

**TITLE 7****FIRE PROTECTION AND FIREWORKS**<sup>1</sup>**CHAPTER**

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

**CHAPTER 1****FIRE CODE****SECTION**

- 7-101. Fire code adopted.
- 7-102. Definition of "municipality."
- 7-103. Gasoline trucks.
- 7-104. Variances.
- 7-105. Violations and penalties.

**7-101. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,<sup>2</sup> 2006 edition, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been filed with the city recorder and is available for public use and inspection. The fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

**7-102. Definition of "municipality."** Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the City of Covington, Tennessee.

**7-103. Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at

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<sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

<sup>2</sup>Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

any time except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline.

**7-104. 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.

**7-105. Violations and penalties.** 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 board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.

## CHAPTER 2

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

#### SECTION

7-201. Establishment, equipment, and membership.

7-202. Objectives.

7-203. Organization, rules, and regulations.

7-204. Records and reports.

7-205. Tenure and compensation of members.

7-206. Chief responsible for training and maintenance.

7-207. Chief to be assistant to state officer.

**7-201. Establishment, equipment, and membership.** There is hereby established a fire department to be supported and equipped from appropriations by the 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 the board of mayor and aldermen shall appoint. (1971 Code, § 7-301)

**7-202. 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. (1971 Code, § 7-302)

**7-203. Organization, rules, and regulations.** The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, under the direction of the board of mayor and aldermen. (1971 Code, § 7-303)

**7-204. Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters

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<sup>1</sup>Municipal 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. (1971 Code, § 7-304)

**7-205. Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to 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. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen.

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. (1971 Code, § 7-305)

**7-206. 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 consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1971 Code, § 7-306)

**7-207. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1971 Code, § 7-308)

## CHAPTER 3

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

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

7-302. Rural fire service to subscribers.

**7-301. Equipment to be used only within corporate limits generally.** No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city property or, in the opinion of the mayor or 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. (1971 Code, § 7-307)

**7-302. Rural fire service to subscribers.** (1) Definitions. As used in this section, the words and terms, as the case may be, shall have definitions as follows:

(a) "City" is the City of Covington, Tennessee.

(b) "Insurance agent" is a person, corporation, partnership or other business entity duly licensed to engage in the insurance business as an agent or broker in Tennessee, and who contracts with the city to pay, for his insured, the sum of five hundred dollars (\$500.00) and payment of which shall be guaranteed by a security bond acceptable to the city.

(c) "Rural fire service" is a fire protection and/or fire fighting service available to subscribers outside the city which service shall be available to a subscriber is in the unlimited discretion of the mayor, the fire chief or the ranking officer on duty in the fire department, fire fighting personnel and/or equipment are not needed to serve the needs of the citizens of Covington and/or have not been dispatched to service other calls or fires in other areas outside of Covington.

(d) "Subscriber" is a person, corporation, partnership or other legal entity who shall have primary liability to the city for the payment of fees and charges for fire calls and who contracts with the city, pays the annual fees, and provides insurance or a bond for payment of fire calls or makes a cash deposit of five hundred dollars (\$500.00) for one (1) commercial or one (1) residential building and accessory buildings to the primary structure, and motor vehicles if they endanger the building of the subscriber and are located within a five (5) mile radius of the city limits of Covington.

(e) "Surety bond" is insurance or a bond executed by a corporate surety or insurer which is authorized to do business in Tennessee and which is acceptable to the city.

(2) Subscription fees, etc. (a) The city will furnish rural fire service, as defined herein, to a subscriber upon payment of a non refundable fee of fifty dollars (\$50.00) per annum in advance commencing on January 1. There will be no prorations of an annual fee paid after January 1<sup>st</sup> of any year.

(b) The subscriber shall guarantee the payment of five hundred dollars (\$500.00) for each fire call in the following manner:

(i) Execute a subscription contract which shall include a certification by an insurance agent, accompanied by a corporate surety bond that five hundred dollars (\$500.00) shall be paid for each fire call made to a subscriber until the bond is canceled or terminated and receipt of notice of cancellation or termination has been acknowledged in writing by the city.

(ii) In the alternative the subscriber may deposit the sum of five hundred dollars (\$500.00) cash with the city and receive one (1) rural fire service call.

(3) Tipton County fire call. The city will respond to fire calls at no cost made by the County of Tipton involving its property and the Tennessee State Highway Patrol in cases of highway accidents involving the safety of persons or damage to state property.

(4) Fees and charges paid to general funds. The fees and charges for rural fire service shall be paid to the general fund of the city and shall be used solely and exclusively to operate and buy equipment for the fire department.

(5) Equipment. The fire chief shall make recommendations to the board of mayor and aldermen for use of rural fire equipment funds for the purchase, maintenance, and operation of any apparatus or equipment needed for the fire department. (Ord. #1408, Dec. 1996, modified)

## CHAPTER 4

### FIREWORKS

#### SECTION

- 7-401. Definitions.
- 7-402. Permits and permit fees.
- 7-403. Permit revocation.
- 7-404. Permissible fireworks.
- 7-405. Storing and structures.
- 7-406. Limitations on structures.
- 7-407. Location of fireworks outlets.
- 7-408. Parking for retail fireworks sales site.
- 7-409. Additional standards for fireworks retailers.
- 7-410. Unlawful sale to certain children and other persons; unlawful use of fireworks.
- 7-411. Limited time period to use fireworks.
- 7-412. Exemptions.
- 7-413. Violations and penalty.

**7-401. Definitions.** (1) As used in this chapter, unless the content otherwise requires:

(a) "Combustible material" means a substance that can be burned to provide heat or power.

(b) "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:

(i) As referenced in the currently adopted fire codes.

(ii) 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 C.F.R. 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 mixture of sulfur, charcoal, saltpeter are not considered as designed to produce audible effects.

(c) "Mobile retailer" means a vendor operating from motor vehicles, trailers, bicycles, or motorbikes.

(d) "Permit" means the written authority of the City of Covington issued under the authority of this section.

(e) "Person" means any individual, firm, partnership, or corporation.

(f) "Retailer" means any person engaged in the business of making retail sales of fireworks to the general public.

(g) "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, copartnership, or one (1) or more individual(s).

(h) "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. #1599, Nov. 2009)

**7-402. Permits and permit fees.** (1) It is unlawful for any person to sell or to offer for sale in the City of Covington any item of fireworks without first having secured a state fire marshal permit and a permit issued by the City of Covington.

(a) Permits are not transferable.

(b) A permit to sell fireworks to the general public is valid only from June 20 through July 5 or December 10 through January 2.

(c) The permit fee for retail permits is fifty dollars (\$50.00) for the summer period and fifty dollars (\$50.00) for the winter period.

(2) A permit to sell fireworks in the City of Covington must be obtained at least two (2) weeks prior to the date on which the applicant begins making sales. Each application shall contain the following:

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

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

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

(d) The applicant is liable for all violations of this chapter by persons under his/her supervision.

(3) For a state permit to be obtained by a retailer, the mayor or his or her designee must sign on 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) A site plan must be submitted that includes the dimensions of the lot, size and location of structure, setback of structure from the right-of-way, location of other structures in the area that are occupied, location and number

of parking places, location of any nearby residences, location of the nearest fuel outlets, and location of other fireworks outlets if located within seven hundred fifty feet (750') of a retail structure.

(6) Mobile vendors are not permitted.

(7) Signage shall conform to current codes.

(8) The application must contain evidence that general liability insurance has been obtained by applicant naming the City of Covington as additional insured for at least one million dollars (\$1,000,000.00) for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage liability combined.

(9) 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.

(10) Applicant shall pay one hundred dollars (\$100.00) cleanup deposit per location, which shall be refunded after the fireworks season or used by the city to clean up the retail fireworks site if needed.

(11) After the application has been submitted and approved, the city building inspector, fire inspector, and state electrical inspector (fire inspector and electrical inspector must also inspect by law/ordinance) shall inspect the site for compliance with applicable codes and ordinances. (Ord. #1599, Nov. 2009, as amended by Ord. #1610-1, Feb. 2011)

**7-403. Permit revocation.** (1) The City of Covington may revoke any permit upon failure of retailer to correct any of the following conditions within thirty-six (36) hours after the building official gives written notice.

(a) When the permittee or the permittee's operator violates any lawful rule, regulation, or order of the city building official.

(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.

(2) When any activities of the permittee constitute a distinct hazard to life or property, the building inspector and/or fire inspector, may revoke the permit immediately. (Ord. #1599, Nov. 2009)

**7-404. Permissible fireworks.** (1) It is unlawful for any individual, firm, partnership, or corporation to sell or use within the City of Covington, except as provided in this chapter, any fireworks as defined in § 7-401(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 as defined in the fire code must be under the control of a licensed pyrotechnics technician. (Ord. #1599, Nov. 2009)

**7-405. 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 places 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. An inspected and currently tagged fire extinguisher with a minimum 2A rating and one (1) 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. Fireworks are not permitted to be stored in residential districts, except for personal use. (Ord. #1599, Nov. 2009)

**7-406. Limitations on structures.** Retail structures including tents meeting the current adopted fire code, building code and Life Safety Code (NFPA 101), and electrical code may be used for the retail sale of fireworks. 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. No structure from which fireworks are sold may exceed three thousand two hundred (3,200) square feet. 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. #1599, Nov. 2009)

**7-407. Location of fireworks outlets.** Fireworks sales structures must be no closer than sixty feet (60') from any occupied building. Fireworks sales are permissible only on commercial/industrial property as approved by the planning department and the sales structure must be located a minimum of forty-five feet (45') from the right-of-way. Any fireworks sales structure must be at least one hundred fifty feet (150') from a residence. (Ord. #1599, Nov. 2009)

**7-408. Parking for retail fireworks sales site.** (1) The site for a fireworks retailer shall be improved to provide at least twelve (12) graveled or paved parking places for off street customer parking.

(2) The retail fireworks site must provide for an on-site turn-around area so that backing of vehicles onto the street will not be necessary.

(3) The parking area must be large enough and constructed so as to accommodate a fire truck as spelled out in NFPA 1124 7.3.4. (Ord. #1599, Nov. 2009)

**7-409. Additional standards for fireworks retailers.** (1) 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 combustible material.

(2) The parcel on which fireworks retail sales is proposed shall be a minimum of seven hundred fifty feet (750') from other similar uses. This distance shall be measured in a straight line from structure to structure. Priority shall be given to the retailer who obtained a permit the previous year at the same location. (Ord. #1599, Nov. 2009)

**7-410. Unlawful sale to certain children and other persons; unlawful use of fireworks.** (1) 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.

(2) 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 three hundred feet (300') of where fireworks are stored, sold, or offered for sale.

(3) It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle.

(4) 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.

(5) It is unlawful to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property.

(6) It is unlawful to launch fireworks onto property of persons who have not given permission.

(7) It is unlawful to use fireworks at times, places, or in any manner that endangers other persons.

(8) It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the City of Covington Fire Department, except for public (and/or group) displays for which permits have been granted. (Ord. #1599, Nov. 2009)

**7-411. 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. (Ord. #1599, Nov. 2009)

**7-412. Violations and penalty.** Violations of any provision of this chapter shall be subject to a penalty of up to fifty dollars (\$50.00) per violation. (Ord. #1599, Nov. 2009)