

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE CODE²

SECTION

- 7-101. Fire code adopted.
- 7-102. Modifications.
- 7-103. Permit fees.
- 7-104. Available in recorder's office.
- 7-105. Violations.
- 7-106. [Deleted.]

7-101. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations and to protect buildings or structures or any appurtenance connected or attached building, the International Fire Code,³ 2006 edition, as prepared and adopted by International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Fire Code, and which shall include appendixes thereto except Appendix P. (1980 Code,

¹Municipal code reference
Building, utility and housing codes: title 12.

²Municipal code reference
Building, utility and housing codes: title 12.

³Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

§ 7-201, as replaced by Ord. #933, May 1996, modified, renumbered by Ord. #1010, April 1998, amended by Ord. #1034, June 1999, and replaced by Ord. #1236, June 2007)

7-102. Modifications. (1) Whenever the fire code refers to the "fire code official," it shall be deemed to be a reference to the city council of the City of Dickson. When the "fire code official" or "director of public safety" is named it shall, for the purposes of the fire code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the fire code.

(2) Section 506, 506.1 is deleted as an enforceable code section from the 2006 International Fire Code within the corporate limits of Dickson. (1980 Code, § 7-203, as replaced by Ord. #933, May 1996, renumbered by Ord. #1010, April 1998, replaced by Ord. #1236, June 2007, and amended by Ord. #1260, Nov. 2008)

7-103. Permit fees. The recommended schedule of permit fees set forth in Appendix "B" of the 1997 edition of the S.B.C.C.I. is hereby adopted as the city's permit fee schedule. The current total valuation data published by International Code Council, shall be used. (1980 Code, § 7-204, as replaced by Ord. #933, May 1996, as renumbered by Ord. #1010, April 1998, and replaced by Ord. #1236, June 2007)

7-104. Available in recorders office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy if the International Fire Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #933, May 1996, as renumbered by Ord. #1010, April 1998, and replaced by Ord. #1236, June 2007)

7-105. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the International Fire Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed five hundred dollars (\$500.00). (Ord. #933, May 1996, as renumbered by Ord. #1010, April 1998, and replaced by Ord. #1236, June 2007)

7-106. [Deleted.] (1980 Code, § 7-204, as renumbered by Ord. #1010, April 1998, and deleted by Ord. #1236, June 2007)

CHAPTER 2

FIRE DEPARTMENT¹

SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Objectives.
- 7-203. Organization, rules, and regulations.
- 7-204. Records and reports.
- 7-205. Tenure and compensation of members.
- 7-206. Chief responsible for training.
- 7-207. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city council of the City of Dickson. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the City of Dickson. 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 chief shall appoint. (1980 Code, § 7-301, as renumbered by Ord. #1010, April 1998)

7-202. Objectives. The fire department shall have as its objectives:

- (1) To enforce the fire prevention regulations.
- (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, as renumbered by Ord. #1010, April 1998)

7-203. Organization, rules, and regulations. 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

¹Municipal code reference

Emergency assistance for fire department: title 20, chapter 4.

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

For an ordinance adopting an employee drug testing plan for the City of Dickson Fire and Police Departments, see Ord. #894, Feb. 1995, of record in the office of the recorder.

regulations as shall be necessary for the orderly and efficient operation of the fire department. (1980 Code, § 7-303, as renumbered by Ord. #1010, April 1998)

7-204. 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 mayor once each month, and at the end of the year a detailed annual report shall be made. (1980 Code, § 7-304, as renumbered by Ord. #1010, April 1998)

7-205. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to 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 city council may from time to time prescribe. (1980 Code, § 7-305, as renumbered by Ord. #1010, April 1998)

7-206. 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. (1980 Code, § 7-306, as renumbered by Ord. #1010, April 1998)

7-207. 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 commissioner in the execution of the provisions thereof. (1980 Code, § 7-308, as renumbered by Ord. #1010, April 1998)

CHAPTER 3

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-301. Equipment to be used only within corporate limits generally.

7-301. Equipment to be used only within corporate limits generally. (1) No equipment of the fire department shall be used for fighting any fire outside the corporate limits of the City of Dickson unless such fire is on city owned 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 such property, or for the protection of state, county or federal property so located or to protect against hazardous materials and conditions on the interstate right-of-way and/or in case of the necessity of civil defense.

(2) No equipment of the fire department shall be used for fighting any fire outside the city limit otherwise than section (1) unless under such terms, conditions, contracts and circumstances as may be prescribed by proper resolution of the city council subject to the provisions and conditions that the city council may authorize the use, under contract with particular individuals, provided the city council sets out in detail a rural fire service policy.¹ (1980 Code, § 7-307, as renumbered by Ord. #1010, April 1998)

¹See Ord. #877, and any amendments thereto, of record in the recorder's office, for the city's policy concerning rural fire service calls.

CHAPTER 4

FIREWORKS

SECTION

- 7-401 Definitions.
- 7-402. Permissible fireworks.
- 7-403. Fireworks permits required.
- 7-404. Permit revocation.
- 7-405. Permits for the sale of fireworks.
- 7-406. Permits for the public displays.
- 7-407. Conditions for the sale of fireworks.
- 7-408. Requirements for the public display of fireworks.
- 7-409. Storing and structures.
- 7-410. Unlawful use of fireworks.
- 7-411. Limited time for the use of fireworks.
- 7-412. Penalty for violation.

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

(3) "Consumer fireworks." All articles of fireworks as are now or hereafter classified as "1.4G Consumer Fireworks" in the Division 1.4, Title 49, Code of Federal Regulations Section 173.52 or Consumer Fireworks as described by National Fire Protection Association.

(4) "Mobile vendor." A vendor operating from motor vehicles, trailers, bicycles, or motorbikes.

(5) "Permit." The written authority of the City of Dickson issued under the authority of this section.

(6) "Person." Any individual, firm, partnership, or corporation.

(7) "Public display" The use of special fireworks for public display by holders of a permit according to the regulations of this section.

(8) "Retailer." Any person engaged in the business of making retail sales of fireworks to the general public.

(9) "Sale." An exchange of articles of fireworks for money and also includes barter, exchange, gift or offer thereof and each such transaction made by a person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one or more individuals.

(10) "Special fireworks." All articles of fireworks that are classified as 1.3 explosives by the Code of Federal Regulations (formerly known as Class B explosives) in the regulations of the United States Department of Transportation. These include display shells designed to be fired from mortars.

(11) "State Fire Marshal Permit." The appropriate fireworks permit issued by the Tennessee Fire Marshal under the authority of Tennessee Code Annotated, § 68-104-101 et seq.

Singular words and plural words in the singular include the plural and the plural as singular. (1980 Code, § 7-401, as renumbered by Ord. #1010, April 1998, and replaced by Ord. #1198, Aug. 2006)

7-402. Permissible fireworks. (1) It is unlawful for any individual, firm partnership, or corporation to possess, sell, ship to, or use within the City of Dickson, except as provided in this chapter, any pyrotechnics commonly known as fireworks other than the following permissible items:

(a) Consumer fireworks as defined by this chapter during the time periods permitted under this chapter.

(b) Special fireworks used at a public display event by permit holders under the rules and regulations of this chapter. (1980 Code, § 7-402, as renumbered by Ord. #1010, April 1998, and replaced by Ord. #1198, Aug. 2006)

7-403. Fireworks permits required. (1) It is unlawful for any person to sell, offer for sale, ship, or cause to be shipped into the City of Dickson any item of fireworks without first having secured a permit issued by the City of Dickson Office of Planning and Zoning as provided in this chapter.

(2) It is unlawful for any person to use special fireworks for public display without first having secured a permit issued by the City of Dickson.

(3) Any denial of a permit under this section shall be in writing and shall specify the cause of such denial. (1980 Code, § 7-403, as renumbered by Ord. #1010, April 1998, and replaced by Ord. #1198, Aug. 2006)

7-404. Permit revocation. (1) The Dickson Planning and Zoning Office and/or Dickson Fire Marshal or their agents may be authorized to revoke any permit upon failure of the permittee to correct any of the following conditions within thirty six (36) hours after being given written notice:

(a) The permittee or his or her agent violates any rule, regulation, or lawful order of the City of Dickson Codes Director or the Dickson Fire Marshal or their agents issued to enforce

(b) The permittee's application contains any false statements.

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

(d) The permittee or his or her agent violates any provision of this chapter.

(e) If any activity of a permittee constitutes an imminent hazard to life or property, the planning and zoning director or the Dickson Fire Marshal may revoke the permit immediately. (1980 Code, § 7-404, as renumbered by Ord. #1010, April 1998, and replaced by Ord. #1198, Aug. 2006)

7-405. Permits for the sale of fireworks. The following shall apply to such permits:

(1) An applicant shall pay a non-refundable fee of one thousand dollars (\$1000.00) for each location for which a permit is requested. A permit is to be valid for one sales period.

(2) A permit (to sell fireworks to the general public) is valid only from June 20 through July 5 or from December 21 to January 5. These dates are to be separate sales periods requiring separate permits.

(3) Permits are not transferable.

(4) A permit to sell fireworks in the City of Dickson must be obtained at least one week prior to the date on which the applicant desires to begin making sales. Each application shall include the following.

(a) The name, address, and telephone number of the applicant. The applicant must be the natural person who will operate or be responsible for sales.

(b) Proof that the applicant has obtained a state sales tax number.

(c) A site plan, drawn to a scale of not less than 1" = 100', showing the lot, size and location of the structure from the right of way, location of adjacent structures including temporary structures and fuel pumps, location and number of parking spaces.

(d) The location and dates for which the applicant wishes to sell fireworks.

(e) Evidence that general liability insurance has been obtained for such location by the applicant naming the City of Dickson as additional insured for at least five hundred thousand dollars (\$500,000) for each occurrence whether in respect to bodily injury liability or property damage or bodily injury liability or property damage combined.

(f) In addition to the application fee each applicant shall pay to the city the sum of two hundred dollars (\$200.00) as a deposit. This deposit is to be refunded by the City of Dickson after the end of the permitted sales period unless: the planning and zoning director advises the permit holder that the sales site is in violation of any City of Dickson codes or ordinances related to rubbish or other similar regulations as a result of the activities associated with the sale of fireworks at the site AND the permit holder fails to correct such violation within twenty four (24) hours of such notice. (1980 Code, § 7-405, as renumbered by Ord. #1010, April 1998, and replaced by Ord. #1198, Aug. 2006)

7-406. Permits for the public displays. (1) An applicant for a permit shall pay to the City of Dickson a fee of five hundred dollars (\$500.00). Such permits are non-transferable.

(2) A permit to discharge fireworks for public display may be obtained for any time of the year provided a permit is obtained from the City of Dickson.

(3) Permits are not transferable.

(4) A permit to have a public display of fireworks in the City of Dickson must be obtained at least fifteen (15) days prior to the date of the public display. Each application shall include the following:

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

(b) Evidence of competency of the operator to conduct a public display of fireworks of the type and scale requested.

(c) Details relevant to determining the type and scale of the public display including the pyrotechnic compositions to be used and the mechanisms to be used for detonating the fireworks.

(d) The dates for which the applicant wishes to hold a public display.

(e) Evidence that general liability insurance has been obtained by the applicant naming the City of Dickson as additional insured for at least five hundred thousand dollars (\$500,000) for each occurrence whether in respect to bodily injury liability or property damage or bodily injury liability or property damage combined.

(f) A deposit of two hundred dollars (\$200.00) for clean-up is required per location. This deposit will be refunded by the City of Dickson after the end of the display period unless the site is in violation of any City of Dickson codes or ordinances related to rubbish or other similar regulations as a result of the activities associated with public display at the site. (1980 Code, § 7-406, as renumbered by Ord. #1010, April 1998, and replaced by Ord. #1198, Aug. 2006)

7-407. Conditions for the sale of fireworks. Any permittee for the sale of fireworks must comply with the following conditions.

(1) Permittee must have a business license for the City of Dickson.

(2) Permittee must have a sales and use tax number.

(3) Limitations on structure. Structures meeting the standards of the currently adopted Building Code and Fire Code of the City of Dickson may be used for the retail sale of fireworks. Tents meeting these codes are permitted.

(4) Location of fireworks sales. Structures used for firework sales shall be located a minimum of one hundred (100) feet from any structure including fuel pumps. Fireworks sales are permitted only in the B-3 and B-4 zoning districts. All tents to be used for sale of fireworks must meet the minimum building setback for the zoning district in which they are erected.

(5) On site parking required. All sites for fireworks sales shall provide adequate on site parking places as follows: ten (10) spaces for the first one thousand (1,000) square feet of sales area and one (1) additional space for each two hundred (200) square feet of sales area or fraction thereof. Such parking

areas must be paved or gravel and have adequate maneuvering room on the site to allow vehicles to turn around so as not to have to back onto a public roadway.

(6) Unlawful sale to children and other persons. It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years or to any intoxicated person.

(7) Smoking prohibited where fireworks sold. No person shall smoke within a structure where fireworks are sold. No person selling fireworks shall 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 a minimum of four (4) inches high.

(8) Permissible items or fireworks may be sold within the City of Dickson only from June 20th through July 5th and from December 21st through January 5th of each year. (1980 Code, § 7-407, as renumbered by Ord. #1010, April 1998, and replaced by Ord. #1198, Aug. 2006)

7-408. Requirements for the public display of fireworks. Any permit holders for the public display of fireworks shall adhere to the following:

(1) Any public display of fireworks shall be conducted entirely outdoors.

(2) No bombs, salute, roman candle, skyrocket, common fireworks or other special fireworks may be used in a public display unless approved by the City of Dickson Fire Marshal.

(3) Any special fireworks that remain unfired after the display shall be immediately disposed of or removed in manner safe for the particular type of material. The debris from the discharge of special fireworks shall be properly disposed of before the operator leaves the premises. The operator shall make a complete and thorough search for any unfired special fireworks that have failed to fire or function and safely dispose of such at the conclusion of each public display.

(4) Pyrotechnic compositions.

(a) To be used. Only approved types and amounts of pyrotechnic devices as listed on the permit application may be used. Pyrotechnic devices are to be ignited or exploded by an operator holding a valid certificate of competency.

(b) Approved pyrotechnic compositions, devices, containers, and detonating mechanisms approved by the state fire marshal shall be used. No pyrotechnic device or composition may be used that was not specifically designed and manufactured for such use. All pyrotechnic devices and containers shall be fixed in their detonating position in a manner approved by the Dickson Fire Marshal. Any device from which a residue may be projected shall either be protected by a secured attached metallic screen, or if directed by the Dickson Fire Marshal, by relocation to a point where such residue will not endanger the audience.

(c) Prohibited pyrotechnic compositions. These material shall not be used for public display events:

Fulminate of mercury.

Carbon tetrachloride for making black smoke.

Benzoyl peroxide

Black powder

(d) Suspended devices. The chemical compositions of any suspended special effects shall be such as to self extinguish at least ten (10) feet above any object below. No such devices shall be located above the audience.

(5) Detonating mechanisms.

(a) Power sources. Power sources shall be restricted to batteries or individual isolated mechanisms specifically approved by a recognized testing laboratory. If any power source other than batteries approved by the Dickson Fire Marshal are utilized, a licensed electrician shall install such source.

(b) Low voltage power sources. Low voltage powers sources only will be permitted from the detonating mechanism to the special effects, unless it consists of a system listed by a nationally recognized testing laboratory. System includes devices and wiring.

(c) Shunts. Short circuiting shall be maintained on all electrically fired pyrotechnic items during preparatory operations including loading, setting, and adjustment.

(d) Firing safeguards. All firing switches, including battery and power circuit types, shall be designed to ensure against accidental firing by providing:

(i) An automatic short circuiting shunt across the firing leads until the switch is intentionally thrown into the firing position, and

(ii) An automatic positive disconnection when the switch is released by the operator.

(iii) Firing boxes shall be designed to prevent firing unless the switch is manually operated.

(e) Electric firing circuit. Connecting any electric firing circuit to any power supply, excepting only a test galvanometer equipped with a silver chloride battery, is prohibited until all special effects in the sequence are connected to firing leads and cleared for firing.

(6) Certification of the competency of the operator.

(a) Certificate of competency required. Every display of special effects shall be handled by a competent operator certified as such by the Dickson Fire Department. Such operator shall have his certificate of competency in his possession when engaged in conducting a special effects display, and shall exhibit the same on request of any authorized person or official.

(b) Special effects certificate. This certificate is restricted to use, preparation and the use of all types of special effects pyrotechnics, for the sole purpose of producing a visible or audible effect when such used as part of a motion picture, television, theatrical, educational, recreational or entertainment production as may be permitted by the Dickson Fire Marshal.

(c) Special effects certificate limited. This certificate is limited to the use of one or more special effects, which are to be repetitiously used as may be permitted by the Dickson Fire Marshal under limited special effects permits.

(d) Issuance of certificate of competency. Certificates of competency are to be issued only after the competency of the operator has been demonstrated to the satisfaction of the Dickson Fire Marshal.

(e) Fire protection and extinguishing equipment. Fire protection and extinguishing equipment shall be provided as required by the Dickson Fire Marshal.

(f) Dickson Fire Department to be present. The applicant to whom the permit has been issued shall arrange for the detailing of one (1) member of the Dickson Fire Department or more as may be deemed necessary by the Dickson Fire Marshal. These expenses shall be paid by the applicant.

(g) Qualifications of operator; assistant. A competent operator shall be a person at least twenty-one (21) years of age who satisfies the Dickson Fire Marshal that he is competent by experience and training to supervise the special effects display and who has been issued a certificate of competency by the city fire marshal. The certificate of competency may be revoked by the Dickson Fire Marshal for any violation of these regulations or where the holder's conduct or condition is such as to imperil the public safety. Each person assisting the operator shall be at least eighteen (18) years of age.

(h) Operator on duty during discharge. There shall be at all times at least one (1) operator on duty during the discharging of special effects. An assistant may be required by the Dickson Fire Marshal. No special effects pyrotechnic item shall be discharged unless in full view of the operator or his assistant at the time of discharge. (as added by Ord. #1198, Aug. 2006)

7-409. Storing and structures. Fireworks may only be sold from a freestanding structure. Mobile vendors are not permitted. Fireworks may be stored only at locations where they are sold, except for those for individual use or for temporary storage associated with public display of fireworks. An inspected and tagged portable fire extinguisher rated a minimum of 10# ABC must be present at all locations where fireworks are sold. Vehicles transporting special fireworks for use in a public display may not be parked within a building

at any time. The location for the storage of special fireworks for use in a public display shall be temporary and the duration and location of such storage shall be approved by the City of Dickson Fire Marshal. (as added by Ord. #1198, Aug. 2006)

7-410. Unlawful use of fireworks. It is unlawful to explode or ignite fireworks within six hundred (600) feet of any church, assisted living facility, nursing home, hospital, funeral home, public school. Likewise, it is unlawful to explode or ignite fireworks within two hundred (200) feet of any structure where fireworks are sold. It is unlawful to explode, ignite, or throw fireworks from a motor vehicle. It is unlawful to explode or ignite fireworks during a burning ban declared by the State of Tennessee or the City of Dickson. It is unlawful to explode, ignite, or throw or launch fireworks onto public or private property without the permission of the owner or occupant. (as added by Ord. #1198, Aug. 2006)

7-411. Limited time for the use of fireworks. It is unlawful to discharge or use fireworks except during the days in when such fireworks sales are permitted within the City of Dickson. The time of day to discharge fireworks is restricted to 10:00 A.M. to 10:30 P.M., exceptions:

(1) December 31st from 10:00 A.M. until 1:00 A.M. on January 1st (as added by Ord. #1198, Aug. 2006)

7-412. Penalty for violation. All persons or persons violating this chapter shall be punishable by a fine in the maximum allowed by state law with each day being a separate offense. (as added by Ord. #1198, Aug. 2006)