

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS PROVISIONS

SECTION

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7-101. Fire districts. The City of Manchester is hereby divided into five (5) fire districts which are designated as follows: Central Business District, Intermediate Business District, Industrial District, High Density Residential District and Low Density Residential District.

The "Fire District Map of the City of Manchester," of record in the finance director's office, sets forth the description and limits of each of the five (5) fire districts and the same is hereby adopted by reference and made a part of this chapter. (1972 Code, § 7-101, as amended by Ord. #808, Jan. 1998)

7-102. Specific provisions applicable in the several fire districts. There shall be no burning of rubbish, trash, leaves, pine needles, pine cones or other material in the various fire districts, except as hereinafter provided.

(1) Central business district. There shall be no burning of any refuse material of any kind. All disposal of refuse shall be by the city's refuse collection service or by the producer of such refuse.

(2) Intermediate business and industrial districts. No person shall burn or cause to be burned any refuse material of any kind except in a fireproof

¹Municipal code reference

Building, utility and housing codes: title 12.

container constructed of heavy wire or sheet metal with the openings in the mesh not greater than one (1) square inch or in other type fireproof containers approved by the fire chief. No fire shall be nearer than twenty-five (25) feet from any building or structure.

(3) High density residential and low density residential districts. No person shall burn or cause to be burned any refuse material of any kind, except natural wood products or vegetation, leaves, grass or weeds, as regulated by municipal code § 7-105. (1972 Code, § 7-102, as replaced by Ord. #967, Feb. 2002)

7-103. Fires in streets, etc., prohibited. No person shall make any bonfire or burn any grass, leaves, or refuse material whatever on the streets or in the area between the sidewalk and curb. (1972 Code, § 7-103)

7-104. Supervision and control of fires. No person shall make or cause to be made any fire of any kind in the open within the City of Manchester unless he keeps such fire under the direct and constant supervision of some competent person; nor shall any person making or setting any fire allow the fire to become so large or so intense that it is not within the complete control of the person supervising the same; nor shall any person allow any fire to injure or damage any structure, shrubbery, tree, or hedge. (1972 Code, § 7-104)

7-105. Permit required for grass fires. No person shall set or cause to be set any fire commonly known as a grass fire for the purpose of burning off vegetation, leaves, grass, or weeds on any lot or parcel of ground within the city, unless he shall first obtain from the fire chief or his duly authorized representative a permit for such fire.

Any person desiring a grass fire permit shall file an application therefor with the fire chief. The application shall set forth the area to be burned, the type vegetation contained thereon, the security measures that will be taken to prevent the fire from spreading, and the name of the person who will supervise the fire.

The fire chief shall have the application investigated and if he finds that such fire will not unreasonably endanger property or life he shall issue the permit subject to such reasonable conditions as he may specify. (1972 Code, § 7-105)

7-106. Bonfires, etc., prohibited at night. No person shall make any bonfire or burn any grass, leaves, or refuse whatever between the hours of sunset and sunrise. (1972 Code, § 7-106)

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
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7-201. 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,² 2012 edition, including Appendices B and C, is hereby adopted by reference and included as a part of this code, and is hereafter referred to as the fire prevention code. (1972 Code, § 7-201, as amended by Ord. #821, May 1998, Ord. #1250, Nov. 2009, and Ord. #1544, Dec. 2017)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department or his designee. The enforcement power of this section is non-exclusive. The health and codes administrator or his designee may also enforce any code adopted by this section. (1972 Code, § 7-202, as amended by Ord. #1250, Nov. 2009)

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 City of Manchester, Tennessee. (1972 Code, § 7-203)

7-204. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business or residential district at any time except

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.

for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1972 Code, § 7-205)

7-205. 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. (1972 Code, § 7-206)

7-206. Appeals. Any person aggrieved by any decision of the chief of the fire department in construing, interpreting, applying, modifying, or enforcing the provisions of the fire prevention code may, within thirty (30) days from the date of such decision, appeal to the board of mayor and aldermen. Such appeal shall be filed with the chief of the fire department and with the finance director. (1972 Code, § 7-207, as amended by Ord. #808, Jan. 1998)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code hereby 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. (1972 Code, § 7-208)

7-208. Transportation, shipment and underground storage of hazardous materials. (1) No person shall ship or transport into, within, through or out of the city and hazardous materials contrary to the applicable federal regulations of the United States Department of Transportation or applicable state regulations of the Tennessee Department of Transportation, or the Tennessee Public Service Commission in effect at the date of shipment or transport.

(2) No person shall bury or cause to be buried any underground storage container or tank designed to be used for the storage of any toxic or flammable material without the inspection and approval of the fire chief or his designated representative. The fire chief or emergency management office shall be notified prior to removal of any such containers or tanks presently buried within the city limits and shall be inspected upon removal to determine if

leakage shall have occurred. Any contamination of soil or ground water from leaking underground storage tanks shall be the responsibility of the tank owner, and clean up must satisfy the requirements of the applicable state and federal agencies. (1972 Code, § 7-209)

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.
- 7-308. Residency of firemen.
- 7-309. Firemen to enforce fire and parking codes.
- 7-310. Violations and penalty.

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 of the city. 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. (1972 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. (1972 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. (1972 Code, § 7-303)

¹Municipal code reference

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

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the safety committee once each month, and at the end of the year a detailed annual report shall be made. (1972 Code, § 7-304)

7-305. 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.

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. (1972 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 the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1972 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. (1972 Code, § 7-308)

7-308. Residency of firemen. All firemen employed by the City of Manchester, Tennessee shall reside within one hundred (100) miles of a City of Manchester fire station as a condition of their employment. (1972 Code, § 7-309, as replaced by Ord. #1562, Oct. 2018 *Ch20_5-7-19*)

7-309. Firemen to enforce fire and parking codes. Firemen employed by the City of Manchester shall issue a written citation to any person they determine to have violated any provision of Title 7, Chapters 1, 2, or 5 or Title 15, Chapter 6 of the Manchester Municipal Code, in their presence. The citation shall contain a notice to answer the charge in the city court at a specified time, and require the written promise of the alleged violator to answer as specified in the citation. (as added by Ord. #911, Jan. 2001)

7-310. Violations and penalty. Any violation of the provisions of Title 7 of the Manchester Municipal Code shall be a civil offense punishable in accordance with municipal code § 15-705. (as added by Ord. #911, Jan. 2000)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Equipment to be used only within corporate limits except as otherwise authorized.

7-401. Equipment to be used only within corporate limits except as otherwise authorized. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless expressly authorized by the board of mayor and aldermen in writing or unless the equipment is specifically requested by the ranking officer of another municipal fire department, a Coffee County rural volunteer fire department or the Arnold Engineering Development Center Fire Department, and if so requested, the equipment shall be used on an "as available" basis and in the discretion of the fire chief or in his absence, the ranking fire officer, and if so used, the City of Manchester shall have the right to refuse to send said equipment or to withdraw its equipment in the event that equipment is needed within the corporate limits for the purpose of fighting any fire. (1972 Code, § 7-307)

CHAPTER 5

PYROTECHNICS

SECTION

- 7-501. Permits; necessity; regulations; display; nontransferable.
- 7-502. Business licenses not replaced by permit.
- 7-503. Permit fee; duration of permit.
- 7-504. Permissible items of fireworks.
- 7-505. Retail sale of permissible articles; time limitations; exceptions.
- 7-506. Public displays.
- 7-507. Storage, location and display of fireworks; protection of fuses.
- 7-508. Unlawful acts in the sale and handling of fireworks.
- 7-509. Conditions for sale and use of permissible articles.
- 7-510. Seizure and destruction of fireworks.
- 7-511. Penalty for violation.

7-501. Permits; necessity; regulations; display; nontransferable.

It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into the City of Manchester, except as herein provided any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler, or retailer, from both the City of Manchester Codes and Health Department and the state fire marshal possession of said permits being hereby made a condition prerequisite to manufacturing, selling or offering for sale, shipping or causing to be shipped any fireworks into the City of Manchester, except as herein provided. Permits are not transferable. (Ord. #823, June 1998, as amended by Ord. #1141, July 2006)

7-502. Business licenses not replaced by permit. The issuance of the permit herein required by the codes and health department shall not replace or relieve by any person, state, county or municipal business licenses as now or hereafter provided by law. (Ord. #823, June 1998, as amended by Ord. #1141, July 2006)

7-503. Permit fee; duration of permit. The permit fee for the permit provided for in § 7-501 shall be five hundred dollars (\$500.00) and the permit shall be valid for twelve (12) months. Any religious organization which has obtained tax exempt status pursuant to 26 U.S.C. 501(c)(3) or is otherwise exempt from taxation shall be exempt from the fee required by this section provided the manufacturing and/or selling operation is conducted only by the members of said organization and all proceeds inure to the benefit of said organization. (Ord. #823, June 1998, as amended by Ord. #1310, Sept. 2011)

7-504. Permissible items of fireworks. It shall be unlawful for an individual, firm, partnership or corporation to possess, sell or use, within the City of Manchester, except as provided for in § 7-506, any pyrotechnics, commonly know as "fireworks" other than the permissible items herein enumerated, except as herein provided. The permissible fireworks consist of ICC class C common fireworks only, and shall include the following:

(1) Roman candles, not exceeding ten (10) balls spaced uniformly in the tube, total pyrotechnic composition not to exceed twenty (20) grams each in weight. The inside tube diameter shall not exceed three-eighths (3/8) inch.

(2) Sky rockets, with sticks, total pyrotechnic composition not to exceed twenty (20) grams each in weight. The inside tube diameter shall not exceed one-half (1/2) inch. The rocket sticks must be securely fastened to the tubes.

(3) Helicopter-type rockets, total pyrotechnic composition not to exceed twenty (20) grams in weight. The inside tube diameter shall not exceed one-half (1/2) inch.

(4) Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five (75) grams in weight. The inside tube diameter shall not exceed three-fourths (3/4) inch.

(5) Cone fountains, total pyrotechnic composition not to exceed fifty (50) grams each in weight.

(6) Wheels, total pyrotechnic composition not to exceed sixty (60) grams for each driver unit or two hundred and forty (240) grams for each complete wheel. The inside tube diameter of driver units shall not exceed one-half (1/2) inch.

(7) Illuminating torches and colored fire in any form, except items included in subparagraph (12), total pyrotechnic composition not to exceed one hundred (100) grams each in weight.

(8) Sparklers and dipped sticks, total pyrotechnic composition not to exceed one hundred (100) grams each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not exceed five (5) grams.

(9) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed forty (40) grams each in weight.

(10) Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half (1 1/2) inches in length or one-quarter (1/4) inch in diameter, and other items designed to produce an audible effect, total pyrotechnic composition not to exceed two (2) grains each in weight.

(11) Novelties consisting of two (2) or more devices enumerated in this paragraph, trick matches and cigarette plugs, when approved by the bureau of explosives.

(12) Railway fuses, truck flares, hand ship distress signals, smoke signals and smoke pots.

No component of any device listed in this section, which is designed to produce an audible effect, shall contain pyrotechnic composition in excess of two

(2) grains in weight, excluding propelling or expelling charges. Roman candles and all similar items discharging colored balls must be designed to be stuck in the ground while being discharged by affixing a wood spike in the end. (Ord. #823, June 1998)

7-505. Retail sale of permissible articles; time limitations; exceptions. Permissible items of fireworks defined in § 7-504, may be sold at retail throughout the year and used within the City of Manchester from June 17th through July 5th, and December 10th through January 2nd of each year only, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come into contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredths (25/100) explosive compounds, cone, bottle, tube and other type serpentine pop-off novelties, nonpoisonous toy snakes, smoke sticks without report and sparklers, the sale and use of which shall be permitted at all times. (Ord. #823, June 1998, as amended by Ord. #1625, Aug. 2021 *Ch21_07-05-22*)

7-506. Public displays. 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 state shall include display shells designed to be fire from mortars and display set pieces of fireworks classified by the regulation of the interstate commerce commission as "class B 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 applied for and received a permit for such displays issued by the state fire marshal, and the Manchester Board of Zoning Appeals. Applications for permits for such public displays shall be made in writing, and the application shall show 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. The application will be approved by the Manchester Fire Chief (or his designated representative) and the Manchester Police Chief (or his designated representative). Permits shall be limited to the time specified therein, and shall not be transferable. Possession of special fireworks for resale to holders of a "permit for public fireworks display" shall be confined to holders of distributors permit only. (Ord. #823, June 1998)

7-507. Storage, location and display of fireworks; protection of fuses. (1) Placing, 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 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. (Ord. #823, June 1998)

7-508. 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, funeral home, public or private school, or within two hundred (200) feet of 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 people. (Ord. #823, June 1998)

7-509. Conditions for sale and use of permissible articles. No permissible articles of common fireworks used in the city, except as herein provided in § 7-504, unless it shall be properly named to conform to the nomenclature of § 7-504 hereof, 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 imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public. (Ord. #823, June 1998)

7-510. Seizure and destruction of fireworks. The Manchester city police shall seize as contraband any fireworks other than "class C common fireworks" defined in § 7-504 hereof or "special fireworks" for public displays as provided in § 7-506 hereof, which are sold, displayed, used or possessed in violation of this chapter. Manchester Fire Chief (or his designated representative) and the Manchester Police Chief (or his designated

representative) are authorized to destroy fireworks so seized after giving notice of a hearing and conducting same before the safety committee. (Ord. #823, June 1998, as amended by Ord. #1141, July 2006)

7-511. Penalty for violation. 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 fifty dollars (\$50.00) or more than two hundred dollars (\$200.00). In addition, the codes and health administrator (or his designated representative) may refuse to issue another permit to the holder of a permit so convicted for a period not to exceed three (3) years. (Ord. #823, June 1998, as amended by Ord. #1141, July 2006)