

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be congruent with the City of Lawrenceburg corporate limits. (1999 Code, § 7-101, modified)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

7-201. [Deleted.]

7-202. Enforcement.

7-203. Definitions.

7-204. Storage and transportation of explosives, flammable liquids, etc.

7-205. Modifications.

7-206. Appeals.

7-207. New materials, processes or occupancies which may require permits.

7-208. Violations and penalties.

7-201. [Deleted.] (1999 Code, § 7-201, as amended by Ord. #955, July 2002, and Ord. #991, April 2005, and deleted by Ord. #1142, Aug. 2014)

7-202. Enforcement. (1) The fire prevention codes herein adopted by reference shall be enforced by the Lawrenceburg Codes Department of the city which shall be operated under the director of codes enforcement or his designee.

(2) There is established the office of fire inspector. The fire inspector shall be supervised by and report to the director of codes department and shall inspect all commercial and industrial property at least bi-annually; shall make recommendations for strict compliance of the fire prevention codes; shall keep and maintain permanent records of his inspections; shall keep the director of codes department informed of the results of all inspections; shall inform owners of property inspected of non-compliance by registered or certified mail; shall aid the director of codes department in enforcement of the fire prevention codes; shall notify the director of codes department of flagrant violations potential high hazard fire fighter safety issues; and shall file an annual report with the director of codes department.

(3) An annual report from the director of codes department shall be made and transmitted to the city administrator; it shall contain all proceedings under this code, with such statistics as the chief of the fire department may wish to include therein; the chief of the fire department shall also recommend any amendments to the code which, in his judgment, shall be desirable. (1999 Code, § 7-202, modified, and amended by Ord. #1142, Aug. 2014)

¹Municipal code reference

Building, utility and housing codes: title 12.

7-203. Definitions. (1) Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Lawrenceburg, Tennessee.

(2) Wherever the term "corporation counsel" is used in the fire prevention code, it shall be held to mean the Attorney for the City of Lawrenceburg.

(3) Wherever the term "chief of the fire department" is used in the fire prevention codes, it shall be held to mean the Fire Chief for the City of Lawrenceburg.

(4) The term "fire inspector" shall be held to mean the person charged with the responsibility of conducting bi-annual inspections of commercial and industrial property within the City of Lawrenceburg, Tennessee. (1999 Code, § 7-203, modified)

7-204. Storage and transportation of explosives, flammable liquids, etc. (1) The routes referred to in § 1903.2 of the standard fire prevention code or adopted NFPA codes for vehicles transporting explosives and blasting agents are hereby established upon authority of the chief of police.

(2) The routes referred to in § 2201.1.2 of the standard fire prevention code or adopted NFPA codes for vehicles transporting hazardous chemical and other dangerous articles are hereby established upon authority of chief of police and chief of fire department. (1999 Code, § 7-204, as amended by Ord. #1142, Aug. 2014)

7-205. Modifications. (1) The Board of Mayor and Council shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, 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 modification when granted or allowed and the decision or the Board of Mayor and Council thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

(2) When reference is made to the duties of a certain official named therein, that designated official of the City of Lawrenceburg, County of Lawrence, Tennessee who has duties corresponding to those of the named official in the fire code shall be deemed to by the responsible official insofar as enforcing the provisions of the fire code.

(3) Any matters in the Standard Fire Prevention Code, National Fire Code, and Life Safety Code which are contrary to existing ordinances of the City of Lawrenceburg, County of Lawrence, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1999 Code, § 7-205, as amended by Ord. #955, July 2002, modified, and Ord. #1142, Aug. 2014)

7-206. Appeals. Whenever the fire inspector shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the fire inspector to the Board of Mayor and Council within 30 days from the date of the decision appeared. (1999 Code, § 7-206, modified, and amended by Ord. #1142, Aug. 2014)

7-207. New materials, processes or occupancies which may require permits. The city administrator and the director of codes enforcement shall act as a committee to determine and specify, after giving affected persons any opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The director of codes enforcement shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (1999 Code, § 7-207, modified, and amended by Ord. #1142, Aug. 2014)

7-208. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code, the National Fire Code, or the Life Safety Codes 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 Council 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. (1999 Code, § 7-208, modified, and amended by Ord. #1091, March 2012, and Ord. #1142, Aug. 2014)

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. Discipline 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 of the Board of Mayor and Council. Any funds raised or gifts received by the fire department as a whole, or by any individual or group of firemen in the name of the fire department, shall be turned over to and become the property of, the city and the city shall use such funds in the equipping of the fire department. All other apparatus, equipment, and supplies of the fire department 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 recommended by the city administrator and appointed by the Board of Mayor and Council, pursuant to Article V, Section C of the city's charter, and such number of physically-fit subordinate officers and firemen as the city administrator shall appoint. ² (1999 Code, § 7-301, modified, and amended by Ord. #1091, March 2012)

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 and medical work as its equipment and/or the training of its personnel makes practicable. (1999 Code, § 7-302, modified)

¹Municipal code reference

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

²Charter reference

City administrator; Powers and duties: art. V, § C.

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, under the direction and guidance of the city administrator. The chief shall make definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, with the concurrence and approval of the city administrator. The fire chief will make reports as required and necessary to the city administrator regarding the organization, manning and operating regulations of the City of Lawrenceburg Fire Department.¹ (1999 Code, § 7-303, modified)

7-304. Records and reports. The chief of the fire department or his designee shall keep adequate records of all fires, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the city administrator as he so requires.¹ The city administrator shall submit a report on those matters to the Board of Mayor and Council as they may require. (1999 Code, § 7-304, modified, and amended by Ord. #1091, March 2012, and Ord. #1142, Aug. 2014)

7-305. Discipline of members. The chief of the fire department shall have the authority to suspend any member of the fire department when he deems such action to be necessary for the good of the department, pursuant to the provisions of the Personnel Rules and Regulations of the City of Lawrenceburg. The chief may be suspended pursuant to the provisions of the Personnel Rules and Regulations of the City of Lawrenceburg. (1999 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 firefighters and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the city administrator. (1999 Code, § 7-306, modified)

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 Insurance and is subject to all the duties and obligations and 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. (1999 Code, § 7-307)

¹Municipal code reference

Annual report of fire chief: § 7-202(3).

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Purpose.
- 7-402. Definition of terms.
- 7-403. Manufacture prohibited.
- 7-404. Permits required, storage, sale and use restricted.
- 7-405. Permit fee.
- 7-406. Business and privilege licenses required.
- 7-407. Permissible type of fireworks.
- 7-408. Conditions for sale and use of permissible items.
- 7-409. Retail sale of permissible items--time limitations--exceptions.
- 7-410. Public displays--permits--regulation.
- 7-411. Regulations governing storing, locating or display of fireworks.
- 7-412. Unlawful acts in the sale, handling or private use of fireworks.
- 7-413. Seizure and destruction of fireworks.
- 7-414. Penalty for violation.
- 7-415. Exceptions to application.

7-401. Purpose. The purpose of this chapter is to provide for the sale, display and use of certain fireworks for both private and public display within the corporate limits of the City of Lawrenceburg, Tennessee, within certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (Ord. #940, July 2001)

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

(1) "Distributor" means 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 retailer, wholesaler, or any person who receives, brings or imports any fireworks of any kind, in any manner into the City of Lawrenceburg, except to a holder of a manufacturer's distributor's or wholesaler's permit issued by the state fire marshal and the Lawrenceburg Codes Department;

(2) "D.O.T. Class 1.4 common fireworks" means all articles of fireworks as are now or hereafter classified as "D.O.T. Class 1.4 common fireworks" in the regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles;

(3) "Manufacturer" means any person engaged in the making, manufacture or construction of fireworks of any kind within the City of Lawrenceburg;

(4) "Permit" means the written authority of the Lawrenceburg Codes Department issued under the authority of this chapter;

(5) "Person" means any individual, firm, partnership, corporation, LLC or LLP, or any other entity;

(6) "Retailer" means any person engaged in the business of making retail sales of fireworks at specified times during the year as provided herein;

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

(8) "Special fireworks" means all articles of fireworks that are classified as Class 1.3 explosives in the regulations of the United States Department of Transportation and includes all articles other than those classified as Class 1.4. (Ord. #940, July 2001, as amended by Ord. #1142, Aug. 2014)

7-403. Manufacture prohibited. It shall be unlawful for any person, as defined herein, to manufacture within the corporate limits of Lawrenceburg, pyrotechnics, commonly known as fireworks, of any kind or description. (1999 Code, § 7-403)

7-404. Permits required, storage, sale and use restricted. It shall be unlawful for any person, as defined herein, to store or sell in, or ship into, the corporate limits of Lawrenceburg, any pyrotechnics, commonly known as fireworks, except those fireworks classed as permissible fireworks in Tennessee Code Annotated, § 68-104-108. The storage and sale of permissible fireworks shall be subject to the following restrictions:

(1) Any person, as defined herein, desiring to store and/or sell fireworks within the corporate limits of Lawrenceburg shall make application for a permit to do so on forms provided for that purpose. The application shall be accompanied by a fee of one hundred dollars (\$100.00) the fee split between the codes department and the fire department.

The application shall include the name of the person making the application, the person, as defined herein, he represents, the business address of both the applicant and the person he represents, the address and description of the premises where the storage and/or the sale of fireworks is contemplated and any other information the fire inspector deems pertinent to aid in the investigation of the application.

The application shall be referred to the Lawrenceburg Fire Inspector who shall interview the applicant and inspect the premises in which the storage and/or sale of fireworks is contemplated and make whatever additional investigation of the applicant or premises he deems appropriate to insure that the premises and its operation by the applicant will not constitute a fire, explosion or similar safety hazard. The fire inspector shall make a determination which shall indicate whether the application is approved or denied and shall clearly state the reasons for denial, if applicable. The report may also indicate a qualified approval based on authority which the fire inspector shall have to impose reasonable restrictions on the applicant and/or premises.

If the fire inspector approves the application the permit shall be issued. If the fire inspector's approval is qualified, the restrictions and conditions imposed by the fire inspector upon the applicant and/or premises shall be stated in writing in the permit. The permit shall not be transferable to any other person, as defined herein, or on any other premises or location. (1999 Code, § 7-404, as amended by Ord. #1142, Aug. 2014)

7-405. Permit fee. The permit fee for the permit provided in § 7-403 of this chapter shall be fifty dollars (\$50.00) and the permit shall be valid for twelve (12) months. The permit and fee may change from time to time through resolution. However, the Board of Mayor and Council of Lawrenceburg may in its discretion waive the permit fee for any non-profit organization requesting the permit. (1999 Code, § 7-405, modified, and amended by Ord. #1091, March 2012)

7-406. Business and privilege licenses required. The issuance of permits provided for herein shall not replace or relieve any person of state, county or municipal business and privilege licenses as now or hereafter provided by law. (1999 Code, § 7-406)

7-407. Permissible type of fireworks. It is unlawful for any person as defined herein to possess, sell or use within the City of Lawrenceburg, or ship into the City of Lawrenceburg, except as provided in this chapter, any pyrotechnics commonly known as "fireworks" other than the following permissible items:

(1) Those items now or hereafter classified as D.O.T. Class 1.4 common fireworks; or

(2) 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. (1999 Code, § 7-407)

7-408. Conditions for sale and use of permissible items. No permissible articles of common fireworks shall be sold, offered for sale, or possessed within the City of Lawrenceburg, or used within the city, except as herein provided unless it is properly named to conform to the nomenclature and unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container "D.O.T. Class 1.4 common fireworks," such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public. (1999 Code, § 7-408)

7-409. Retail sale of permissible items--time limitations--exceptions. Permissible articles of fireworks may be sold at retail in the City of Lawrenceburg and used within the City of Lawrenceburg from June 20th through July 5th, and December 10th through December 31st and January 1st and 2nd of each year only, except that "fireworks" do not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty five one-hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five one-hundredths (25/100) grains of explosive compounds, cone, bottle, tube, or other type serpentine pop-off novelties, model rockets, wire sparklers, containing not over one hundred (100) grams of composition per item (sparklers containing chlorate or perchlorate salts may not exceed five (5) grams of composition per item), emergency flares, matches, trick matches, and cigarette loads, the sale and use of which shall be permitted at all times. (1999 Code, § 7-409)

7-410. Public displays--permits--regulation. Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the City of Lawrenceburg shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulation or the United States Department of Transportation as "Class 1.3 special fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be

performed only under competent supervision, and after the persons or organizations making such displays shall have received written approval from the Lawrenceburg Codes Department, and applied for and received a permit for such displays issued by the state fire marshal and from the City of Lawrenceburg Codes Department. Applicants for permits for such public displays shall be made in writing and shall show that the proposed display is to be so located and supervised that it is not hazardous to property and that it shall not endanger human lives. Possession of special fireworks for re-sale to holders of a permit for public fireworks display shall be confined to holders of a distributors permit only.

Permit fees for public display provided for in this section shall be four hundred dollars (\$400.00) but the fee may be waived at the discretion of the Board of Mayor and Council for any non-profit organization requesting the permit. (1999 Code, § 7-410, as amended by Ord. #1091, March 2012, and Ord. #1142, Aug. 2014)

7-411. Regulations governing storing, locating or display of fireworks. (1) Placing, storing, locating or displaying 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 ten (10) 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" in letters not less than four (4) inches high. No fireworks shall be sold at retail at any location where paints, oils, or varnishes are for sale or use, unless such paints, oils or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property.

(2) All firework devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety-type thread-wrapped and coated fuses shall be exempt from this provision. (1999 Code, § 7-411)

7-412. Unlawful acts in the sale, handling or private use of fireworks. (1) It is unlawful to:

(a) 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;

(b) Explode or ignite fireworks within six hundred feet (600') of any church, hospital, funeral home, school, industrial complex, fuel distribution center, commercial lumber yard, property of the City of

Lawrenceburg, or in the City of Lawrenceburg downtown business areas, or within two hundred feet (200') of where fireworks are stored, sold or offered for sale;

(c) 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 motor vehicle, or at or near any person or group of people.

(2) All items of fireworks which exceed the limits of D.O.T. Class 1.4 common fireworks as to explosive composition, such items being commonly referred to as "illegal ground salutes" designed to produce an audible effect, are expressly prohibited from shipment into, manufacture, possession, sale or use within the City of Lawrenceburg for any purpose. This subsection shall not affect display fireworks authorized by this chapter. (1999 Code, § 7-412)

7-413. Seizure and destruction of fireworks. (1) The Lawrenceburg Codes Department shall seize as contraband any fireworks other than "Class 1.4 common fireworks" or "special fireworks" for public displays which are sold, displayed, used or possessed in violation of this chapter.

(2) Before any seized fireworks may be destroyed:

(a) If the owner of such seized fireworks is known, the Lawrenceburg Codes Department shall give notice by certified mail or personal service to such owner, of the codes department's intention to destroy such seized materials. Such notice shall inform the owner of the owner's right to a hearing. Upon the request of the owner, the codes department shall conduct an appropriate contested case hearing concerning such destruction of fireworks in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

(b) If the identity of the owner of any seized fireworks is not known to the Lawrenceburg Codes Department, the codes department personnel shall cause to be published, in a newspaper of general circulation in the county wherein the seizure was made, notice of such seizure, and the codes department's intention to destroy such fireworks. The notice shall be published once and if no person claims ownership of the fireworks within ten (10) days of the date of the publication, the Lawrenceburg Codes Department may proceed to destroy the fireworks. If the owner does claim the fireworks within the time specified, a hearing as set out in this subsection shall be held. (1999 Code, § 7-413, as amended by Ord. #1142, Aug. 2014)

7-414. Penalty for violation. Any person as defined herein that violates any provision of this chapter, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not to exceed state authorized limits. In addition, the Lawrenceburg Codes Department may refuse to issue another permit to the holder of a permit so convicted for a period not to exceed three (3) years. (1999 Code, § 7-414, modified, and amended by Ord. #1142, Aug. 2014)

7-415. Exceptions to application. (1) Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or navel forces of the United States, or the State of Tennessee or to peace officers, 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 first secures a written permit to purchase and use fireworks for agricultural purposes only from the state fire marshal, and after approval of the county agricultural agent of the county in which the fireworks are to be used and the fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the City of Lawrenceburg.

(2) Further exempt are fireworks and/or fireworks displays that might be other than the use of Class 1.4 common fireworks when used solely for a public exhibition of such items either when displayed or discharged. (1999 Code, § 7-415)