

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

1. FIRE CODE.
2. OPEN BURNING.
3. LIFE SAFETY CODE.

CHAPTER 1

FIRE CODE

SECTION

- 7-101. Fire code adopted--International Fire Code, 2018 edition.
- 7-102. Appendices to code adopted.
- 7-103. Amendments to code adopted.
- 7-104. Committee to determine new materials and processes.
- 7-105. Violations.
- 7-106. Handling of explosives.
- 7-107. Restricted use of fireworks.
- 7-108. Enforcement.
- 7-109. Appeals from the application of the fire code.

7-101. Fire code adopted--International Fire Code, 2018 edition. The International Fire Code, 2018 edition, and all referenced publications therein at chapter 80, as amended, (published by the International Fire Code Council), including the 2012 National Fire Protection Association (NFPA) 101 Life Safety Code in its entirety for any state building, educational occupancies, and any other occupancy requiring an inspection by the state fire marshal, one (1) copy of which is and has been on file in the office of the town recorder for more than fifteen (15) days, is hereby adopted as the official Fire Code of the Town of Signal Mountain. (Ord. # 88-8, May 1988, as replaced by Ord. #2005-12, Oct. 2005, Ord. #2010-25, Nov. 2010, and Ord. #2020-10, Sept. 2020 **Ch20_06-28-21**)

7-102. Appendices to code adopted. The following appendices to the International Fire Code, 2018 edition, are hereby adopted as part of the official fire codes of the town:

- Appendix B - Fire Flow Requirements for Buildings
- Appendix C - Fire Hydrant Locations and Distribution
- Appendix D - Fire Apparatus, as amended
- Appendix E - Hazard Categories Appendix
- Appendix G - Cryogenic Fluids--Weight and Volume Equivalents

Appendix H - Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions
 Appendix I - Fire Protection Systems--Noncompliant Conditions
 Appendix K - Construction Requirements for Existing Ambulatory Care Facilities

(1985 Code, § 7-102, as replaced by Ord. #2005-12, Oct. 2005, Ord. #2010-25, Nov. 2010, and Ord. #2020-10, Sept. 2020 ***Ch20_06-28-21***)

7-103. Amendments to code adopted. The following sections and chapters of the International Fire Code, 2018 edition, are hereby amended as hereunder provided:

(1) Any appeal of the decision of the fire marshal concerning application of the provisions of the International Fire Code shall be heard by the construction board of adjustment and appeals pursuant to § 12-1225 of the Signal Mountain Town Code.

(2) The fire code adopted in § 7-101 is hereby modified by requiring automatic sprinkler systems in future commercial, industrial occupancies having a gross floor area of five thousand (5,000) square feet or greater and requiring an automatic sprinkler system in Hazards Production Material (HPM) facilities as defined by the adopted building code. All automatic sprinkler systems shall be designed by a licensed engineer or architect and shall conform to NFPA 13 requirements and to the building code sprinkler requirements. The sprinkler requirements shall be made a part of the plans and specifications submitted for approval and shall be installed by a State of Tennessee licensed automatic sprinkler system contractor.

(3) The Town of Signal Mountain will not require sprinklers in one (1) and two (2) family residences. Sprinklers will be required in three (3) unit townhouses with five thousand (5,000) gross square feet or more and townhouses built with four (4) or more units regardless of square footage.

(4) Appendix D, sections D106 and D107 are deleted in their entirety and the following new section D106 is substituted in lieu thereof:

D106 - Developments requiring more than one access road. All residential or multiple-family residential developments shall be provided with at least two (2) separate and approved fire access roads whenever any development project has more than two hundred (200) dwelling units, regardless of whether the dwelling units are equipped with an approved automatic sprinkler system. (1985 Code, § 7-103, as replaced by Ord. #2005-12, Oct. 2005, Ord. #2010-25, Nov. 2010, and Ord. #2020-10, Sept. 2020 ***Ch20_06-28-21***)

7-104. Committee to determine new materials and processes. The mayor, the fire and police commissioner, and the chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which

shall require permits in addition to those now enumerated in the fire prevention code adopted in this chapter. (1985 Code, § 7-104)

7-105. Violations. (1) Any person who shall violate any of the provisions of the fire prevention code adopted in this chapter or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the town council or by a court of competent jurisdiction within the time therefor, shall severally for each and every such violation and noncompliance respectively be guilty of an offense punishable according to the general penalty provisions of this code of ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy the violation or defects within a reasonable time and, when not otherwise specified, each ten (10) days that prohibitive conditions are maintained shall constitute a separate offense.

(2) The application of the penalty prescribed by subsection (1) above shall not be held to prevent the enforced removal of prohibited conditions. (1985 Code, § 7-105)

7-106. Handling of explosives. (1) The fire chief shall require any person handling and using explosives to have an explosive certificate and furnish the town a copy of an adequate liability insurance policy in the amount of five hundred thousand dollars (\$500,000.00) for bodily injury and two hundred fifty thousand dollars (\$250,000.00) for property damage.

(2) All of the provisions of Section 1902.5 of the Standard Fire Prevention Code of 1985 concerning use and handling of explosives must be complied with. The town building inspector shall require evidence of such liability policy in compliance with provision of section 1902.5 prior to permitting any blasting on building sites. Further the town administrator shall require evidence of such approval prior to any blasting by developers, contractors or other persons within streets and other public right-of-ways. (Ord. # 86-7, Dec. 1986, modified)

7-107. Restricted use of fireworks. It shall be unlawful for any person to possess, store, offer for sale, sell at retail, or use, or explode any fireworks, except that the public safety director, or his/her designee may permit the use of fireworks for public or private displays when all of the provisions of NFIPA 1123 are met and after all necessary permits have been issued. Every such use or display shall be handled by a competent operator approved by the public safety director or his/her designee and shall be of such character and so located,

discharged or fired so as not to be hazardous to property or endanger any person. (as added by Ord. #95-11, § 1, Nov. 1995)

7-108. Enforcement. The fire code of the town adopted in § 7-101 above shall be enforced by the chief of the fire department or other designee of the town manager. (as renumbered by Ord. #2005-12, Oct. 2005, and replaced by Ord. #2010-25, Nov. 2010)

7-109. Appeals from the application of the fire code. Whenever the fire chief or other designated fire inspector shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the fire code adopted in this chapter do not apply or that the true intent and meaning of the fire code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief or other designated fire inspector to the town council within thirty (30) days from the date of the decision appealed. (as renumbered by Ord. #2005-12, Oct. 2005, and replaced by Ord. #2010-25, Nov. 2010)

CHAPTER 2

OPEN BURNING¹

SECTION

- 7-201. Declaration of policy.
- 7-202. Definitions.
- 7-203. Prohibition on open burning.
- 7-204. Salvage burning.
- 7-205. Leaf burning.
- 7-206. Exceptions to prohibition on open burning.
- 7-207. Violations and penalty.

7-201. Declaration of policy. It is hereby declared to be the public policy of this town and the purpose of this chapter to achieve and maintain such levels of air quality as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life and property, and foster the comfort and convenience of the people. (1985 Code, § 7-201, as replaced by Ord. #95-12, § 1, Nov. 1995)

7-202. Definitions. "Bureau:" The Chattanooga-Hamilton County Air Pollution Control Bureau.

"Controlled burning:" Open burning conducted in such manner or with the aid of such special equipment that emissions are reduced.

"Director:" The director of the bureau.

"Open burning:" Unconfined burning of combustible material where no equipment has been provided and used for control of air.

"Person:" Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"Salvage operation:" Any operation conducted in whole or in part for the salvage or reclaiming of any product or material. (1985 Code, § 7-202, as replaced by Ord. #95-12, § 1, Nov. 1995)

7-203. Prohibition on open burning. No person shall cause, suffer, allow or permit open burning except as provided hereinafter. No person shall fail or refuse to take all reasonable and necessary steps and precautions to prevent open burning upon any premises owned, occupied or under the control of such

¹See section 11-903 for a provision prohibiting the starting of fires endangering woodlands within the town.

person. No person shall fail or refuse to take all reasonable and necessary steps and precautions to extinguish or other wise terminate and abate any open burning which has originated through any cause whatsoever upon any premises owned, occupied or under the control of such person or upon premises upon which such person is carrying out any operation or activity. (1985 Code, § 7-203, as replaced by Ord. #95-12, § 1, Nov. 1995)

7-204. Salvage burning. No person shall conduct a salvage operation by open burning. (1985 Code, § 7-204, as replaced by Ord. #95-12, § 1, Nov. 1995)

7-205. Leaf burning. No person shall burn leaves. (as added by Ord. #95-12, § 1, Nov. 1995)

7-206. Exceptions to prohibition on open burning. (1) Open burning of vegetation and wood materials may be permitted by the director provided the following conditions are met:

(a) An application shall be submitted to the director giving the reasons why no other method of disposal can be employed, amount of material to be burned and location of material to be burned.

(b) No burning shall occur until such inspection of the material as may be required by the bureau is conducted.

(c) Burning shall be conducted only on days of low pollution potential, as determined by the bureau, and only between the hours of 9:00 a.m. and 4:00 p.m. on such days.

(d) Only clean fuel not containing garbage, rubber, plastics, roofing materials, tar paper or other refuse shall be allowed for the startup of fires.

(e) Written approval is received from the director.

(2) Controlled burning of vegetation and wood materials may be permitted by the director provided the following conditions are met:

(a) A signed application shall be submitted to the director including the following:

(i) Complete plans and details of the method and equipment to be used for the control of such burning;

(ii) Name of the person in charge of the equipment and how he may be contacted.

(b) An annual fee of two hundred dollars (\$200.00) shall be included with the application, which fee shall be collected by the bureau and remitted to the town manager. Controlled burning permits are renewable annually. Application for renewal of a controlled burning permit shall be made in writing not less than sixty (60) days prior to the expiration of the permit for which renewal is sought.

(c) Written approval is received from the director.

(3) Open burning shall be allowed without compliance with the above only in the following specifically listed instances:

(a) Fires used for cooking of food or for ceremonial or recreational purposes, including barbecues and outdoor fireplaces, but only if such fires are fueled for that particular purpose.

(b) Fires set by or at the direction of responsible fire control agencies for the prevention, elimination or reduction of the spread of existing fires.

(c) Safety flares and smokeless flares, except those for the combustion of waste gases. Flares for the combustion of waste gases shall comply with all safety requirements.

(d) Open burning used solely for the purpose of warming persons who are in the out-of-doors performing work and conducting lawful activities, provided such fires use only clean fuel not containing garbage, rubber, plastics, roofing materials, tar paper or other refuse.

(4) Open burning may be permitted in the following instances, provided a written statement, such as is required above is filed with the director and written approval is given by the director.

(a) Fires set for the training and instruction of public or private fire fighting personnel, including those in civil defense.

(b) Other open burning where there is no other practical, safe and lawful method of disposal. (as added by Ord. #95-12, § 1, Nov. 1995)

7-207. Violations and penalty. The violation of any provision of this chapter shall be punished in accordance with the general penalty provision of this code of ordinances. Each violation continuing beyond three (3) hours shall constitute a separate offense. (as added by Ord. #95-12, § 1, Nov. 1995)

CHAPTER 3

LIFE SAFETY CODE

SECTION

- 7-301. Life safety code adopted.
- 7-302. Fees.
- 7-303. Violations and penalties.

7-301. Life safety code adopted. There is hereby adopted by the town council for the purpose of prescribing regulations governing conditions hazardous to life and property by regulating certain hazardous conditions by a certain code known as the Life Safety Code, 1985 Edition. All of the requirements of this code shall apply within the corporate limits and it shall be known as the "Life Safety Code, 1985 Edition" and all future yearly additions as prepared and adopted by the National Fire Protection Association, Incorporated which is hereby incorporated by reference and made a part of the chapter as if fully set forth herein.

One (1) copy of the Life Safety Code shall be kept on file in the town hall for the use and inspection of the public. (Ord. # 88-3, May 1988)

7-302. Fees. The fee schedule shall be set by the town council from time to time and shall be available in public form at the town hall and shall be set so as to cover the costs of the Life Safety Code operation. (Ord. # 88-3, May 1988)

7-303. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the Life Safety Code shall be guilty of a misdemeanor and upon conviction thereon shall be fined under the General Penalty Clause for this code of ordinances or the license of such person may be revoked or both fine and revocation of license may be imposed. (Ord. # 88-3, May 1988)