

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.
6. OPEN BURNING.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all that area zoned in the city's zoning ordinance for general business uses. (1973 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. Enforcement.
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- 7-204. [Repealed.]
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- 7-207. Violations.
- 7-208. Uniform color scheme for fire hydrants.
- 7-209. Available in recorder's office.

7-201. International fire code adopted. (1) That a certain document, three (3) copies of which are on file in the office of the Milan City Recorder, being marked and designated as the International Fire Code,² 2012 edition, including all appendices, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Milan, Tennessee, regulating and governing the safekeeping 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 as herein provided; 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 Milan City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, deletions, and changes, if any, prescribed in subsection (2) of this section.

(2) Additions, deletions, and changes to the fire code. The following sections of the International Fire Code, 2009 edition, are hereby revised as follows:

(a) The "City of Milan" shall be inserted in the blanks referring to the name of the jurisdiction.

(b) Add the following text to Section 105.3.1 of the 2012 International Fire Code "Any work which has not had an inspection within 180 days from issuance of the permit or has not had any

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

subsequent required inspections within 180 days from previous inspections will be deemed that the work has been suspended or abandoned and the permit shall become invalid."

(c) Section 109.3 of the 2012 International Fire Code is amended by inserting the word "misdemeanor" in the appropriate blanks, and a maximum of fifty dollars (\$50.00) shall be specified; all references to imprisonment are deleted.

(d) Section 903.2.8 of the 2012 International Fire Code is amended by inserting the text "Exceptions: One and two family dwellings and townhouses not more than three (3) stories in height."

(3) The blanks referring to the date of issuance shall be the effective date of this section. (1973 Code, § 7-201, as replaced by Ord. #2006-04, June 2006, and amended by Ord. #12-07, April 2012, and Ord. #2018-5, March 2018 *Ch7_6-20-19*)

7-202. Enforcement. The fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1973 Code, § 7-202, as amended by Ord. #2006-4, June 2006)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the City of Milan, Tennessee. (1973 Code, § 7-203, as amended by Ord. #2006-4, June 2006)

7-204. [Repealed.] (1973 Code, § 7-204, as repealed by Ord. #2006-4, June 2006)

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. (1973 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire 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 shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1973 Code, § 7-206, as amended by Ord. #2006-4, June 2006)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code herein 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 board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. 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. (1973 Code, § 7-207, as amended by Ord. #2006-4, June 2006)

7-208. Uniform color scheme for fire hydrants.

(1) Hydrants are to be classified as follows:

Class A: Hydrants that on individual test usually have a flow capacity of 1,000 gpm or greater.

Class B: Hydrants that on individual test usually have a flow capacity of 500 to 1,000 gpm.

Class C: Hydrants that on individual test usually have a flow capacity of less than 500 gpm.

Capacities are to be rated by flow measurements of individual hydrants at a period of ordinary demand. When initial pressures are over 40 psig at the hydrant under test, the rating is to be based upon 20-psig residual pressure, observed at the nearest hydrant connected to the same main and when no water is being drawn. When initial pressures are less than 40 psig, residual pressures shall be at least half of the initial.

(2) The following is the capacity-indicating color scheme:

(a) Public hydrants. All barrels are to be painted chrome yellow, except in cases where another color is desired. The tops and nozzle caps of hydrants in the classes outlined in (1) are to be painted as follows:

Class A-green

Class B-orange

Class C-red

(b) Private hydrants. Within private enclosures, the marking is to be at the discretion of the owners. Private hydrants in public streets should be painted to distinguish them from public hydrants.

(3) All location markers for flush hydrants should carry the same color background as stated for class indication.

(4) The colors shall signify only the approximate capacity of the individual hydrant as tested alone, and not its capacity when more than one hydrant in the vicinity is in use. The marking of the hydrant is not to be considered as in any way guaranteeing the capacity indicated by the color.

(5) Pumper trucks are prohibited from connecting to Class C fire hydrants with red tops and caps, or fire hydrants with flows less than 500 GPM at 20 PSI. (1973 Code, § 7-208)

7-209. Available in recorder's office. Pursuant to the requirements of § 6-54-502 Tennessee Code Annotated, one (1) copy of the International Fire Code, 2012 edition, has been placed on file in the office of the Milan City Recorder and shall be kept there for the use and inspection of the public during normal business hours. (as added by Ord. #2018-5, March 2018 *Ch7_6-20-19*)

CHAPTER 3

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.

7-301. 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 appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall approve. (1973 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. (1973 Code, § 7-302)

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. (1973 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

¹Municipal code reference

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

to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1973 Code, § 7-304)

7-305. Tenure and compensation of members. The chief of the fire department shall serve at the will of the board of mayor and aldermen. 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.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1973 Code, § 7-305)

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 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. (1973 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 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 fire prevention commissioner in the execution of the provisions thereof. (1973 Code, § 7-308)

CHAPTER 4**FIRE SERVICE OUTSIDE CITY LIMITS****SECTION**

7-401. Equipment to be used only within corporate limits generally.

7-401. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside 3 1/2 miles from the corporate limits unless the fire is on city 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 the city property or unless expressly authorized in writing by the board of mayor and aldermen. (1973 Code, § 7-307, modified)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Definitions.
- 7-502. Permits and permit fees.
- 7-503. Permit revocation.
- 7-504. Permissible fireworks.
- 7-505. Storing and structures.
- 7-506. Limitations on structures.
- 7-507. Location of fireworks outlets.
- 7-508. Additional standards for fireworks retailers.
- 7-509. Unlawful sale to certain children and other persons; unlawful use of fireworks.
- 7-510. Limited time period to use fireworks.
- 7-511. Manufacture prohibited.
- 7-512. Exemptions.
- 7-513. Violations and penalty.

7-501. 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 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:

(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 1.4S; or

(iii) Display fireworks, classified as 1.3G, commonly used for public displays.

(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 mixtures 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 of Milan 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. (Ord. #1994-03, May 1994, as replaced by Ord. #09-4, Oct. 2009)

7-502. Permits and permit fees. (1) It is unlawful for any person to sell or to offer for sale in the City of Milan any item of fireworks without first having secured a state fire marshal permit and a permit issued by the City of Milan.

(a) No permit shall be issued to a person under eighteen (18) years of age.

(b) A permit (to sell fireworks to the general public) is valid only for the calendar year or any fractions thereof and shall expire on December 31. A grace period of two (2) days shall be allowed each holder of a permit.

(c) The application shall be accompanied by a non-refundable fee of one hundred dollars (\$100.00).

(d) Permits are not transferable.

(e) Schools, wedding groups, businesses, civic clubs, and similar groups desiring to have a 1.3G Special Display or 1.4G Consumer Fireworks display may obtain a permit from the City of Milan to use fireworks for any time of the year.

(2) A permit to sell fireworks in the City of Milan 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 name, address, and telephone number of applicant.

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

(c) The applicant shall be the same person indicated on the state fire marshal permit.

(d) 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.

(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) Mobile vendors are not permitted.

(6) Flashing signs are not permitted.

(7) Public display shall be performed only under supervision of a licensed pyrotechnician, and after the persons or organizations making such displays shall have applied for and received a permit for such display issued by the state fire marshal. Public display permits shall be limited to the time specified therein, and shall not be transferable. Applications for public/special display permits shall be made in writing at least ten (10) days in advance of the proposed display, and meet the following:

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

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

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

(d) Submit a detailed site plan showing that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives.

(e) The applicant shall so state and shall bear the signed approval of the chief supervisory officials of the fire, police, and code enforcement departments of the City of Milan.

(9) After the application has been submitted and approved, a city codes inspector and/or fire official shall inspect the site for compliance with applicable codes and ordinances. (Ord. #1994-03, May 1994, as amended by Ord. #1996-01, Jan. 1996, and replaced by Ord. #09-4, Oct. 2009)

7-503. Permit revocation. (1) The codes director and/or fire marshal may revoke any permit immediately for any of the following:

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

(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.

(e) When any activities of the permittee constitute a distinct hazard to life or property.

(2) An applicant denied a permit or whose permit contains conditions and restrictions shall have the right of an appeal to the board of aldermen within fourteen (14) days after denial or revocation of the permit containing conditions and restrictions by giving the city recorder written notice of appeal. (Ord. #1994-03, May 1994, as replaced by Ord. #09-4, Oct. 2009)

7-504. Permissible fireworks. (1) It is unlawful for any individual, firm, partnership, or corporation to sell or use within the City of Milan, except as provided in this chapter, any "fireworks" as defined in § 7-501(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. (Ord. #1994-03, May 1994, as replaced by Ord. #09-4, Oct. 2009)

7-505. 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 entrances 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. Additional "No Smoking" signs required to be visible from inside on every side of the tent/building. An inspected and currently tagged portable fire extinguisher within thirty-five feet (35') of any point in the tent/building, and one 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. 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, nor where resin, turpentine, gasoline, or other flammable substance which may generate inflammable vapors is used, stored or sold. All aisles are to be kept free from obstructions at all times. Minimal additional retail is allowed to be stored under retail displays. This additional retail is to be kept enclosed in boxes and

these boxes are not to be in contact with the ground (at least a three inch (3") separation from contact with the ground is required) and retail is not to be stored in any way that rain water or ground moisture can infiltrate the boxes. No additional retail will be allowed to be stored in aisles. Fireworks are not permitted to be stored in residential districts, except for personal use. (Ord. #1994-03, May 1994, as replaced by Ord. #09-4, Oct. 2009)

7-506. Limitations on structures. Retail sales of fireworks is permissible in tents, provided that such tents meet the current adopted International Building Code and the International Fire Code. If tents are not factory labeled, the on-site attendant must have manufacturer documentation assuring the tent is fire retardant. All tents must be professionally installed and secured, are required to have at least two (2) unobstructed entrances. 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. 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. (Ord. #1994-03, May 1994, as replaced by Ord. #09-4, Oct. 2009)

7-507. Location of fireworks outlets. Fireworks sales structures must be no closer than sixty feet (60') from any occupied building and must be located a minimum of forty-five feet (45') from the right-of-way. Fireworks storage and sales are permissible only within the B-1, B-2, B-3, and B-4 Districts, as shown on the Zoning Map of the City of Milan, Tennessee, and shall be subject to all conditions and restrictions contained in the Zoning Ordinance of Milan, Tennessee. (Ord. #1994-03, May 1994, as replaced by Ord. #09-4, Oct. 2009, and Ord. #2018-14, July 2018 *Ch7_6-20-19*)

7-508. Additional standards for fireworks retailers. 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. The applicant is liable for all violations of this chapter by persons under his/her supervision. (as added by Ord. #09-4, Oct. 2009)

7-509. 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, or creates a nuisance insofar as other residences of the neighborhood are concerned. It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the City of Milan Fire Department, except for public (and/or group) displays for which permits have been granted.

It is unlawful for any person less than eighteen (18) years of age to explode, ignite or otherwise use fireworks without being under the direct supervision of an adult. It is unlawful for any person to allow a child less than eighteen (18) years of age to explode, ignite or otherwise use fireworks without being under the direct supervision of an adult. Any person providing supervision of a child less than eighteen (18) years of age in the use of fireworks shall be responsible for compliance with this chapter. (as added by Ord. #09-4, Oct. 2009, and amended by Ord. #10-9, Sept. 2010)

7-510. Limited time period to use fireworks. It is unlawful to discharge or use fireworks except for the following time periods.

(1) June 20 through July 5 - The permissible hours are from 3:00 PM to 10:00 PM, except for July 4 when permissible hours are from 10:00 AM to 11:00 PM.

(2) December 20 through January 2 - The permissible hours are from 3:00 PM to 10:00 PM, except for December 31 when permissible hours are from 10:00 AM to 12:30 AM.

(3) Permissible hours for Special Display or Consumer Fireworks Display permits for special events, as defined in § 7-502 (1)(e), are from 10:00 AM to 10:00 PM Sunday through Thursday, and 10 AM to 11:30 PM Friday through Saturday only for the dates listed on the permit obtained from the City of Milan.

(4) Property owners are required to clean up all fireworks debris from their premises within twenty-four (24) hours of the display. (as added by Ord. #09-4, Oct. 2009)

7-511. Manufacture prohibited. It shall be unlawful for any person, firm, partnership or corporation to manufacture within the corporate limits of Milan, Tennessee pyrotechnics, commonly known as fireworks, of any kind or description. (as added by Ord. #09-4, Oct. 2009)

7-512. 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. #09-4, Oct. 2009)

7-513. 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 pursuant to the provision of the Tennessee Code Annotated, § 68-104-114.

The Codes Director and/or Fire Marshal of the City of Milan is further authorized to seize any contraband and destroy fireworks which do not comply with the provisions defining allowable fireworks contained in this chapter pursuant to the provision of the Tennessee Code Annotated, § 68-104-115. (as added by Ord. #09-4, Oct. 2009)

CHAPTER 6

OPEN BURNING

SECTION

- 7-601. Purpose.
- 7-602. Definitions
- 7-603. Permit required, etc.
- 7-604. Permit application.
- 7-605. Authority to suspend permit/burning.
- 7-606. Compliance with chapter.
- 7-607. Exemptions.
- 7-608. Unauthorized burning prohibited.
- 7-609. Violation and penalty.

7-601. Purpose. The purpose of this chapter is to prevent fires that may be hazardous to life and property, eliminate potentially dangerous accumulations of combustible materials and to assist the city in eliminating unlawful, unnecessary and indiscriminate burning. (as added by Ord. #09-01, May 2009)

7-602. Definitions. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. The work "shall" is always mandatory and not merely directory.

(1) "Contractor" shall mean the primary contractor/builder or subcontractor for a particular construction site for which a building permit has been issued.

(2) "Developer" shall mean the individual or his/her designee that is developing parcel of land for commercial or residential use.

(3) "Fire extinguishing equipment" shall mean an approved ten (10) pound ABC type fire extinguisher, a garden type hose connected to a reliable water supply, or any other equipment approved in writing in advance by the fire chief.

(4) "Open burning" shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney. (as added by Ord. #09-01, May 2009)

7-603. Permit required, etc. (1) No open burning shall be permitted within the City of Milan without a permit, except as provided in § 7-606.

(2) Open burning may be conducted subject to the following limitations with a valid burning permit, issued by the City of Milan at no charge:

(a) To clear land of brush/wood grown on that land where the land is being maintained for the following purposes:

- (i) Establish private residences, consisting of one (1) or two (2) dwelling units;
- (ii) Establish church congregational properties;
- (iii) New site development projects;
- (iv) Agriculture development.

NOTE: Before clearing brush/wood for development the responsible party must notify the fire department to determine the proper site and method for burning.

(3) All such permits shall be available for inspection throughout the period of time the permit is issued and the open burning is in progress.

(4) All open burning shall be between the hours of 8:00 A.M. and 3:30 P.M. or as authorized by the fire department.

(5) All signs of open burning shall be non-existent in the air no later than 4:30 P.M.

NOTE: Materials may not be burned in piles exceeding one hundred forty-four (144) cubic feet, except as designated on new site development projects. (as added by Ord. #09-01, May 2009)

7-604. Permit application. To obtain a permit required by this chapter, the applicant shall obtain a burn permit from the fire department no more than twenty-four (24) hours before the fire, which shall include:

- (1) The type of materials to be burned.
- (2) The location of the fire.
- (3) The individual(s) designated as being responsible for controlling the fire.
- (4) A signed statement by the applicant stating that he or she will follow all outdoor burning regulations contained in this code, that no outdoor burning shall be left unattended or permitted later than one (1) hour after sunset, and that protection against fire spread will be provided in a manner approved by the fire chief or his designee. (as added by Ord. #09-01, May 2009)

7-605. Authority to suspend permit/burning. (1) Regardless of any established permit period, the fire chief or his designee shall have the authority to forbid, restrict or suspend any and all burning or cancel any permit upon determining burning to cause a nuisance, weather or other conditions are unfavorable, or hazardous for outdoor fires.

(2) The fire chief or his designee in granting or denying such permission, shall take into consideration the atmospheric conditions, the site of the proposed burning in relation to proximate structures, the availability of fire suppression equipment at the site, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous. (as added by Ord. #09-01, May 2009)

7-606. Compliance with chapter. (1) The granting of an open burning permit shall in no way relieve the person responsible for such burning from the consequences or the damages, injuries, or claims resulting from such burning, or of the responsibility of obtaining any other permit from any other agency.

(2) A garden hose and water supply or other fire extinguishing equipment must be on hand and a competent person in constant attendance until all fire has been extinguished.

(3) Shall comply with the rules of Tennessee Department of Environment and Conservation Bureau of Environment Division of Air Pollution Control Chapter 1200-3-4 Open Burning.

(4) Developer and/or contractors. Open burning cannot be located closer than fifty feet (50') to any structure. Burning may not be located closer than one hundred feet (100') to any wooded land.

(5) A bon fire may be allowed, with written approval by the fire chief, provided the size does not exceed five feet (5') in height and six feet (6') in base. The bon fire must be supervised by a person twenty-one (21) years or older with approved fire extinguishing equipment. The fire department must be notified at least three (3) days in advance during regular business hours prior to the ignition of a bon fire. If an organization wants to build a bon fire larger than the specifications stated above, a fire apparatus with city firefighters must be arranged to be on site during the ceremony.

(6) Piles exceeding one hundred forty-four (144) cubic feet shall meet additional special requirements as determined by the fire chief taking into consideration the atmospheric conditions, the site of the proposed burning in relation to proximate structures, the availability of fire suppression equipment at the site, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous. (as added by Ord. #09-01, May 2009)

7-607. Exemptions. Burning may be conducted under the following conditions without a burn permit provided that no complete burn ban is issued by the fire department. The responsible party conducting the burning must constantly attend the burning material, and must have an expectable level of fire extinguishing equipment present and knowledgeable in the use of such

(1) Fire used for cooking of food or for ceremonial or recreational purposes, including barbecues, campfires, and outdoor fireplaces or fire pits.

(2) Fires set for the training and instruction of public or private firefighting personnel.

(3) Fires set by or the direction of responsible fire control agencies for the prevention, elimination, or reduction of a fire hazard.

(4) Heating on construction project sites with a valid building permit may be conducted between October 1 and April 15 provided the burning is in a suitable metal fifty-five (55) gallon container with an ash screen in place on top of the container as a spark arrester.

(a) Only untreated wood may be used. This is not to be construed to allow burning of painted or chemically treated wood or garbage, for comfort heating.

(b) Fire extinguishing equipment must be located within five feet (5') of the container.

(c) Fires shall be extinguished when no worker is in attendance.

(d) Fire containers shall be located a minimum of twenty-five feet (25') from any structure or tree. (as added by Ord. #09-01, May 2009)

7-608. Unauthorized burning prohibited. It shall be unlawful to burn any of the following:

- (1) Tires and rubber products;
- (2) Vinyl siding and shingles;
- (3) Asphalt shingles and other asphalt roofing materials and demolition debris;
- (4) Houses and mobile homes;
- (5) Plywood, oriented strand board and treated wood, including railroad ties;
- (6) Asbestos - containing materials;
- (7) Aerosol cans and food cans;
- (8) Copper wire and electrical wires;
- (9) Plastics and other synthetic materials;
- (10) Paper products, cardboard and newspapers;
- (11) Household trash;
- (12) Leaves, evergreen needles, and grasses;
- (13) Branches and trees not grown on site. (as added by Ord. #09-01, May 2009)

7-609. Violation and penalty. The violation of any provision of this chapter is punishable under the general penalty provision of this municipal code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #09-01, May 2009)