

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be all that area of town from West Circle Drive to Highway 47 south and west of Highway 96 two hundred feet. (1980 Code, § 7-101)

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

CHAPTER 2

FIRE CODE¹

SECTION

7-201. International Fire Code adopted.

7-202. Modifications.

7-203. Geographic limits.

7-204. [Deleted.]

7-205. Violations.

7-201. International Fire Code adopted. A certain document, three (3) copies of which are on file in the office of the recorder of the Town of Burns, being marked and designated as the International Fire Code,² 2003 edition, including Appendix, as published by the International Code Council, be and is hereby adopted as the Fire Code of the Town of Burns, in the State of Tennessee, regulating and governing the safeguarding of like 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 providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the recorder for the Town of Burns are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 7-202 of this chapter. (1980 Code, § 7-201, as replaced by Ord. #166, Jan. 2006)

7-202. Modifications. The following sections are hereby revised:

Section 101.1 Insert: Town of Burns

Section 109.2 Insert: Fifty and 00/100 (\$50.00) dollars fine. Each day shall constitute a separate offense.

Section 111.4 Insert: Fifty and 00/100 (\$50.00) dollars fine. Each day shall constitute a separate offense.

(1980 Code, § 7-202, as replaced by Ord. #166, Jan. 2006)

7-203. Geographic limits. The geographic limits referred to in certain sections of the 2003 International Fire Code are established as follows:

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

Section 3204.3.1.1 The storage of flammable cryogenic fluids in stationary containers is prohibited within the corporate limits of the Town of Burns, Tennessee.

Section 3404.2.9.5.1 The storage of Class I and Class II liquids in above ground tanks outside of buildings is prohibited within the corporate limits of the Town of Burns, Tennessee.

Section 3406.2.4.4 The storage of Class I and Class II liquids in above ground tanks is prohibited within the corporate limits of the Town of Burns, Tennessee.

Section 3804.2 The storage of liquefied petroleum gas is restricted from the protections of heavily populated or congested areas within the corporate limits of the Town of Burns, Tennessee. (1980 Code, § 7-203, as replaced by Ord. #166, Jan. 2006)

7-204. [Deleted.] (1980 Code, § 7-204, as deleted by Ord. #166, Jan. 2006)

7-205. Violations. It shall be unlawful for any person to violate any provision of the fire code hereby adopted or violate or fail to comply with any order made thereunder. 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, § 7-205)

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Tenure and compensation of members.

7-306. Chief responsible for training and maintenance.

7-307. Chief to be assistant to state officer.

7-308. Police powers of chief.

7-301. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of commissioners. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The volunteer fire department shall be composed of a chief appointed by the board of commissioners. The chief shall appoint such number of qualified subordinate officers and firemen as he deems necessary to carry out the duties of the fire department. (1980 Code, § 7-301)

7-302. 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 makes practicable. (1980 Code, § 7-302)

7-303. 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 volunteer fire department. (1980 Code, § 7-303)

¹Municipal code reference

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

See Ord. No. 53, of record in the recorder's office, for authority for a mutual aid agreement with Dickson County.

7-304. Records and reports. The chief of the volunteer 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)

7-305. Tenure and compensation of members. The chief shall serve at the pleasure of the board of commissioners and shall hold office for a term to be fixed by the board of commissioners not to exceed two years or until his successor is elected and qualified unless he is removed by the board for good cause. 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 for good cause. The chief may be suspended up to thirty (30) days by the chairman of the board (mayor), but may be dismissed only by the board of commissioners. The chief may request a public hearing and if so he shall be granted the request.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of commissioners may from time to time prescribe. (1980 Code, § 7-305)

7-306. 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 minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1980 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the 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 insurance commissioner in the execution of the provisions thereof. (1980 Code, § 7-308)

7-308. Police powers of chief. The chief of the volunteer fire department may exercise police powers in times of fire and summon to his assistance such additional help as he may deem necessary to control the fire. (1980 Code, § 7-308)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Purpose.
- 7-402. Definition of terms.
- 7-403. Permits required for sale.
- 7-404. Business licenses required.
- 7-405. Permissible items of fireworks.
- 7-406. Conditions for sale and use of permissible articles.
- 7-407. Public displays - permits - regulation.
- 7-408. Retail sale of permissible articles - time limitations - exceptions.
- 7-409. Private use of permissible articles - time limitations - exceptions.
- 7-410. Regulations governing storing, locating, or display of fireworks.
- 7-411. Unlawful acts in the sale and handling of fireworks.
- 7-412. Exceptions to application.
- 7-413. Penalty for violation.
- 7-414. Seizure and destruction of fireworks.
- 7-415. Requirement or compliance with state regulations not affected.

7-401. Purpose. The purpose of this chapter is to provide for the display, sale and use of certain fireworks for both private and public display within the corporate limits of the Town of Burns, Tennessee within certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (1980 Code, § 7-401)

7-402. Definition of terms. As used in this chapter the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise.

(1) "Manufacturer", any person engaged in making, manufacture, or construction of fireworks of any type within the Town of Burns or the State of Tennessee.

(2) "Distributor", any person engaged in the business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a jobber, wholesaler or retailer.

(3) "Wholesaler", any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales at retail.

(4) "Jobber", any person engaged in the business of making sales of fireworks to bona fide tourist for use outside the State Tennessee.

(5) "Retailer", any person engaged in the business of making sales of fireworks to consumers.

(6) Singular and plural words used in the singular include the plural and the plural the singular.

(7) "Sale", an exchange of articles of fireworks for money and also includes barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal, proprietor, salesman, agent, association, co-partnership, or one (1) or more individuals.

(8) "Person", includes any corporation, association, co-partnership or one (1) or more individuals.

(9) "Permit", a permit is the written authority of the town fire chief or his representative issued under the authority of chapter 7, HMC, or under the authority of the state fire marshal issued under the authority of Tennessee Code Annotated, §§ 68-104-106--68-104-116.

(10) "I.C.C. class C common fireworks", shall mean all articles of fireworks as are now or hereafter classified as "ICC Class C common fireworks" in the regulation of the Interstate Commerce Commission for the transportation of explosive and other dangerous articles.

(11) The term "special fireworks" shall mean all articles of fireworks that are classified as class B explosives in the regulation of the Interstate Commerce Commission and shall include all articles other than those classified as Class C. (1980 Code, § 7-402)

7-403. Permits required for sale. It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into or within the Town of Burns, except as herein provided, any item of fireworks, without first having secured the required applicable permit from the town fire chief or his representative and also from the state fire marshal, possession of said permit being thereby a condition prerequisite to manufacturing, selling, or offering for sale, shipping or causing to be shipped any fireworks into or within the Town of Burns, except as herein provided. This provision applies to non-residents as well as residents of the Town of Burns.

(1) Prior to engaging in the sale within the Town of Burns, Tennessee or shipment into the Town of Burns, of any fireworks each person must make application on forms secured from the town fire chief or his representative and the state fire marshal for a permit or permits required under this chapter.

(2) The manufacture or bulk storage (storage other than limited amounts incidental to permitted retail sales or public displays) of fireworks within the corporate limits of the Town of Burns is prohibited, and a violation of this section is unlawful and punishable under the provisions of this ordinance or the applicable state code.

(3) The decision of the town fire chief or his representative as to what type of permit or permits shall be required of each person shall be final. No permit shall be issued to a person under the age of eighteen (18), a non-resident, non-property owner, or non-business owner in the Town of Burns. All permits shall be for the period April 1, through March 31 on a yearly basis and any fraction thereof. Permits issued to retailers must be displayed near the point of sale and visible for public inspection. No permit provided for herein shall be

transferable nor shall a person be permitted to operate under a permit issued to another person.

(4) In addition to charges for permits authorized to the state fire marshal for state permits, the town fire chief or his representative is directed to charge for permits issued as follows: Wholesaler _____; Retailer \$100.00; Display \$25.00.

(5) A record of all sales, other than retail sales directly to private consumers, must be kept showing the names and address of purchasers. All fees collected for said permits shall be payable directly to the general fund of the Town of Burns. (1980 Code, § 7-403)

7-404. Business license required. The issuance of permits herein required does not replace or relieve any person of state, county or municipal licenses as now or hereafter provided by law. Before the issuance of any town business or privilege license, the city recorder shall require each applicant to submit adequate proof of possession of valid fireworks permits as issued by the town fire chief or his representative and by the state fire marshal. (1980 Code, § 7-404)

7-405. Permissible items of fireworks. It shall be unlawful for an individual, firm, partnership, or corporation to possess, sell, or use within the Town of Burns, or ship into the Town of Burns, except as provided in § 7-406, any pyrotechnics, commonly known as "fireworks", other than permissible items herein enumerated, except as herein provided. The permissible fireworks consist of ICC class C common fireworks only, and shall include those items enumerated in Tennessee Code Annotated, § 68-104-108, or which may be enumerated in said section. (1980 Code, § 7-405)

7-406. Conditions for sale and use of permissible articles. No permissible articles of common fireworks defined in Tennessee Code Annotated, § 68-104-108, shall be sold, offered for sale, or possessed within the town, or used in the Town of Burns, except as here provided for public display, unless it shall be properly named to conform to the nomenclature of Tennessee Code Annotated, § 68-104-108, and unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container, "ICC class C common fireworks", such imprinting to be of sufficient size and so positioned as to be readily recognized by law-enforcement authorities, and the general public. (1980 Code, § 7-406)

7-407. Public displays - permits - regulation. The public display of fireworks within the corporate limits of the Town of Burns shall be governed by the provisions of Tennessee Code Annotated, § 68-104-107. Required permits for controlled, public display of fireworks shall be obtained from the state fire marshall and also from the town fire chief or his representative. (1980 Code, § 7-407)

7-408. Retail sale of permissible articles - time limitations - exceptions. Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be sold at retail to residents of the Town of Burns and used within the Town of Burns from June 20th through July 11th, and from December 10th through January 9th of each year only, except for a special occasions, holidays, and times and circumstances as may be designated or provided hereafter by the board of commissioners by motion. The term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredth (25/100th) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper caps which contain less than twenty-five hundredth (25/100th) grains of explosive compounds, cone, bottles, tubes and other type serpentine pop-off novelties, nonpoisonous toy snakes, smoke sticks with report and sparklers, the sale and use of which shall be permitted at all times. (1980 Code, § 7-408)

7-409. Private use of permissible articles - time limitations - exceptions. Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be stored, used and expended within the Town of Burns by private citizens for their personal use and enjoyment during the periods June 20th through July 11th, and from December 10th through January 9th of year only, except for a special occasions, holidays, and times and circumstances as may be designated or provided hereafter by the board of commissioners by motion. Under the following restrictions:

(1) Permitted fireworks shall not be ignited, exploded, or otherwise used in any area or location of the town whereby persons or property may be endangered.

(2) Permitted fireworks shall not be ignited, exploded, or otherwise used within three hundred (300) feet of any business or storage area whereat or wherein flammable materials are sold, used or stored.

(3) Permitted fireworks may be ignited, exploded or otherwise used during the hours of 8:00 A.M. through 10:30 P.M., daily during the permitted periods. Except times and circumstances as may be designated or provided hereafter by the board of commissioners by motion.

(4) Small children, those under the age of ten (10) years, shall be supervised by adults when using permitted fireworks.

(5) If the use of permitted fireworks in a specific area of the town becomes a public nuisance or endangerment to private or public property in the opinion of the town fire chief, or the town police chief, these officials or their authorized representative are authorized and directed to prohibit said use therein or thereat. (1980 Code, § 7-409)

7-410. Regulations governing storing, locating or display of fireworks. Placing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within twenty-five (25) feet of

where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "FIREWORKS-NO SMOKING WITHIN 25 FEET" in letters not less than four (4) inches high.

(1) No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers.

(2) No fireworks shall be stored, placed, located, sold or traded within fifty (50) feet of any other building, nor within one hundred (100) feet of a retail gasoline sales outlet (service station, market, or other such facility) or bulk petroleum storage or distribution facility. All measurement shall be from building-to-building, and not from property line-to-property line.

(3) The physical site proposed for the location of storage, placement or sale of permissible fireworks shall require the prior approval of the town fire chief or his representative previous to the issuance of any required permits and licenses. (1980 Code, § 7-410)

7-411. Unlawful acts in the sale and handling of fireworks. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of twelve (12) years, or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within three hundred (300) feet of any church, hospital, asylum, public school, or place where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within, or throw the same from a motor vehicle while within; nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle or at or near any person or group of persons. (1980 Code, § 7-411)

7-412. Exceptions to application. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military of the United States, or the State of Tennessee or to the peace officers of the town or of the state, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser shall first secure a written permit to purchase and use fireworks for agricultural purposes only from the town fire chief, or his representative, and the state fire marshal, after approval of the county agricultural agent of Dickson County, Tennessee, and said fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the town and the state. (1980 Code, § 7-412)

7-413. Penalty for violation. Notwithstanding any penalty for conviction of any applicable state law or regulation of the State of Tennessee, an

individual, firm, partnership, or corporation that violates any provision of this chapter shall be guilty of a misdemeanor and conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00). Each day that any violation of the provisions of this chapter continues shall be a separate triable offense. (1980 Code, § 7-413)

7-414. Seizure and destruction of fireworks. The town fire chief or his representative shall seize as contraband fireworks other than "Class C Common Fireworks" as defined in § 7-405 hereof, and Tennessee Code Annotated, § 68-104-108, or "Special Fireworks" for public displays as provided in § 7-407 of this chapter, which are sold, displayed, used or possessed in violation of this chapter. The town fire chief or his representative is authorized to destroy any fireworks so seized. (1980 Code, § 7-414)

7-415. Requirements or compliance with state regulations not affected. This chapter shall in no wise affect the validity of any law or regulation promulgated by the State of Tennessee or by the fire marshal thereof, as relates to the control and regulation of the manufacture, sale or use of fireworks within the State of Tennessee. It is the intent of this chapter to authorize the public display, sale and use of such fireworks within the corporate limits of the Town of Burns in accordance with the applicable state regulations, as augmented by the rules and regulations of the Town of Burns. (1980 Code, § 7-415)