

## TITLE 7

### FIRE PROTECTION AND FIREWORKS<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

### MISCELLANEOUS PROVISIONS

#### SECTION

- 7-101. Fire limits described.
- 7-102. Open burning regulated.

**7-101. Fire limits described.** The corporate fire limits, referred to in the NFPA 1 Uniform Fire Code, NFPA 101 Life Safety Code, and International Building Code, as the fire district, shall be and include all the territory within the C-1, Central Business District as outlined and defined by the Sevierville Zoning Ordinance and the Sevierville Zoning Map as adopted by the Sevierville Regional Planning Commission and the Sevierville Board of Mayor and Aldermen. (Ord. #2011-007, Dec. 2011)

**7-102. Open burning regulated.** It shall be unlawful for any person to kindle any brush or rubbish fire or authorize any such fire to be kindled or maintained without a permit issued by the Fire Chief or his authorized representative.

Permits will be issued upon the following conditions:

- (1) An adult (over eighteen (18) years of age) is present when the burning is done.
- (2) This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.
- (3) No gasoline, kerosene, diesel, or flammable liquids or solids are to be used as an accelerator.
- (4) Regardless of any established permit period, the Fire Chief or his authorized representative shall have the authority to forbid, restrict, or suspend

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<sup>1</sup>Charter reference

Personnel: art. VIII, § 3.

any and all burning or cancel any permit upon determining burning to cause a health-related nuisance to the public, or if weather conditions are unfavorable or hazardous for outdoor fires.

(5) Prior to burning, the permittee will call the Fire Department to inform them that a permit has been obtained and the permittee is going to be burning.

(6) Non-commercial fires built as per the adopted fire code and used for cooking of food or for ceremonial, recreational, or comfort purposes, including barbeques, campfires, and outdoor fireplaces are exempted from permitting requirements.

Permits will be good for the period stated on the permit and shall be available at the burning site for examination during the hour(s) of burning. (Ord. #2011-007, Dec. 2011)

**CHAPTER 2**

**DELETED**

(Chapter 2, Fire Code,<sup>1</sup> was deleted by Ord. #O-2016-010, Aug. 2016  
and relocated to § 12-101(7))

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<sup>1</sup>Municipal code reference

Building, utility, and residential codes: title 12.

## CHAPTER 3

### FIRE DEPARTMENT<sup>1</sup>

#### 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. Equipment to be used only within corporate limits.

**7-301. Establishment, equipment, and membership.** There is hereby established a Fire Department to be supported and equipped from appropriations by the Board of Mayor and Aldermen. All apparatus, equipment, and supplies shall be purchased by or through the City and shall be and remain the property of the City. The Fire Department shall be composed of a Chief and such number of physically-fit subordinate Officers and Firemen as shall be appointed or approved. (Ord. #2011-007, Dec. 2011)

**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. (Ord. #2011-007, Dec. 2011)

**7-303. 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 regulations as shall be necessary for the orderly and efficient operation of the Fire Department. (Ord. #2011-007, Dec. 2011)

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<sup>1</sup>Municipal code reference

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

**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 such written reports on such matters to the Board of Mayor and Aldermen once each month, and at the end of the year a detailed annual report shall be made. (Ord. #2011-007, Dec. 2011)

**7-305. Tenure and compensation of members.** The Chief and all Firemen shall serve so long as their conduct and efficiency are satisfactory to the City Administrator. 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. (Ord. #2011-007, Dec. 2011)

**7-306. Chief responsible for training and maintenance.** The Chief of the Fire Department shall be fully responsible for the training of the Firemen and the minimum training shall be established by the State of Tennessee or such commissions appointed to establish those minimums. (Ord. #2011-007, Dec. 2011)

**7-307. Chief to be Assistant to State Officer.** Pursuant to requirements of Tennessee Code Annotated § 68-102-108, the Fire Chief 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. (Ord. #2011-007, Dec. 2011)

**7-308. Equipment to be used only within corporate limits.** No equipment of the Fire Department shall be used outside the corporate limits unless under the provisions of a mutual aid agreement. (Ord. #2011-007, Dec. 2011)

## CHAPTER 4

### FIREWORKS

#### SECTION

- 7-401. Fireworks defined.
- 7-402. Permit required for supervised displays.
- 7-403. Bond required.
- 7-404. Furnish information to Fire Marshal before permit is granted.
- 7-405. Non-residents cannot receive permit.
- 7-406. Uses not prohibited.
- 7-407. Enforcement.

**7-401. Fireworks defined.** The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, sparklers, smoke bombs, unmanned airborne devices capable of producing an open flame such as Sky Lanterns, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include model rockets and model rocket engines, designed, sold and used for the purpose of propelling recoverable aero models. It also shall not include blank cartridges, starter pistols for athletic events, toy pistols, toy canes, toy guns or other devices in which paper and/or plastic and/or metal caps are used and toy paper and/or plastic and/or metal caps manufactured with the specific limitation of an average twenty-five hundredths (1/4) of a grain of explosive content per cap, the sale and use of which shall be permitted at all times. Each package containing said caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. (Ord. #2011-007, Dec. 2011)

**7-402. Permit required for supervised displays.** Except as hereinafter provided, no person, firm, co-partnership, or corporation shall offer for sale, expose for sale, sell at retail, keep with the intent to sell at retail; or possess, or use, or explode any fireworks, provided that the Fire Marshal may adopt reasonable rules and regulations for the granting of permits for supervised displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. Such permits may be granted upon application to said Fire Marshal and after approval of the Fire Chief, and Board of Mayor and Aldermen of Sevierville and the filing of a bond by the applicant as provided hereinafter. Every such display shall be handled by a competent operator licensed by the State of Tennessee or certificated as to

competency by the Fire Marshal. The operation shall be located in accordance with City codes and State law, so as to not endanger any person or persons and/or be hazardous to any property. After such privilege shall have been granted, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferrable. (Ord. #2011-007, Dec. 2011)

**7-403. Bond required.** The City Recorder shall require a bond from the licensee in a sum not less than one thousand dollars (\$1,000.00) conditioned on compliance with the provisions of this chapter and regulations adopted hereunder, provided no municipality shall be required to file such bond. (Ord. #2011-007, Dec. 2011)

**7-404. Furnish information to Fire Marshal before permit is granted.** Before any permit for pyrotechnic display shall be issued, the person, firm, corporation, or organization making application therefor shall furnish to the Fire Marshal the name of the organization sponsoring the display together with the names of persons actually in charge of the firing of the display; evidence of financial responsibility; the date and time of day at which the display is to be held; the exact location planned for the display; a description setting forth the age, experience, and physical characteristics of the persons who are to do the actual discharging of the fireworks; the number and kinds of fireworks to be discharged; the manner and place of storage of such fireworks prior to display; and a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communication, the lines behind which the spectators will be restrained, and the location of all nearby trees, power lines, telephone lines or other overhead obstructions. This application for permit must be filed at least fifteen (15) days prior to the date of display. All displays must be set up in accordance with fire codes adopted in title 7, chapter 2 herein. (Ord. #2011-007, Dec. 2011)

**7-405. Non-residents cannot receive permit.** No permit shall be issued under the provisions of this act to a non-resident person, firm, or corporation of the State of Tennessee for conduct of a pyrotechnic display in the City of Sevierville until such person, firm, or corporation shall have appointed in writing a member of the bar in Sevier County and residing therein to be his attorney upon all process in action or proceeding against him may be served. (Ord. #2011-007, Dec. 2011)

**7-406. Uses not prohibited.** Nothing in this chapter shall be construed to prohibit the use of fireworks by transportation firms or agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by

military organizations, or the use of fireworks for agricultural purposes under conditions approved by local authorities. (Ord. #2011-007, Dec. 2011)

**7-407. Enforcement.** The Fire Marshal and/or his designee shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter. Any person, firm, co-partnership, corporation, or organization violating this chapter shall be cited to City Court and upon conviction shall be punished as according to other provisions of the Sevierville Municipal Code. (Ord. #2011-007, Dec. 2011)