

TITLE 7

FIRE PROTECTION, FIREWORKS AND EXPLOSIVES

CHAPTER

1. MISCELLANEOUS PROVISIONS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

MISCELLANEOUS PROVISIONS

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all the territory within the following described boundary:

BEGINNING in the center line of North Brittain Street where the same intersects the center line of the right-of-way of Nashville, Chattanooga, St. Louis Railway, designated on the official Tennessee Inspection Bureau maps as "Jackson Street," and running thence with the center of North Brittain Street in a northerly direction to a point in said center line 200 feet north of the center line of Madison Street; thence in a westerly direction, parallel to and 200 feet north of the center line of Madison Street, to a point of the center line of North Main Street; running thence in a westerly direction parallel to and 200 feet north of the center line of Elm Street to a point in the center of North Spring Street where the same intersects with Elm Street, said point being 200 feet north of Elm Street and the intersection of North Spring Street; thence with the center line of North Spring Street in a southerly direction to the center line of West Franklin Street; thence in a westerly direction of Franklin Street to a point 200 feet west of the intersection of West Franklin Street and Atkinson Street; thence in a southerly direction 200 parallel to and 200 feet west of the center line of Atkinson Street to a point on the north bank of Duck River near the bridge; thence with the north bank of Duck River with its meanders to a point of said river where a perpendicular extension of Elliott Street meets said river; thence with such perpendicular extension of the center line of Elliott Street to a point in the center of South Jefferson Street; thence running in a northerly direction of the center line of South Jefferson Street to the center point of the intersection of South Jefferson Street with East McGrew Street; thence on easterly direction with a perpendicular extension of the center line of East McGrew Street to the center of spur track of the Nashville, Chattanooga, St.

Louis Railway; thence with the center line of said spur track in a northeasterly direction to a point in the center of Deery Street, where the same intersects East Depot Street; thence in a northerly direction with the center line of Deery Street to its intersection with the center line of East Jackson Street; thence in a westerly direction with the center line of East Jackson Street; to the center line of north Brittain Street and the point of beginning. (1979 code, § 7-101)

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. Special requirements for construction not properly set back in certain zones.
- 7-208. Substitution of new construction materials for those prescribed.
- 7-209. Permit required for burning trash, leaves, etc.
- 7-210. Violations.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code, 2006 edition, 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 in the City of Shelbyville Code be adopted. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been filed with the city recorder and is available for public use and inspection. The fire code, is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (as amended by Ord. #537, Dec. 1995, modified; Ord. #647, Sept. 2000; Ord. #750, Sept. 2004; and Ord. #889, Nov. 2010)

7-202. Enforcement. The fire prevention code herein adopted shall be enforced by the fire chief and members of the fire department of the city operating under his supervision and direction, and wherever reference is made in said code to the bureau of fire prevention, this reference shall be construed to refer to the fire chief and members of the fire department of the city operating under his direction and supervision. (1979 code, § 7-202)

¹Municipal code reference

Building, utility, and housing codes: title 4.

Life safety code: § 4-1201.

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 Shelbyville. (1979 code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in the section of the fire prevention code, in which storage of explosives and blasting agents is prohibited, are hereby declared to be the fire limits as set out in section 7-101 of this code.

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

The limits referred to in the section 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 section 7-101 of this code.

The limits referred to in the section 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 section 7-101 of this code. (1979 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. (1979 code, § 7-205)

7-206. Modifications. The chief of the fire department may recommend to the city council 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 and all state laws shall be observed, public safety secured, and substantial justice done. The particulars of such modifications or exceptions when granted or allowed shall be contained in an amendment to this code or a resolution of the city council. (1979 code, § 7-206)

7-207. Special requirements for construction not properly set back in certain zones. All proposed construction not within the fire limits but within a C-1 or I-1 zone as shown on the zoning map of the city and which is not set back a minimum of ten (10) feet from each boundary line shall be required to have a twelve (12) inch masonry fire wall, with a three (3) foot parapet above the roof. (1979 code, § 7-209)

7-208. Substitution of new construction materials for those prescribed. Any material for the purpose of construction may be used within the fire limits if such material is acceptable to the Tennessee Inspection Bureau of the State of Tennessee and is not prohibited under the building code of the City of

Shelbyville. The purpose of this section is to permit the use of similar or like material to the material prescribed for use within the fire limits which may now be on the general market or which may from time to time come on the market, with the condition that prior written acceptance of the substitute material is obtained from the Tennessee Inspection Bureau, State of Tennessee, and similar approval is obtained from the building inspector of the City of Shelbyville. (1979 code, § 7-210)

7-209. Permit required for burning trash, leaves, etc. No person shall burn or cause to be burned any trash, lumber, leaves, straw or any other combustible material within the City of Shelbyville without a permit from the city fire marshal. Such burning shall be done in screened metallic receptacles approved by the fire marshal and under such proper safeguards as he may direct. (1979 code, § 7-211)

7-210. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code hereby 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. (1979 code, § 7-212)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure, suspensions, and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Equipment to be used only within corporate limits.
- 7-308. Chief to be assistant to state officer.

7-301. Establishment and membership. There is hereby established a fire department as a division of the department of public safety. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the city manager shall appoint. (1979 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. (1979 code, § 7-302)

7-303. Organization, rules, and regulations. (1) 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.

(2) The city manager and the fire chief are hereby authorized and directed to: (a) classify by rank or grade all fire department personnel and prescribe minimum qualifications for all employees within the respective classifications so established; (b) to promulgate and recommend minimum and maximum salaries within each classification and promotion policies for

¹For related provisions see the city's charter, particularly article XVII. For special provisions with respect to traffic, see title 9, chapter 1, in this code.

employees within the minimum and maximum salary schedules suggested; (c) to promulgate rules and regulations with respect to hours of work and annual and sick leave for all such employees; and (d) to promulgate rules and regulations with respect to employment policies, discipline, and discharge of all such employees.

(3) The recommendations of the city manager in cooperation with the fire chief shall be submitted from time to time to the council for its approval, and upon approval by the council shall constitute, to the extent that such recommendations are applicable, the administrative policy of the department. (1979 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 director of public safety and the city manager once each month, and at the end of the year a detailed annual report shall be made. (1979 code, § 7-304)

7-305. Tenure, suspensions, and compensation of members. The chief and all firemen shall serve so long as their conduct and efficiency are satisfactory to the city manager. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend temporarily any member of the fire department when he deems such action to be necessary for the good of the department. Any suspended member shall have the right to appeal to the city manager whose decision on such action shall be final. The city manager may hold such hearings as he deems necessary and may administer oaths, secure the attendance of witnesses, and order the production of such books, records, and papers as he deems necessary for a proper hearing.

All personnel of the fire department shall receive such compensation for their services as the city council may from time to time prescribe. (1979 code, § 7-305)

7-306. Chief responsible for training. 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. (1979 code, § 7-306)

7-307. Equipment to be used only within corporate limits. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless expressly authorized by the city council in writing. (1979 code, § 7-307)

7-308. Chief to be assistant to state officer. Pursuant to requirements of section 68-17-108 of the Tennessee Code Annotated, the chief of the fire department is designated as an assistant to the state commissioner of insurance

and banking and is subject to all the duties and obligations imposed by chapter 17 of title 68 of said Tennessee Code Annotated, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1979 code, § 7-308)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Definitions.
- 7-402. Permits and permit fees.
- 7-403. Permit revocation.
- 7-404. Permissible fireworks.
- 7-405. Storing and structures.
- 7-406. Limitations on structures.
- 7-407. Location of fireworks outlets.
- 7-408. Parking for retail fireworks sales site.
- 7-409. Additional standards for fireworks retailers.
- 7-410. Unlawful sale to certain children and other persons; unlawful use of fireworks.
- 7-411. Limited time period to use fireworks.
- 7-412. Exemptions.
- 7-413. Violations and penalties.

7-401. Definitions. (1) As used in this chapter, unless the content otherwise requires:

(a) "Fireworks" means 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:

- (i) All articles of fireworks classified as 1.4G, or referred to as "Consumer Fireworks," or "Class C Common Fireworks";
- (ii) Theatrical and novelty, classified as 1.4G; or
- (iii) Display fireworks, classified as 1.3G, as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulation, title 49, Code of Federal Regulations (CFR), parts 171-180;

(iv) Exceptions:

(A) Toy caps for use in toy pistols, toy canes, or toy guns, and novelties and trick noisemakers manufactured in accordance with DOT regulations, 49 CFR 173.100(p), and packed and shipped according to those regulations;

(B) Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(C) Propelling or expelling charges consisting of a mixture of sulfur, charcoal, saltpeter are not considered as designed to produce audible effects.

(b) "Mobile retailer" means a vendor operating from motor vehicles, trailers, bicycles, or motorbikes.

(c) "Permit" means the written authority of the city issued under the authority of this section.

(d) "Person" means any individual, firm, partnership, or corporation.

(e) "Retailer" means any person engaged in the business of making retail sales of fireworks to the general public.

(f) "Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one (1) or more individual(s).

(g) "State fire marshal permit" means the appropriate fireworks permit issued by the Tennessee Fire Marshal under the authority of Tennessee Code Annotated, § 68-104-101, et seq.

(2) Singular words and plural words used in the singular include the plural and the plural as singular. (as added by Ord. #879, Nov. 2009)

7-402. Permits and permit fees. (1) It is unlawful for any person to sell or to offer for sale in the City of Shelbyville any item of fireworks without first having secured a state fire marshal permit and a permit issued by the City of Shelbyville.

(a) Permits are not transferable.

(b) A permit (to sell fireworks to the general public) is valid only from June 20 through July 9 or December 21 through January 5.

(c) The permit fee for retail permits is one thousand dollars (\$1,000.00) for the summer period and five hundred dollars (\$500.00) for the winter period.

(d) The fee for public displays using special display (1.3G) fireworks is five dollars (\$5.00).

(e) Schools, wedding groups, businesses, and civic clubs that desire to have a 1.3G Special Display or 1.4G Consumer Fireworks display may obtain a permit to use fireworks for any time of the year by paying a five dollar (\$5.00) permit fee and obtaining a permit from the city.

(2) A permit to sell fireworks in the City of Shelbyville must be obtained at least one (1) week prior to the date on which the applicant begins making sales. Each application shall contain the following:

(a) The application must include the name, address, and telephone number of applicant.

(b) The applicant must be the natural person who will operate or be responsible for sales.

(c) The applicant's name must be the same as the name on the state fire marshal permit.

(d) The applicant is liable for all violations of this chapter by persons under his/her supervision.

(3) A copy of the state fire marshal permit. (For a state permit to be obtained by a retailer, the mayor must sign in behalf of the retailer an application for fireworks permit that the state requires before a state permit is issued to a retailer for a specific location.)

(4) A person that applies for a retail fireworks permit must show proof that a state sales tax number has been obtained for sales tax purposes.

(5) A site plan must be submitted that includes the dimensions of the lot, size and location of structure, setback of structure from the right-of-way, location of other structures in the area that are occupied, location and number of parking places, location of any nearby residences, location of the nearest fuel outlets, and location of other fireworks outlets if located within seven hundred fifty feet (750') of a retail structure.

(6) Mobile vendors are not permitted.

(7) Flashing signs are not permitted.

(8) One (1) double-faced sign is permitted; however, each sign face may not exceed thirty-six (36) square feet.

(9) The application must contain evidence that general liability insurance has been obtained by applicant naming the City of Shelbyville as additional insured for at least two million dollars (\$2,000,000.00) for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage liability combined.

(10) The application must disclose the location where the applicant will conduct the business of selling fireworks and the dates for which the right to do business is desired.

(11) Applicant shall pay a one hundred dollar (\$100.00) cleanup deposit per location, which shall be refunded after the fireworks season or used by the city to clean up the retail fireworks site if needed.

(12) After the application has been submitted and approved, a city codes inspector shall inspect the site for compliance with applicable codes and ordinances. (as added by Ord. #879, Nov. 2009)

7-403. Permit revocation. (1) The codes director or fire official may revoke any permit upon failure of retailer to correct any of the following conditions within thirty-six (36) hours after the codes director gives written notice:

(a) When the permittee or the permittee's operator violates any lawful rule, regulation, or order of the city codes director.

(b) When the permittee's application contains any false or untrue statements.

(c) When the permittee fails to timely file any report or pay any tax, fee, fine, or charge.

(d) When the permittee or the permittee's operator violates any fireworks ordinance or statute.

(2) When any activities of the permittee constitute a distinct hazard to life or property, the codes director or fire official, or both, may revoke the permit immediately. (as added by Ord. #879, Nov. 2009)

7-404. Permissible fireworks. (1) It is unlawful for any individual, firm, partnership, or corporation to sell or use within the City of Shelbyville, except as provided in this chapter, any "fireworks" as defined in § 7-401(1)(a), other than the following:

(a) Those items classified by the U.S. Department of Transportation as 1.4G Consumer Fireworks; or

(b) 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.

(2) Any display using 1.3G Display Fireworks must be under the control of a licensed pyrotechnics technician. (as added by Ord. #879, Nov. 2009)

7-405. Storing and structures. 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. At all places where fireworks are stored or sold, there must be posted signs with the words "Fireworks - No Smoking" in letters not less than four inches (4") high. An inspected and currently tagged fire extinguisher with a minimum 2A rating and one (1) pressurized water type fire extinguisher must be present at each retail fireworks site. Fireworks sold at retail may be sold only from a freestanding structure. Fireworks must be stored at least ten feet (10') away from windows and other areas where the sun may shine through. Fireworks are not permitted to be stored in residential districts, except for personal use. (as added by Ord. #879, Nov. 2009)

7-406. Limitations on structures. Tents meeting the current adopted International Building Code and the Life Safety Code (NFPA 101) may be used for the retail sale of fireworks. Ground fault interrupter protection must be used for power cords that supply power to tents and other outdoor structures. Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by a suitable fixture or guard. No structure from which fireworks are sold may exceed three thousand two hundred (3,200) square feet. Fireworks may not be stored in a permanent building unless the building has a sprinkler system and

is constructed of non-flammable materials such as metal or concrete block. (as added by Ord. #879, Nov. 2009)

7-407. Location of fireworks outlets. Fireworks sales structures must be no closer than sixty feet (60') from any occupied building. Fireworks sales are permissible only on commercial/industrial property as approved by the planning department and the sales structure must be located a minimum of forty-five feet (45') from the right-of-way. Any fireworks sales structure must be at least one hundred fifty feet (150') from a residence. Fireworks sales are not allowed on any property where there is an existing retail business that is operated from a building in excess of one hundred twenty-five thousand (125,000) square feet. (as added by Ord. #879, Nov. 2009)

7-408. Parking for retail fireworks sales site. The site for a fireworks retailer shall be improved to provide at least twelve (12) graveled or paved parking places for off street and right-of-way customer parking. In addition, the retail fireworks site must provide for an on-site turn-around area so that backing of vehicles onto the street will not be necessary. (as added by Ord. #879, Nov. 2009)

7-409. Additional standards for fireworks retailers. (1) Any site for a fireworks retailer must be located so that all parts of the structure and fireworks inventory on the site are no closer than one hundred feet (100') to any fuel source.

(2) The parcel in which a fireworks retail use is required shall be a minimum of seven hundred fifty feet (750') from other similar uses. This distance shall be measured in a straight line from structure to structure. Priority shall be given to the retailer who obtained a permit the previous year at the same location.

(3) Each retailer must provide for each site toilet facilities for the retailer's employees.

(4) Each retailer must conspicuously post a sign notifying the public of the requirements of §§ 7-410, 7-411, and 7-413 of this chapter. Such signs shall not exceed six (6) square feet in size and shall not contain advertising.

(5) Each retailer shall provide adequate generators, which shall be placed no closer than ten feet (10') from any tent or structure, and protected from rain. (as added by Ord. #879, Nov. 2009)

7-410. Unlawful sale to certain children and other persons; unlawful use of fireworks. It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age or to any intoxicated person. It is unlawful to explode or ignite fireworks within six hundred feet (600') of any church, assisted living facility, nursing home, hospital, funeral home, public or private school academic structure, or within two hundred feet (200') of where

fireworks are stored, sold, or offered for sale. It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle. It is unlawful to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons. It is unlawful to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. It is unlawful to launch fireworks onto property of persons who have not given permission. It is unlawful to use fireworks at times, places, or in any manner that endangers other persons. It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the City of Shelbyville Fire Department, except for public (and/or group) displays for which permits have been granted. (as added by Ord. #879, Nov. 2009)

7-411. Limited time period to use fireworks. It is unlawful to discharge or use fireworks except for the following time periods.

(1) July 1 through July 4. The permissible hours are from 10:00 A.M. to 10:30 P.M., except for July 3, when permissible hours are from 10:00 A.M. to 11:30 P.M.

(2) December 31 and January 1. The permissible hours from 8:00 P.M. on December 31 to 1:00 A.M. on January 1. (as added by Ord. #879, Nov. 2009)

7-412. Exclusions. Nothing in this chapter prohibits:

(1) The sale of any kind of fireworks that are to be shipped directly out of the corporate limits of the city in accordance with the regulations of the United States Department of Transportation covering the transportation of explosives and other dangerous articles by motor, rail, and water.

(2) The sale, transportation, handling, or use of industrial pyrotechnic devices or fireworks, such as railroad torpedoes, fuses, automotive, aeronautical, and marine flares and smoke signals.

(3) The sale or use of blank cartridges for theater, for signal or ceremonial purposes, in athletics or sporting events, or legal power tools.

(4) The transportation, handling, or use of any pyrotechnic devices by the armed forces of the United States.

(5) The use of pyrotechnics in training by the fire service, law enforcement, or similar government agencies.

(6) The use of fireworks for agricultural purposes under conditions approved by the fire chief or his designee.

(7) Supervised displays of fireworks as provided for in this chapter. (as added by Ord. #879, Nov. 2009)

7-413. Violations and penalties. Violations of any provision of this chapter shall be subject to a penalty of up to fifty dollars (\$50.00) per violation. (as added by Ord. #879, Nov. 2009)