

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows: The area bounded by Market Street, McClure Street, North Main Street, and South Main Street. (1980 Code, § 7-101)

¹Municipal code reference

Building, utility and housing 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. Variances.
- 7-207. Violations.

7-201. Fire code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of describing regulations governing conditions hazardous to life and property from fire and explosion in the City of Red Boiling Springs, Tennessee, the 2006 edition of the International Fire Code² is hereby adopted and by reference and included as part of this code. Pursuant to the requirement of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code shall be filed with the city clerk and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out in length herein and shall be controlling within the corporate limits of Red Boiling Springs. (1980 Code, § 7-201, modified, as replaced by Ord. #10-14, Dec. 2010)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the volunteer fire department. He shall have the same powers as the state fire marshal. (1980 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 City of Red Boiling Springs, Tennessee. (1980 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits 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 limits as set out in § 7-101 of this code.

¹Municipal code reference

Building, utility and housing codes: title 12.

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

The limits 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 limits as set out in § 7-101 of this code.

The limits 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 limits as set out in § 7-101 of this code.

The limits 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 limits as set out in § 7-101 of this code. (1980 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. (1980 Code, § 7-205)

7-206. Variances. The chief of the volunteer 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 city council. (1980 Code, § 7-206)

7-207. Violations. 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; 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 municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1980 Code, § 7-207)

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Appointment of subordinate officers.
- 7-303. Qualifications of officers.
- 7-304. Objectives.
- 7-305. Organization, rules, and regulations.
- 7-306. Records and reports.
- 7-307. Tenure and compensation of members.
- 7-308. Vacancies.
- 7-309. Chief responsible for training and maintenance.
- 7-310. Chief to be assistant to state officer.
- 7-311. Establishment of safety zones.
- 7-312. Interference with firefighters.
- 7-313. False calls.
- 7-314. Controlled burns.
- 7-315. Filling swimming pools.
- 7-316. Establishment of fire department equipment account.

7-301. Establishment, equipment, and membership. There is hereby established a volunteer 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 mayor upon the recommendation of the city council and such number of physically-fit subordinate officers and firemen as the mayor shall appoint. (1980 Code, § 7-301)

7-302. Appointment of subordinate officers. The assistant chief, captains, lieutenants, and secretary-treasurer shall be selected by the mayor upon recommendation from members of the volunteer fire department made in a fair and nonpartisan election held on the first Tuesday in October of each year. The mayor shall approve and certify or disapprove the officers recommended by the department at the next regular meeting of the city council following the election by the fire department. Officers of the fire department shall serve from the date of approval and certification by the mayor until their successors have been approved and certified by the mayor. (1980 Code, § 7-302)

¹Municipal code reference

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

7-303. Qualifications of officers. Officers of the fire department shall be experienced and trained in fire fighting and otherwise qualified for the duties of office. (1980 Code, § 7-303)

7-304. Objectives. The volunteer 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 make practicable. (1980 Code, § 7-304)

7-305. 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 shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1980 Code, § 7-305)

7-306. 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 a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1980 Code, § 7-306)

7-307. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the mayor. However, so that adequate discipline may be maintained, the chief shall have the authority to recommend the suspension or discharge of any other member of the volunteer fire department when he deems such action to be necessary for the good of the department.

All personnel of the volunteer fire department shall receive such compensation for their services as the city council may from time to time prescribe. (1980 Code, § 7-307)

7-308. Vacancies. Vacancy in any office or offices of the volunteer fire department shall be filled by appointment of a qualified person or persons. Such appointments shall be made by the mayor upon the recommendation of the chief for the remainder of the unexpired term. (1980 Code, § 7-308)

7-309. Chief responsible for training and maintenance. The chief of the volunteer 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 chief shall examine the property and equipment of the department once a week. The chief and other members of the department shall make inspections at least twice a year for hazardous conditions within the city. 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, § 7-309)

7-310. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the volunteer 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 commissioner in the execution of the provisions thereof. (1980 Code, § 7-311)

7-311. Establishment of safety zones. Fire department officials are authorized to establish a safety zone around any building, structure, or material, and exclude from such zone all persons not financially interested or legally entitled to enter. (1980 Code, § 7-312)

7-312. Interference with firefighters. It shall be unlawful for any person to drive or park any vehicle, except emergency vehicles, within 500 feet of a burning structure or material, or within one block of the fire area, or to park within 25 feet of any fire plug in the fire area, or to block the traffic at any point on a street or thoroughfare leading to or from the fire area. (1980 Code, § 7-313)

7-313. False calls. Any home or place of business causing more than two false calls for fire fighting equipment to be sent to the fire department within a four (4) week period, shall cause the owner thereof to be charged a fee for each such additional false call of \$150.00, if located inside the corporate limits of the city, and \$300.00, if located outside the corporate limits of the city. (1980 Code, § 7-314)

7-314. Controlled burns. The fee for providing controlled burn services for property owners shall be \$25.00 for property located inside the corporate limits of the city and \$50.00 for property located outside the corporate limits, unless the burn is used for training purposes. (1980 Code, § 7-315)

7-315. Filling swimming pools. The fee for using the services of the fire department in filling swimming pools shall be \$25.00 plus the charge for the water used, if the pool is located inside the corporate limits and \$50.00 plus the charge for the water used plus .25¢ per mile for the equipment used, if located outside the corporate limits. (1980 Code, § 7-316)

7-316. Establishment of fire department equipment account. A separate account known as the "Fire Department Equipment Account" shall be established, into which the following portions of the following fees shall be deposited, to-wit:

- (1) Fees for outside fire calls - 50%;
- (2) Fees for false calls - 50%;
- (3) Fees for filling swimming pools - 100%;
- (4) Fees for controlled burns - 100%;
- (5) Fees for fire contracts - 62.5%.

The balance of the fees shall be deposited into the city's general fund. The funds in the fire department equipment account shall be used only for the purpose of purchasing equipment for the fire department. (1980 Code, § 7-317)

CHAPTER 4**FIRE SERVICE OUTSIDE CITY LIMITS****SECTION**

- 7-401. Use of equipment outside corporate limits.
- 7-402. Charges for responses to false alarm calls.
- 7-403. Outside city fire protection subscription.
- 7-404. Subscription form.

7-401. Use of equipment outside corporate limits. Equipment of the volunteer fire department may be used for fighting fire outside the corporate limits. When such equipment is used for fighting fire on private property outside the corporate limits of the city, the owner of such private property shall be charged a fee of \$500.00 to offset the cost of fighting such fire unless the owner of such private property is a current subscriber to fire protection by the volunteer fire department. The \$500.00 fee may be paid in monthly installments by written agreement with interest at the rate of ten percent (10%) per annum. Failure to pay such fee within 120 days shall cause an additional ten percent (10%) late charge to be added to such fee. The annual subscription fee for fire protection outside the corporate limits shall be payable in advance on a calendar year basis assessed as follows:

- (1) For a single family dwelling with usual outbuilding \$40.00 and \$35.00 for each additional property;
- (2) For multiple-units, such as trailer parks and apartments, \$40.00 for the first unit and \$25.00 for each additional unit;
- (3) For a farm \$50.00 and \$35.00 for each additional farm; and
- (4) For commercial property, \$50.00 for a small unit and \$100.00 for a large unit. The subscriber must also sign a contract accepting all conditions and limitations of such contract as set out in § 7-403 in this chapter. (1980 Code, § 7-310, as amended by Ord. #02-6, Oct. 2002, replaced by Ord. #04-3, April 2004, and amended by Ord. #13-11, Aug. 2013)

7-402. Charges for responses to false alarm calls. The volunteer fire department is authorized to charge, bill and collect \$150.00 for the costs of responding to a "false alarm" fire call outside the corporate limits of the City of Red Boiling Springs reported to the fire department through any security system. The party to whom the charge shall be billed shall be the party initiating such report to the fire department. All contracts with subscribers outside the corporate limits of the City of Red Boiling Springs signed by the subscribed on and after September 24, 2000, shall include this section of the municipal code as a provision therein. (as added by Ord. #00-9, Sept. 2000)

7-403. Outside city fire protection subscription. All subscription agreements with residents, owners, tenants and occupiers of property outside the corporate limits for outside city fire protection shall contain in addition to all fee schedules and charges the following enforceable terms and conditions:

(1) The subscriber agrees that the fire subscription they are subscribing to is subordinate to the primary purpose of the Red Boiling Springs Fire Department which is to provide fire protection within the corporate city limits of Red Boiling Springs and said department may not respond to any request for assistance beyond the corporate limits of the city, under any conditions, if by doing so the level of protection within the corporate limits is reduced to an unsafe level. Similarly, any equipment dispatched to an out of city response to a request for assistance, whether there be a fire in progress or not, may be ordered back into the city if the level of fire protection within the city may be reduced to an unsafe level by developments occurring after the dispatch of such equipment to an out of city area.

(2) The subscriber, upon signing this subscription form, understands and agrees that conditions may arise under which their request for assistance outside the city limits of Red Boiling Springs may not be honored and that they will hold the City of Red Boiling Springs, the Red Boiling Springs Fire Department, or any representative thereof harmless from any and all claims, suit or demand for such failure to respond.

(3) The Red Boiling Springs Fire Department fire protection subscription is not an insurance policy. All fees are non-refundable and may not be transferred to any other person and or property without consent of the City of Red Boiling Springs.

(4) Subscription fees are payable in advance and payable on a calendar year basis prior to January 1 of each year. In the event a subscription is obtained to go in effect on a date after January 1, the subscription fee will be pro-rated to cover the remainder of the calendar year.

(5) Renewal of any existing subscription must be made prior to January 1 for the next year. If not, the subscription shall expire at the end of the calendar year.

(6) The City of Red Boiling Springs reserves the right to:

(a) Cancel any subscription at any time after notifying the subscriber in writing and refunding any unearned portion of the subscription.

(b) Bill directly any insurance providers for services rendered by the R.B.S.F.D. The subscriber agrees to remit to the R.B.S.F.D. any payment received from insurance providers for services rendered by the R.B.S.F.D.

(c) Bill subscriber for excessive false calls/alarms as described in the Red Boiling Springs City Charter (i.e., \$350.00 per call over two (2) within any four (4) week period.) (as added by Ord. #04-3, April 2004)

7-404. Subscription form. The form contained in the Appendix to this chapter¹ is sufficient to satisfy the requirements of this chapter for an outside city fire protection subscription agreement.

The appendix to this chapter is provided as follows:

1

APPENDIX FORM TO TITLE 7, CHAPTER 4

OUTSIDE CITY FIRE PROTECTION SUBSCRIPTION

In consideration of the amount set forth below, the Red Boiling Springs Fire Department agrees to respond to fire calls/alarms at the address listed below, subject to the following conditions:

- (A) The subscriber agrees that the fire subscription they are subscribing to is subordinate to the primary purpose of the Red Boiling Springs Fire Department which is to provide fire protection within the corporate city limits of Red Boiling Springs and said department may not respond to any request for assistance beyond the corporate limits of the city, under any conditions, if by doing so the level of protection within the corporate limits is reduced to an unsafe level. Similarly, any equipment dispatched to an out of city response to a request for assistance, whether there be a fire in progress or not, may be ordered back into the city if the level of fire protection within the city may be reduced to an unsafe level by developments occurring after the dispatch of such equipment to an out of city area.
- (B) The subscriber, upon signing this subscription form, understands and agrees that conditions may arise under which their request for assistance outside the city limits of Red Boiling Springs may not be honored, and that they will hold the City of Red Boiling Springs, the Red Boiling Springs Fire Department or any representative thereof harmless from any and all claim, suit or demand for such failure to respond.
- (C) The R.B.S. Fire Department fire protection subscription is not an insurance policy. All fees are non-refundable and may not be transferred to any other person and or property without consent of the City of Red Boiling Springs.
- (D) Subscriptions fees are payable in advance and payable on a calendar year basis prior to January 1 of each year. In the event a subscription is obtained to go in effect on a date after January 1, the subscription fee will be pro-rated to cover the remainder of the calendar year.
- (E) Renewal of any existing subscription must be made prior to January 1 for the next year. If not the subscription shall expire at the end of that calendar year.
- (F) The City of Red Boiling Springs reserves the right to:
 - (1) Cancel any subscription at any time after notifying the subscriber in writing and refunding any unearned portion of the subscription.
 - (2) Bill directly any insurance providers for services rendered by the R.B.S.F.D. The subscriber agrees to remit to the R.B.S.F.D. any payment received from insurance providers for services rendered by the R.B.S.F.D.
 - (3) Bill subscriber for excessive false calls/alarms as described in the R.B.S. City Charter, i.e. \$350.00 per call over two (2) within any four (4) week period.

FEES: Non-subscription call \$350.00 Non-subscription false call/alarm \$150.00

- (1) Single family dwelling with usual outbuilding \$40.00-\$35.00 each additional property.
- (2) Multi-units i.e. Trailer Parks and Apartments \$40.00 first unit - \$25.00 each additional unit
- (3) Farm - \$50.00 first farm - \$35.00 each additional farm
- (4) Commercial - Small \$50.00 - Large \$100.00

 SUBSCRIBER'S NAME (please print)

RED BOILING SPRINGS FIRE DEPARTMENT
 RED BOILING SPRINGS, TENNESSEE

by: _____
 OFFICIAL

 MAILING ADDRESS

 AMOUNT OF FEE PAID

 SUBSCRIBER'S SIGNATURE

 DATE SIGNED

LOCATION OF PROPERTY

R.B.S.F.D. Form 1 (2004)

(as added by Ord. #04-3, April 2004)

CHAPTER 5

FIREWORKS

SECTION

7-501. Definitions.

7-502. Sale and discharge of fireworks within the city limits.

7-503. Prohibitions.

7-504. Fire chief to enforce this chapter.

7-505. Violations.

7-501. Definitions. (1) The term "fireworks" shall mean any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, and which meets the definition of "common" or "special" fireworks as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulations, title 49, Code of Federal Regulations, parts 173.88 and 173.100.

Exception No. 1: Toy pistols, toy canes, toy guns, or other devices in which paper and/or plastic caps manufactured in accordance with DOT regulations, 49 C.F.R. 173.100 (p), and packed and shipped according to said regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times.

Exception No. 2: Model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models are not considered to be fireworks. (See NFPA 122, Code for Unmanned Rockets.)

Exception No. 3: Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as being designed for producing audible effects.

Exception No. 4: Items described in (2)(e), are not considered to be common fireworks.

(2) The term "common fireworks" shall mean any small firework device designed primarily to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in title 16, Code of Federal Regulations, part 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing fifty (50) mg or less of explosive composition, and aerial devices containing one hundred thirty (130) mg or less of explosive composition. Common fireworks are classified as Class C explosives by the U.S. Department of Transportation and include the following:

(a) Ground and hand-held sparkling devices. (i) Dipped stick; sparkler. Stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed one hundred (100) g per item. Those

devices containing any perchlorate or chlorate salts may not exceed five (5) g of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than one hundred (100) g of composition per item are not included in this category, in accordance with DOT regulations.

(ii) Cylindrical fountain. Cylindrical tube not more than three-quarters inch (3/4") (19 mm) inside diameter, containing up to seventy-five (75) g of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(iii) Cone fountain. Cardboard or heavy paper cone containing up to fifty (50) g of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

(iv) Illuminating torch. Cylindrical tube containing up to one hundred (100) g of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held.

(v) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six (6) "driver" units: tubes not exceeding one-half inch (1/2") (12.5 mm) inside diameter and containing up to sixty (60) g of pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(vi) Ground spinner. Small device similar to a wheel in design and effect and placed in the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(vii) Flitter sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(b) Aerial devices. (i) Sky rocket. Tube not exceeding one-half inch (1/2") (12.5 mm) inside diameter that may contain up to twenty (20) g of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

(ii) Missile-type rocket. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.

(iii) Helicopter, aerial spinner. A tube not more than one-half inch (1/2") (12.5 mm) inside diameter and containing up to twenty (20) g of pyrotechnic composition. A propeller or blade is

attached, which upon ignition lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(iv) Roman candle. Heavy paper or cardboard tube not exceeding three-eighths inch (3/8") (9.5 mm) inside diameter and containing up to twenty (20) g of pyrotechnic composition. Upon ignition, up to ten (10) "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(v) Mine, shell. Heavy cardboard or paper tube up to two and one-half inches (2 1/2") (63.5 mm) inside diameter attached to a wood or plastic base and containing up to forty (40) g of pyrotechnic composition. Upon ignition, "stars" (see (b)(iv) above), firecrackers (see (c)(i)), or other devices are propelled into the air. The tube remains on the ground.

(c) Audible ground devices. (i) Firecracker, salute. Small paper-wrapped or, cardboard tube containing not more than fifty (50) mg of pyrotechnic composition. Upon ignition, noise and a flash of light are produced.

(ii) Chaser. Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed fifty (50) mg.

(d) Combination items. Fireworks devices containing combinations of two (2) or more of the effects described in (1), (2), and (3) above.

(e) Novelties and trick noisemakers. (i) Snake, glow worm. Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(ii) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white colored smoke as the primary effect.

(iii) Wire sparkler. Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed one hundred (100) g of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five (5) g of composition per item.

(iv) Trick noisemaker. Item that produces a small report intended to surprise the user. These devices include:

(A) Party popper. Small plastic or paper item containing not more than sixteen (16) mg of explosive composition that is friction sensitive. A string protruding

from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(B) Booby trap. Small tube with string protruding from both ends similar to a party popper in design. The ends of the string are pulled to ignite the friction-sensitive composition, producing a small report.

(C) Snapper. Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

(D) Trick match. Kitchen or book match that has been coated with small quantities of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

(E) Cigarette load. Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

(F) Auto burglar alarm. Tube which contains pyrotechnic composition that produces a loud whistle and/or smoke when ignited. A small quantity of explosive, not exceeding fifty (50) mg, may also be used to produce a small report. A squib is used to ignite the device.

(3) The term "special fireworks" shall mean large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, firecrackers containing more than two (2) grains (130 mg) of explosive composition, aerial shells containing more than forty (40) g of pyrotechnic composition, and other display pieces which exceed the limits for classification as "common fireworks." Special fireworks are classified as Class B explosives by the U.S. Department of Transportation. (as added by Ord. #96-4, § 1, Sept. 1996, and replaced by Ord. #12-8, Oct. 2012)

7-502. Sale and discharge of fireworks within the city limits. No fireworks as defined in this chapter shall be sold within the City of Red Boiling Springs, Tennessee except from 8:00 A.M. on the 10th day of June to 11:00 P.M. on the 5th day of July, each, and from 8:00 A.M. on the 10th day of December to 11:00 P.M. on the 2nd day of January each. No fireworks may be sold between the hours of 11:00 P.M. and 8:00 A.M. The discharge of fireworks is prohibited except as hereinafter provided. The permissible time to discharge fireworks within the city limits shall be from July 3 through July 5 and from December 31 through January 2 of each year. The discharge of fireworks within the city limits shall not be allowed between the hours of 11:00 P.M. and 7:00 A.M., except on New Year's eve from 11:00 P.M. to 1:00 A.M. on New Year's day. Fireworks will

be allowed to be discharged at special events with approval by the city council and on a case by case basis. Persons or companies must discharge fireworks on their own property or on property on which the owner has given permission for the discharge of fireworks. The discharge of fireworks should only be allowed within the corporate limits when a responsible adult is present at all times during the discharge of fireworks. All fireworks must be used and discharged in accordance with the fire codes adopted herein. (as added by Ord. #96-4, § 1, Sept. 1996, and replaced by Ord. #12-8, Oct. 2012)

7-503. Prohibitions. Nothing in this chapter shall be construed as prohibiting any of the following:

(1) The sale, at wholesale, of any fireworks for supervised displays by any resident manufacturer, wholesaler, dealer, or jobber, in accordance with the regulation of the U.S. Bureau of Alcohol, Tobacco, and Firearms. (See title 27, Code of Federal Regulations, part 181.)

(2) The sale, at wholesale, of any kind of fireworks by any resident manufacturer, wholesaler, dealer, or jobber, provided such fireworks are intended for shipment directly out of state in accordance with regulations of the U.S. Department of Transportation.

(3) The sale, and use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use.

(4) The use of fuses and railway torpedoes by railroads.

(5) The sale and use of blank cartridges for use in a show or theater or for signal or ceremonial purposes in athletics or sports.

(6) The use of any pyrotechnic device by military organizations.

(7) The use of fireworks for agricultural purposes under the direct supervision of the U.S. Department of the Interior or an equivalent state or local agency. (See title 16, Code of Federal Regulations, part 1500.17(a)(8). (as added by Ord. #96-4, § 1, Sept. 1996, and replaced by Ord. #12-8, Oct. 2012)

7-504. Fire chief to enforce this chapter. The fire chief 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. (as added by Ord. #12-8, Oct. 2012)

7-505. Violations. Any person, firm, co-partnership, or corporation violating the provisions of this chapter shall be guilty of a misdemeanor. (as added by Ord. #12-8, Oct. 2012)