vendor is required to ensure that adequate parking is available so that customer vehicles do not create hazards for roadway traffic;

(9) Fireworks shall not be sold to anyone under sixteen (16) years of age, or to any intoxicated person;

(10) Fireworks shall not be sold from any property zoned residential, from the right-of-way, or from city owned property;

(11) Mobile retail vendors are not permitted; fireworks are only allowed to be sold from stationary permitted sites;

(12) Seasonal retail sites are subject to inspections from the city fire inspector and that of the state fire inspector to ensure safe operation. (as added by Ord. #21-17, April 2021 *Ch12\_12-06-21*)

**7-606. Safe discharge of permissible fireworks.** (1) Fireworks shall not be discharged during any burn ban issued by the fire chief;

(2) Except for permitted or city functions, no fireworks can be discharged from, or launched onto, city property;

(3) Adequate provision for safety must be made to prevent possible fire caused by the discharging of fireworks from spreading to any structure, dry ground cover, mulch, or other property;

(4) The discharging of fireworks requires competent supervision at all times;

(5) Fire extinguishing equipment should be readily available for use such as a garden hose connected to the water supply, or a properly rated and working fire extinguisher;

(6) No accelerants, explosives, flammable gas, nor any hazardous material is allowed to be used during the discharge of fireworks;

(7) Fireworks shall not be ignited inside of, or thrown from, a vehicle whether moving or parked;

(8) Fireworks shall not be discharged from, or launched onto, property of persons who have not given permission;

(9) Fireworks shall not be discharged from any road, right-of-way, or sidewalk;

(10) Fireworks shall not be discharged in the direction of any person, animal, motor vehicle, train, airplane, business, building, electrical substation, or other equipment or machinery. (as added by Ord. #21-17, April 2021 *Ch12\_12-06-21*)

**7-607. Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter herein adopted, or fail to comply therewith, or violate or fail to comply with any other applicable order. Doing so may lead to city, county, state, or federal penalties. (as added by Ord. #21-17, April 2021 *Ch12\_12-06-21*)

## CHAPTER 7

### OPEN BURN

#### SECTION

7-701. Open burning regulated.

7-702. Compliance.

7-703. Exceptions.

7-704. Burn regulations.

7-705. Prohibitions.

7-706. Violations and penalties.

**7-701. Open burning regulated.** The open burning of combustible material by any person, firm or corporation is hereby prohibited unless exempted. (as added by Ord. #21-06, March 2021 *Ch12\_12-06-21*)

**7-702. Compliance.** It is the responsibility of anyone seeking to perform an open burn to ensure that they are meeting all the requirements of the EPA (Environmental Protection Agency), TDEC (Tennessee Department of Environmental Conservation), Tennessee Department of Agriculture/Forestry, and the City of Portland for which items are acceptable to burn, for all zoning and subdivision requirements, for all restrictive property covenants and HOA requirements, any current burn bans, or any weather conditions that may prohibit safe burning.

The person, or persons, whom shall be responsible for any consequences of action or for any damages, injuries or claims resulting from such burning, are responsible for seeing that all proper regulations, and safety precautions, are carried out. (as added by Ord. #21-06, March 2021 *Ch12\_12-06-21*)

**7-703. Exceptions.** (1) Fire used for cooking food, ceremonial or recreational purposes, including barbecues and outdoor fireplaces/fire pits, shall be exempted from the requirements contained herein as long as reasonable precautions are being made;

(2) Open fires for the training and instruction of firefighting personnel;

(3) Open or contained fires conducted by the city;

(4) Heating on construction projects, provided the burning is in a suitable container and area;

(5) Commercial or industrial activities which are properly permitted;

(6) Small burn piles of leaves, limbs, and tree debris that are generated from the property on which they are burned;

(7) These exceptions do not include bon fires or commercial food preparation facilities and their operation;

(8) There may be extenuating circumstances where the fire chief allows a controlled burn of items or debris. (as added by Ord. #21-06, March 2021 *Ch12\_12-06-21*)

**7-704. Burn regulations.** Unless the fire chief issues a burn ban, the regulations are as follows:

(1) All non-exempt burning shall be between the hours of 8:00 A.M. until sundown;

(2) No burning shall be kindled or maintained on any private land unless adequate provision is made to prevent fire from spreading to any structure, or other property;

(3) Open burning shall be constantly attended by a competent person, of at least eighteen (18) years old, until such fire is extinguished. Such person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use;

(4) No gasoline or motor oils are to be used as an accelerator, or fire starter;

(5) No open burning of any kind should take place when winds are above fifteen (15) miles per hour;

(6) The fire department should be contacted before conducting a non-exempt open burn. (as added by Ord. #21-06, March 2021 *Ch12\_12-06-21*)

**7-705. Prohibitions.** The following actions or burning of items are unlawful:

(1) Tires and rubber products;

(2) Vinyl siding and shingles;

(3) Asphalt shingles, other asphalt materials and demolition debris;

(4) Building material, construction debris and mobile homes;

(5) Plywood, oriented strand board and treated wood, including railroad ties;

(6) Any material containing asbestos, or other material identified as hazardous or caustic;

(7) Aerosol cans and food cans;

(8) Commercial or industrial waste;

(9) Explosive material, ammunition, or gun powder;

(10) Electrical, communication, or other wiring;

(11) Plastics and other synthetic material;

(12) Paper products, cardboard and newspaper;

(13) Household trash;

(14) Storage of prohibited combustible materials in a residential area;

(15) Commercial or industrial burn activities conducted within residential areas;

(16) Burning any material related to a business activity or for profit;

(17) Leaves, branches and trees that were not grown on site. (as added by Ord. #21-06, March 2021 *Ch12\_12-06-21*)

**7-706. Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder. Doing so may lead to city, county, state, or federal penalties. (as added by Ord. #21-06, March 2021 *Ch12\_12-06-21*)