

**TITLE 7**

**FIRE PROTECTION AND FIREWORKS**

**CHAPTER**

1. VOLUNTEER FIRE DEPARTMENT.
2. FIRE SERVICE OUTSIDE TOWN LIMITS.
3. FIRE CODE.
4. AUTOMATIC SPRINKLER SYSTEM REQUIRED.
5. FUTURE FIRE PROTECTION FEES.
6. FIREWORKS.

**CHAPTER 1**

**VOLUNTEER FIRE DEPARTMENT<sup>1</sup>**

**SECTION**

- 7-101. Establishment, equipment, and membership.
- 7-102. Objectives.
- 7-103. Organization, rules, and regulations.
- 7-104. Records and reports.
- 7-105. Tenure and compensation of members.
- 7-106. Chief responsible for training and maintenance.
- 7-107. Chief to be assistant to state officer.

**7-101. Establishment, equipment, and membership.** There is hereby established a volunteer 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 town and shall be and remain the property of the town. The volunteer fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall appoint.

**7-102. Objectives.** The volunteer 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.

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<sup>1</sup>Municipal code reference

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

- (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.

**7-103. Organization, rules, and regulations.** The chief of the volunteer 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 volunteer fire department.

**7-104. Records and reports.** The chief of the volunteer 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 mayor once each month, and at the end of the year a detailed annual report shall be made.

**7-105. 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 volunteer 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 volunteer fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe.

**7-106. Chief responsible for training and maintenance.** The chief of the volunteer fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the volunteer fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month.

**7-107. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the volunteer fire department is designated as an assistant to the state commissioner of 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.

## CHAPTER 2

### FIRE SERVICE OUTSIDE TOWN LIMITS

#### SECTION

7-201. Equipment to be used only within corporate limits generally.

**7-201. Equipment to be used only within corporate limits generally.** No equipment of the volunteer fire department shall be used for fighting any fire outside the corporate limits unless such fire is on town property or, in the opinion of the chief of the volunteer fire department, is in such hazardous proximity to property owned by or located within the town as to endanger the town property or unless expressly authorized in writing by the board of mayor and aldermen.

## CHAPTER 3

### FIRE CODE<sup>1</sup>

#### SECTION

7-301. Fire code adopted.

7-302. Fees.

7-303. Available in recorder's office.

7-304. Penalty.

**7-301. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, the Standard Fire Prevention Code, 2000 edition, is hereby adopted by reference as though it were copied herein fully. (as added by Ord. #04-08-01, Sept. 2004)

**7-302. Fees.** All fees for inspections and permits under the above code shall be those fees as adopted by the Oakland Board of Mayor and Aldermen by resolution and said fees for inspections and permits may be changed by resolution of the board of mayor and aldermen. (as added by Ord. #04-08-01, Sept. 2004)

**7-303. Available in recorder's office.** A copy of the code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #04-08-01, Sept. 2004)

**7-304. Penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the code as herein adopted by reference. The violation of any section of this chapter shall be punished by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #04-08-01, Sept. 2004)

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<sup>1</sup>Municipal code reference  
Building, utility, etc. codes: title 12.

**CHAPTER 4****AUTOMATIC SPRINKLER SYSTEM REQUIRED****SECTION**

- 7-401. Automatic sprinkler system required.
- 7-402. Classifications of occupancies.
- 7-403. Major renovation and addition defined.
- 7-404. Gross floor areas.
- 7-405. Special hazards.
- 7-406. Applicable standards.
- 7-407. Installation and maintenance.
- 7-408. Conflicts with other codes.
- 7-409. Enforcement.

**7-401. Automatic sprinkler system required.** An approved automatic sprinkler system shall be required in the following new or renovated buildings:

- (1) Place of assembly - All buildings with an occupancy load of three hundred (300) or more persons, with no exceptions.
- (2) Educational -All buildings exceeding four thousand five hundred (4,500) square feet gross floor area.
- (3) Health care - All buildings.
- (4) Residential :
  - All multi-family buildings as follows:
    - (a) Hotel/motel (NFPA 13R).
    - (b) Apartments (NFPA 13R). Provided, however, that the exceptions to requirements for automatic sprinkler systems now set out in § 18-3.5.2 of the Life Safety Code (NFPA 101) shall not apply in any apartment within the town's jurisdiction.
  - (c) Board and care facilities (NFPA 13R for sixteen (16) or less occupants, NFPA 13 for more than sixteen (16) occupants);
  - (d) Multi-family (attached) - three (3) or more attached units up to four (4) stories (NFPA 13R). Three (3) or more attached units more than four (4) stories (NFPA 13).
  - (e) One- and two-family dwellings: All buildings four thousand five hundred (4,500) square feet or more finished floor area (excluding garages), or exceeding two thousand (2,000) square feet and set back more than three hundred feet (300') from a public road.
- (5) Mercantile - All buildings exceeding four thousand five hundred (4,500) square feet gross floor area.
- (6) Business - All buildings exceeding four thousand five hundred (4,500) square feet gross floor area.
- (7) Industrial - All buildings exceeding four thousand five hundred (4,500) square feet gross floor area.

(8) Storage - All buildings exceeding four thousand five hundred (4,500) square feet gross floor area.

(9) Mixed uses - All buildings exceeding four thousand five hundred (4,500) square feet gross floor area.

(10) Institutional - All buildings exceeding four thousand five hundred (4,500) square feet gross floor area. (as added by Ord. #11.11.03, Dec. 2011)

**7-402. Classifications of occupancies.** The occupancies specified in § 7-401 shall be classified in accordance with chapter 4 of the Life Safety Code (NFPA-101). A copy of the Life Safety Code will at all times be on file in the office of the town clerk of the Town of Oakland for use and inspection by the public. (as added by Ord. #11.11.03, Dec. 2011)

**7-403. Major renovation and addition defined.** For the purpose of this chapter, major renovation shall be defined as construction to the building that is greater than fifty percent (50%) of the estimated cost of reconstructing the entire structure. Any addition to an existing building which brings the gross square floor area above the applicable square footages listed shall cause the entire building to meet the requirements of this chapter. (as added by Ord. #11.11.03, Dec. 2011)

**7-404. Gross floor area.** For the purposes of this chapter, only approved four (4) hour fire walls shall be considered when calculating the gross floor area in occupancies or for constituting a separate building for occupancies specified in § 7-401. (as added by Ord. #11.11.03, Dec. 2011)

**7-405. Special hazards.** Where automatic sprinkler protection is determined to increase the hazard of the property or occupants to be protected, other automatic extinguishing systems appropriate for the hazard shall be provided. (as added by Ord. #11.11.03, Dec. 2011)

**7-406. Applicable standards.** Automatic extinguishing systems shall be installed, tested, inspected and maintained in accordance with applicable National Fire Protection Association standards. (as added by Ord. #11.11.03, Dec. 2011)

**7-407. Installation and maintenance.** (1) The extinguishing system shall be electronically connected to a central facility meeting the requirements of NFPA 71. System actuation shall initiate an alarm sequence.

(2) Where a system may be disabled by closing of valves, interruption of power, etc. adequate supervision shall be provided to sound at least a local trouble alarm when the system is deactivate.

(3) Where building fire alarm facilities are provided, actuation of the extinguishing system shall also cause the building alarm to sound in accordance with NFPA 72. (as added by Ord. #11.11.03, Dec. 2011)

**7-408. Conflicts with other codes.** Where the requirements of this chapter conflict with the Oakland building code or fire code, the more stringent requirement shall apply. (as added by Ord. #11.11.03, Dec. 2011)

**7-409. Enforcement.** The provisions in this chapter shall be enforced by the fire chief. All plans and inspections shall be approved by the fire chief or his/her designee. (as added by Ord. #11.11.03, Dec. 2011)

## CHAPTER 5

### FUTURE FIRE PROTECTION FEES

#### SECTION

- 7-501. Short title.
- 7-502. Purpose and findings.
- 7-503. Authority.
- 7-504. Definitions.
- 7-505. Issuance of building permit and certification of occupancy.
- 7-506. Collection of fire fee.
- 7-507. Computation of the amount of fire fee.
- 7-508. Use of funds.
- 7-509. Amendments.
- 7-510. Exemptions.
- 7-511. Appeals and protests.
- 7-512. Severability.

**7-501. Short title.** This chapter shall be known and cited as the Town of Oakland Fire Protection Fees Ordinance. (as added by Ord. #11.11.03, Dec. 2011)

**7-502. Purpose and findings.** The board of mayor and alderman (the "board") finds that:

- (1) The fire protection system of the Town of Oakland (the "town") are in the need of repair, constant maintenance and expansion in order to provide adequate protection for persons and property;
- (2) The town has prepared a study identifying the need and cost of maintaining and expanding fire protection services throughout the town's fire districts; and
- (3) The fee established by this chapter will be imposed and collected for the purpose of providing additional funds necessary to ensure the town's ability to maintain fire protection in accordance with its current standards. (as added by Ord. #11.11.03, Dec. 2011)

**7-503. Authority.** This chapter is adopted pursuant to the charter powers of the Town of Oakland Tennessee, and all applicable laws of the State of Tennessee. (as added by Ord. #11.11.03, Dec. 2011)

**7-504. Definitions.** As used in this chapter, unless the context otherwise requires:

- (1) A "building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind, including a



mobile home, but excluding buildings used for agricultural purposes and residential accessory structures;

(2) "Building permit" means a permit issued by the Town of Oakland building official authorizing the construction or placement of a building or structure within the town municipal limits;

(3) A "certificate of occupancy" means a license for occupancy of a building or structure after the building or structure has been inspected to determine the construction has been undertaken in compliance with the building permit application in conformity with the zoning ordinance and other pertinent ordinances and codes adopted by the Town of Oakland;

(4) "Dwelling unit" means a room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities;

(5) A "feepayer" is a person who applies to the Town of Oakland for a building permit which for new single family residential or commercial structures;

(6) "Fire protection" means the prevention and extinguishment of fires; the protection of life and property from fire; and the enforcement of municipal, state, and federal fire codes;

(7) "Floor area" means the total of the gross horizontal area of all floors, including usable basements and cellars, below the roof within the outer surface of the main walls of principal or accessory buildings or portions thereof, or within the roofline of any building or portions thereof without wall, but excluding arcades, porticos, and similar open which are not used as aisles, display, storage, service, production or office area;

(8) "Governing body" means the municipal legislative body of the Town of Oakland, Tennessee;

(10) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, the plural as well as the singular number;

(11) "Public building" means a building owned by the State of Tennessee or any agency thereof, a political subdivision of the State of Tennessee, including but not necessarily limited to the counties, cities, towns, school districts and special districts, or the federal government or any agency thereof;

(12) "Rescue" means what commonly is called "rescue," a service which generally includes the provision of basic life support, the extrication of accident victims of entrapment;

(13) "Residential unit" means the development of any property for dwelling unit or unit. (as added by Ord. #11.11.03, Dec. 2011)

**7-505. Issuance of building permit and certification of occupancy.**

No building permit or certificate or occupancy for new residential or commercial structure within the Town of Oakland municipal limits shall be issued unless and until the fee herein imposed has been paid in full by the person engaging in such building, and provided in any other relevant section of the municipal code or any other duly adopted municipal ordinance, code, or requirement. (as added by Ord. #11.11.03, Dec. 2011)

**7-506. Collection of fire fee.** (1) Each applicant for a building permit for new residential and commercial structure shall state, on a form provided by the building official, the amount of gross square footage contained in the structure subject to the application.

(2) The building official shall calculate the fee due on the permit and collect such fee in cash or by a negotiable instrument, prior to issuance of the building permit.

(3) In the event that a building permit is not obtained for any new structure, the applicant for a certificate of occupancy shall state the amount of gross square footage contained in the project subject to application, and the building official shall calculate the fee due the project and collect such fee in cash or by a negotiable instrument, prior to issuance of the certification of occupancy.

No building permit or certificate of occupancy shall be issued until the fee hereby required has been paid. (as added by Ord. #11.11.03, Dec. 2011)

**7-507. Computation of the amount of fire fee.** (1) The fee schedule shall be as calculated at twelve cents (\$0.12) per square foot of enclosed floor area.

(2) All funds collected pursuant to this chapter shall be properly identified as fire fees and properly transferred for deposit into the appropriate fire fees trust fund to be held in separate accounts as determined by this chapter and used solely for the purposes specified herein. (as added by Ord. #11.11.03, Dec. 2011)

**7-508. Use of funds.** (1) Funds collected from fire fees shall be used for the purposes of maintaining and expanding fire protection and other related emergency services.

(2) Each fiscal year the town recorder shall present the board of mayor and aldermen a proposed capital improvement program for the fire services, assigning funds, including accrued interest, from the relevant fire protection funds to fire and other related emergency services expenses. Monies including any accrued interest, not assigned in any fiscal period shall be retained in the same fee trust fund until the next fiscal period. (as added by Ord. #11.11.03, Dec. 2011)

**7-509. Amendments.** The board of mayor and alderman may, from time to time, amend this chapter and the fee imposed herein, based upon adoption of a revised capital improvements program for fire services, which identifies new capital improvements and costs reasonably attributed to new residential and commercial structures. (as added by Ord. #11.11.03, Dec. 2011)

**7-510. Exemptions.** No fee shall be assessed or collected for the construction of:

- (1) Buildings used for agricultural purposes;
- (2) Public buildings;
- (3) Fully sprinkled buildings of less than four thousand five hundred square feet (4,500 sq. ft.) in accordance with NFPA standards.
- (4) Uninhabited residential accessory structures. (as added by Ord. #11.11.03, Dec. 2011)

**7-511. Appeals and protests.** Any person aggrieved by the calculation or assessment of the fee authorized by this chapter may protect such assessment pursuant to the laws of the State of Tennessee. (as added by Ord. #11.11.03, Dec. 2011)

**7-512. Severability.** If any of the provision of this chapter, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to that end the provisions of this chapter are declared to be severable. (as added by Ord. #11.11.03, Dec. 2011)

## CHAPTER 6

### FIREWORKS

#### SECTION

- 7-601. Purpose.
- 7-602. Definition of terms.
- 7-603. Permits required for sale and permit fees.
- 7-604. Permit revocation.
- 7-605. Business license or permits required.
- 7-606. Permissible fireworks.
- 7-607. Storing and structures.
- 7-608. Limitations on structures.
- 7-609. Location of fireworks outlets.
- 7-610. Parking for retail fireworks sales site.
- 7-611. Unlawful acts in the sale and handling of fireworks.
- 7-612. Limited time period for the use of fireworks.
- 7-613. Penalties for violations.
- 7-614. Seizure and destruction of fireworks.
- 7-615. Public displays or exhibits of Class B or 1.3 fireworks.
- 7-616. Exceptions.
- 7-617. Requirements or compliance with state regulations not affected.

**7-601. Purpose.** The purpose of this chapter is to provide for the display, sale and use of certain fireworks for both public and private display within the corporate limits of the Town of Oakland, Tennessee within certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (as added by Ord. #14-14, Dec. 2014)

**7-602. 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 the making, manufacture, or construction of fireworks of any type within the Town of Oakland 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 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) "Retailer," any person engaged in the business of making sales of fireworks to consumers.

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

(6) "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 of:

(a) All articles of fireworks classified as 1.4G, or referred to as "consumer fireworks" or "Class C common fireworks,"

(b) Theatrical and novelty, classified as 1.4S, or

(c) Display fireworks, classified as 1.3G, as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulation, title 49, Code of Federal Regulations (CFR), parts 171-180.

(d) Exceptions:

(i) Toy caps for use in toy pistols, toy canes, or toy guns, and novelties and trick noisemakers manufactured in accordance with DOT regulations, 49 CFR 173.100(p), and packed and shipped according to those regulations;

(ii) Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models.

(iii) Propelling or expelling charges consisting of sulfur, charcoal, and saltpeter are not considered as designed to produce audible effects.

(7) "Permit," means the written authority of the Town of Oakland issued under the authority of this section.

(8) "Person," means any individual, firm, partnership, corporation, or one (1) or more individuals.

(9) "Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one (1) or more individual(s).

(10) "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.

(11) Singular words and plural words used in the singular include the plural and the plural as singular. (as added by Ord. #14-14, Dec. 2014)

**7-603. Permits required for sale and permit fees.** (1) It is unlawful for any person to sell or to offer for sale in the Town of Oakland any item of fireworks without first having secured a state fire marshal permit and a permit issued by the Town of Oakland (for a state fire marshal permit to be obtained by a retailer, the mayor must sign in behalf of the retailer an application for fireworks permit that the state requires before a state permit is issued to a retailer for a specific location).

(a) Permits are not transferable.

(b) A permit (to sell fireworks to the general public) is valid only from June 20 through July 9 or December 21 through January 5.

(c) The permit fee for retail permits is seven hundred fifty dollars (\$750.00) per period per location.

(2) A permit to sell fireworks in the Town of Oakland must be obtained at least one (1) week prior to the date on which the applicant begins making sales. Each application shall contain the following:

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

(b) The applicant must be the 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 permit.

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

(3) A person that applies for a retail fireworks permit must provide proof of state sales tax number for sales tax purposes.

(4) 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 nearest fuel outlets, and location of other fireworks outlets if located within seven hundred fifty feet (750') of a retail structure.

(5) Mobile vendors are not permitted.

(6) Flashing signs are not permitted.

(7) Sign permits must be obtained from the Town of Oakland Code Enforcement Department and must meet all standards and requirements under the appropriate town ordinance.

(8) The applicant must contain evidence that general liability insurance has been obtained by applicant naming the Town of Oakland as additional insured for at least two million dollars (\$2,000,000.00) for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage injury 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) The applicant is to maintain a clean fireworks retail site at all locations and clean up the retail fireworks site at all approved locations after tents are removed.

(11) After the application has been submitted and approved, a town code official shall inspect the site for compliance with applicable codes and ordinances. (as added by Ord. #14-14, Dec. 2014)

**7-604. Permit revocation.** (1) The code official and/or fire official may revoke any permit upon failure of retailer to correct any of the following conditions within thirty-six (36) hours after the code official gives written notice.

(a) When the permittee or permittee's operator violates any lawful rule, regulation, or order of the town code 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, code, or statute.

(2) When any activities of the permittee constitute a distinct hazard to life or property, the code official or fire official, or both, may revoke the permit immediately. (as added by Ord. #14-14, Dec. 2014)

**7-605. Business license or permits 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 town recorder shall require each applicant to submit adequate proof of possession of valid fireworks permits as issued by the town code official and state fire marshal, or any other required business license, permit, or other requirements required by state law or Town of Oakland Municipal Code. (as added by Ord. #14-14, Dec. 2014)

**7-606. Permissible fireworks.** (1) It is unlawful for any individual, firm, partnership, or corporation to sell or use within the Town of Oakland, except as provided in this chapter, any "fireworks" as defined in 7-602(6) other than the following:

(a) Those firms classified by the U.S. Department of Transportation as 1.4G consumer fireworks, or

(b) Those items that comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations.

(2) Any display using 1.3G display fireworks must be under the control of a licensed pyrotechnics technician. (as added by Ord. #14-14, Dec. 2014)

**7-607. 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 any windows and other areas where the sun may shine through. Fireworks are not permitted to be stored in residential districts, except for personal use. (as added by Ord. #14-14, Dec. 2014)

**7-608. Limitations on structures.** Tents meeting the current adopted International Building Code and the Life Safety Code (NFPA 101) 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. (as added by Ord. #14-14, Dec. 2014)

**7-609. Location of firework outlets.** (1) Fireworks sales structures must be no closer than one hundred fifty feet (150') from any occupied building or residence.

(2) Firework sales are permissible only on commercial/industrial property as approved by the planning department and the sales structure must be a minimum of forty-five feet (45') from the right-of-way.

(3) No fireworks shall be sold at retail at any location where paints, oils, or varnished are for sales or use unless kept in the original unbroken containers.

(4) No fireworks shall be stored, placed, located, sold, or traded within one hundred fifty feet (150') of gasoline sales outlet (service station, market, or other such facility) or within three hundred feet (300') of bulk petroleum storage or distribution facility. All measurements shall be from building-to-building, and not from property line-to property line.

(5) No fireworks structure shall be located within seven hundred fifty feet (750') of another fireworks structure. Priority shall be given to the retailer who obtained a permit the previous year at the same location. (as added by Ord. #14-14, Dec. 2014)

**7-610. Parking for retail fireworks sales sites.** The site for a fireworks retailer shall be improved to provide at least twelve (12) graveled or paved places for off street and right-of-way customer parking. In addition, 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. (as added by Ord. #14-14, Dec. 2014)



**7-611. Unlawful acts in the sale and handling 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 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 two hundred feet (200') 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 or 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 use fireworks at times, places, or in a manner that endangers other persons.

(7) It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the Town of Oakland Fire Department, except for public (and/or group) displays for which permits have been granted. (as added by Ord. #14-14, Dec. 2014)

**7-612. Limited time period for the use of fireworks.** It is unlawful to discharge or use fireworks except for the following time periods.

(1) July 1 through July 3 -The permissible hours are from 10:00 A.M. to 10:30 P.M. and July 4 the permissible hours are from 10:00 A.M. to 11:59 P.M.

(2) December 31 and January 1 - The permissible hours are from 8:00 P.M. on December 31 to 1:00 A.M. on January 1. (as added by Ord. #14-14, Dec. 2014)

**7-613. Penalties for violations.** 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 provisions of this chapter shall be guilty of a Class C misdemeanor punishable by a fine to the retailer of up to one hundred dollars (\$100.00) for the first offense, a fine of up to two hundred dollars (\$200.00) for the second offense, and a fine of up to five hundred dollars (\$500.00) for subsequent offenses. The Town of Oakland hereby adopts Tennessee Code Annotated, § 68-104-112(a)(1) by reference in this chapter. (as added by Ord. #14-14, Dec. 2014)

**7-614. Seizure and destruction of fireworks.** The state fire marshal shall seize as contraband, any fireworks other than "Class C common fireworks" as defined in § 7-602(6)(i) hereof and Tennessee Code Annotated, § 68-104-108, or "special fireworks" for public displays as provided in § 7-602(6)(c) of this

chapter, which are sold displayed, used or possessed in violation of this chapter. The state fire marshal is authorized to destroy any fireworks so seized. (as added by Ord. #14-14, Dec. 2014)

**7-615. Public displays or exhibits of Class B or 1.3 fireworks.** The public display of fireworks, pyrotechnic, and flame effect exhibitors within the corporate limits of the Town of Oakland (Class B or 1.3) shall be governed by the provisions of Tennessee Code Annotated, §§ 68-104-201, et seq., NFPA regulations, and Town of Oakland ordinances.

(1) Any individual or entity must be a licensed exhibitor to perform outdoor fireworks displays, indoor/outdoor proximate pyrotechnic displays, or an indoor/outdoor display using flame effects and provide proof of licensure to the town recorder at least ten (10) days of proposed display.

(2) Permit fees will be fifty dollars (\$50.00) and requires board of mayor and aldermen approval with the exception of the Town of Oakland sponsored displays.

(3) The individual or entity must submit evidence to the town recorder that general liability insurance has been obtained by the exhibitor naming the Town of Oakland as additional insured for at least two million dollars (\$2,000,000.00) for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage injury liability combined at least ten (10) in advance of proposed display.

(4) Applications for permits for public displays must be provided to the Town of Oakland Fire Chief at least ten (10) days in advance of the proposed display for approval. The application bearing signature of town fire chief attesting to approval must be submitted to the Town of Oakland Police Chief and Recorder.

(5) The Town of Oakland hereby adopts Tennessee Code Annotated § 68-104-210(a) as a Town of Oakland ordinance violation. A violation of this section is a Class B misdemeanor and fines may be imposed as allowed therein. (as added by Ord. #14-14, Dec. 2014)

**7-616. Exceptions.** (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 of the United States, or the State of Tennessee or to 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 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 marshal, and the state fire marshal, after approval of the county agricultural agent of Fayette 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 state.

(2) The sale of any kind of fireworks that are to be shipped directly out of the corporate limits of the Town of Oakland 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 or water. (as added by Ord. #14-14, Dec. 2014)

**7-617. Requirements or compliance with state regulations not affected.** This chapter shall in no wise affect the validity of any law or regulation promulgated by the State of Tennessee or by the state 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 Oakland in accordance with the applicable state regulations, as augmented by the rules and regulations of the Town of Oakland. The enforcement of this regulation shall be the responsibility of the fire chief, police chief, code official, and town recorder of the Town of Oakland. (as added by Ord. #14-14, Dec. 2014)