

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN LIMITS.
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6. FIRE HYDRANTS.

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 defined and described in the town's zoning ordinance and map as the central business zone.² (1969 Code, § 7-101)

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

²The zoning ordinance and map are of record in the office of the recorder.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations.

7-201. Fire code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,² 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code and is hereafter referred to as the International Fire Code. Pursuant to the requirement of Tennessee Code Annotated, §§ 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #140, Sept. 1987, as replaced by Ord. #199, Feb. 2001, Ord. #233, June 2007, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

7-202. Enforcement. The fire prevention 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. (Ord. #140, Sept. 1987)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Tazewell, Tennessee. (Ord. #140, Sept. 1987)

7-204. Storage of explosives, flammable liquids, etc. (1) The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive

¹Municipal code reference

Building, utility and housing codes: title 12.

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

materials is prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

(2) The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

(3) The limits referred to in § 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

(4) The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire limits as set out in § 7-101 of this code. (Ord. #140, Sept. 1987)

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. (Ord. #140, Sept. 1987)

7-206. Variances. The chief of the fire department may recommend to the governing body variances from the provisions of the fire prevention 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 governing body. (Ord. #140, Sept. 1987)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the 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 governing body of the municipality 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. (Ord. #140, Sept. 1987)

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.
- 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 boards of mayor and aldermen of the Towns of Tazewell and New Tazewell. The appropriations shall be paid over to and administered by a fire department committee composed of five members (two from the Tazewell council, two from the New Tazewell council, and the fire chief) for the exclusive use of the fire department. Council members of the fire department committee shall serve at the will and pleasure of the mayor appointing them. The committee shall provide for its organization, shall adopt its own by-laws, and shall keep complete minutes of all its meetings. All apparatus, equipment and supplies shall be purchased by the fire department committee for the towns, in accordance with the annual budget approved by the boards of mayor and aldermen of Tazewell and New Tazewell, and shall be and remain the joint property of Tazewell and New Tazewell. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the fire department committee shall appoint or authorize. (1969 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. (1969 Code, § 7-302)

¹Municipal code reference

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

7-303. Organization, rules and regulations. The chief of the fire department, subject to the approval of the fire department committee, 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. (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 such written reports on such matters to the fire department committee as the latter may require. The fire department committee shall make such reports to the Boards of Mayor and Aldermen of Tazewell and New Tazewell as the respective boards requires. (1969 Code, § 7-304)

7-305. Tenure and compensation of members. All members of the fire department shall serve only so long as their conduct and efficiency are satisfactory to the fire department committee. They shall receive such compensation for their services as the committee may from time to time prescribe. (1969 Code, § 7-305)

7-306. Chief responsible for training. The chief of the fire department, shall be fully responsible for the training of the firemen and minimum training shall be as prescribed by the fire department committee. (1969 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. (1969 Code, § 7-308)

CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

7-401. Equipment to be used only within corporate limits except when answering a mutual aid agreement call from another agency.

7-401. Equipment to be used only within corporate limits except when answering a mutual aid agreement call from another agency . No equipment of the Tazewell - New Tazewell Fire Department shall be used for fighting any fire outside the corporate limits of either town unless it is to honor an existing mutual aid agreement between the agencies involved. The fire chief is authorized to enter into mutual aid agreement with the immediate surrounding fire departments that does not require more assistance than the Tazewell - New Tazewell Fire Department will receive from the other department. (1969 Code, § 7-307, as replaced by Ord. #193, Aug. 1999)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Purpose.
- 7-502. Definition of terms.
- 7-503. Permits required for sale.
- 7-504. Business licenses required.
- 7-505. Permissible items of fireworks.
- 7-506. Conditions for sale and use of permissible articles.
- 7-507. Public displays - permits - regulations.
- 7-508. Retail sales of permissible articles.
- 7-509. Private use of permissible articles - time limitations - exceptions.
- 7-510. Regulations governing storing, locating, or display of fireworks.
- 7-511. Unlawful acts in the sale and handling of fireworks.
- 7-512. Exceptions to application.
- 7-513. Penalty for violation.
- 7-514. Seizure and destruction of fireworks.
- 7-515. Requirement or compliance with state regulations not effected.

7-501. 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 Tazewell, Tennessee within certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (Ord. #160, Sept. 1991)

7-502. 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 Tazewell 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 of 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, copartnership, or one (1) or more individuals.

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

(9) "Permit", a permit is the written authority of the state fire marshal issued under the authority of Tennessee Code Annotated, §§ 68-104-101--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. (Ord. #160, Sept. 1991)

7-503. 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 Tazewell, except as herein provided, any item of fireworks, without first having secured the required applicable permit from the town fire chief 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 Tazewell, except as herein provided. This provision applies to non-residents as well as residents of the Town of Tazewell.

(1) Prior to engaging in the sale within the Town of Tazewell, Tennessee, or shipment into the Town of Tazewell, of any fireworks each person must make application on forms secured from the town fire chief 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 Tazewell is prohibited, and a violation of this section is unlawful and punishable under the provision of this chapter or the applicable state code.

(3) The decision of the town fire chief 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) years. All permits shall be for the calendar year and any fraction thereof and shall expire on December 31st of each year, two (2) days of grace shall be allowed holder of permits, after the expiration 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 any person.

(4) In addition to the charges for permits authorized to the state fire marshal, the town fire chief is authorized and directed to charge for permits as follows: Wholesaler \$500.00; Retailer \$250.00 for one (1) year permits and deposit these funds in the general funds revenue of the fire department.

(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 fire department fund of the town and shall constitute general revenue. (Ord. #160, Sept. 1991, as amended by Ord. #211, Sept. 2003)

7-504. 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 fire chief shall require each applicant to submit adequate proof of possession of valid firework permits as issued by the state fire marshal. (Ord. #160, Sept. 1991)

7-505. Permissible items of fireworks. It shall be unlawful for an individual, firm, partnership, or corporation to possess, sell, or use within the Town of Tazewell, or ship into the Town of Tazewell except as provided in § 7-506, any pyrotechnics, commonly known as "fireworks", other than the permissible items herein enumerated, except as herein provided. The permissible fireworks consist of ICC class C common fire only, and shall include those items enumerated in Tennessee Code Annotated, § 68-104-108, or which may be enumerated in said section. (Ord. #160, Sept. 1991)

7-506. 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 Tazewell 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. (Ord. #160, Sept. 1991)

7-507. Public displays - permits - regulation. The public display of fireworks within the corporate limits of the Town of Tazewell shall be governed by the provisions of Tennessee Code Annotated, § 68-104-107. Required permits for the controlled, public display of fireworks shall be obtained from the state

fire marshal and also from the town fire chief and the town chief of police. (Ord. #160, Sept. 1991)

7-508. Retail sale of permissible articles. Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be stored and used within the Town of Tazewell, except that 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) or less grains of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the caps when in place for exploding, and toy pistol caps which contain less than twenty-five hundredth (25/100th) grains of explosive compounds, cone, bottles, tube and other type serpentine pop-off novelties, non-poisonous toy snakes, smoke sticks with report and sparklers, the sale and use of is permitted. (Ord. #160, Sept. 1991, as amended by Ord. #211, Sept. 2003)

7-509. 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 Tazewell by private citizens for their personal use and enjoyment during the periods June 20th through July 5th, and from December 10th through January 2nd of each year under the following restrictions.

(1) Permitted fireworks shall not be ignited, exploded, or otherwise used in an 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 six hundred (600) 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 10:00 P.M., daily during the permitted periods.

(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 chief of police, these officials or their authorized representatives are authorized and directed to prohibit said use therein or thereat. (Ord. #160, Sept. 1991)

7-510. Regulations governing storing, locating or display of fireworks. Pricing, 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 and the town chief of police previous to the issuance of any required permits and licenses.

(4) Fireworks may only be sold from a permanent structure or building with the business possessing a Tennessee sales tax permit that is listed as doing business within the corporate limits of the Town of Tazewell. No fireworks will be sold or displayed outdoors or under a tent or any type of temporary structure and a sign will be required to be displayed to read "FIREWORKS MAY ONLY BE IGNITED OR DISCHARGED DURING THE HOURS OF 8:00 A.M. TO 10 P.M. IN THE TOWN OF TAZEWELL." (Ord. #160, Sept. 1991, as amended by Ord. #211, Sept. 2003)

7-511. 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 ten (10) years, or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within six hundred (600) 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. (Ord. #160, Sept. 1991)

7-512. Exceptions to application. Nothing in this chapter shall be constructed 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 or naval forces of the United States, or of 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, and the state fire marshal, after approval of the county agricultural agent of Claiborne 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. (Ord. #160, Sept. 1991)

7-513. Penalty for violation. Notwithstanding any penalty for conviction of any applicable state law or regulation of the State of Tennessee, any individual, firm, partnership, or corporation that violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty dollars (\$20.00), nor more than fifty dollars (\$50.00). Each day that any violation of the provision of this chapter continues shall be a separate triable offense. (Ord. #160, Sept. 1991)

7-514. Seizure and destruction of fireworks. The town fire chief shall seize as contraband, any fireworks other than "Class C Common Fireworks" as defined in § 7-505 hereof, and Tennessee Code Annotated, § 68-104-108, or "Special Fireworks" for public displays as provided in § 7-507 of this chapter, which are sold, displayed, used or possessed in violation of this chapter. The town fire chief is authorized to destroy any fireworks so seized. (Ord. #160, Sept. 1991)

7-515. Requirements or compliance with state regulations not effected. This chapter shall in no wise effect 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 Tazewell in accordance with the applicable state regulations, as augmented by the rules and regulations of the Town of Tazewell. (Ord. #160, Sept. 1991)

CHAPTER 6

FIRE HYDRANTS

SECTION

7-601. Obstruction of fire hydrants.

7-601. Obstruction of fire hydrants. There shall be no parking or standing of motor vehicles, motorcycles, bicycles, refuse containers, or other obstructions within fifteen feet (15') of a fire hydrant. Fire hydrants shall be free from obstructions behind the curb line on all remaining sides by a minimum clearance of three feet (3'). In the event of an obstruction, other than vehicles, the owner, manager, or other person in charge shall be notified immediately to remove the obstruction, except in the case of an emergency situation. If the obstruction is not removed as required by the fire chief, or his designee, he is authorized to cause the obstruction to be removed to the extent necessary to ensure that the hydrant will be adequately discernible and accessible. The cost thereof shall be charged against the property owner or manager using the procedure provided for abatement of nuisances. In the event of an emergency situation, the fire chief, or his designee, shall take all necessary action to provide access to the fire hydrant. Each violation of this ordinance may result in citation to municipal court and a fine in the amount of fifty dollars (\$50.00). Each day a person violates this prohibition shall constitute a separate offense, for which another fifty dollars (\$50.00). Each day a person violates this prohibition shall constitute a separate offense, for which another fifty dollar (\$50.00) fine may be imposed.

NOTE: These code provisions and any ordinance further regulating parking or obstructing fire hydrants, cannot be enforced on private property. The owners of private property are responsible for enforcing their own parking restrictions. The municipality can paint stripes on the ground to identify no parking zones and to deter parking, but the owner will have to enforce the no parking zone. (as added by Ord. #316, Oct. 2017)