

**TITLE 7**

**FIRE PROTECTION AND FIREWORKS<sup>1</sup>**

**CHAPTER**

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

**CHAPTER 1**

**FIRE DISTRICT<sup>2</sup>**

**SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The fire district shall be all the area within the municipal limits of the town as such limits may change from time to time. (Ord. #2005-01, Feb. 2005)

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<sup>1</sup>Municipal code references

Authority of firemen to direct traffic: § 15-105.

False emergency alarms: § 7-401.

<sup>2</sup>The significance of the fire district is that Shelby County Building Code, applicable in the Town of Arlington through title 12 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district and prohibits hazardous occupancies within the fire district.

## CHAPTER 2

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

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Fire investigation and inspections.
- 7-204. Hazardous material placarded vehicles.
- 7-205. Automatic sprinkler system requirements.
- 7-206. Fire lane requirements.
- 7-207. Key boxes.
- 7-208. Security gate override.
- 7-209. Destruction of property.
- 7-210. Police powers.
- 7-211. Modifications.
- 7-212. Violations.
- 7-213. Use and occupancy inspection.
- 7-214. Vacant or abandoned structures.

**7-201. Fire code adopted.** (1) Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the International Fire Code, 2012 edition, as recommended by the International Code Council, is adopted by reference and included herein as a part of this code. The following Appendices of the 2012 Edition of the ICC and International Fire Code, or as locally drafted, are also adopted, but any appendix not listed in this ordinance is specifically not adopted: Appendix B-Fire-Flow requirements for Buildings as amended by this section (see amendments below), Appendix C-Fire Hydrant Locations and Distribution, Appendix D-Fire Apparatus Access Roads, Appendix I-Fire Protection Systems-Non Compliant Conditions with the following amendments:

#### Amendments to Appendix B

##### Amendment #1

B103.2 Increase is amended to insert the following words at the end of the first sentence following the word 'CONFLAGRATIONS': , present a special hazard use, or include the protection of a special hazard commodity.

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<sup>1</sup>Municipal code reference

Shelby County codes applicable within town: § 12-101.

Amendment #2

Section B105 Fire-Flow requirements for building is amended to delete this section and substitute in lieu thereof the following section:

Section B105 Fire-Flow requirements for building.

B105.1 One- and two-family dwellings. The minimum fire-flow and flow duration for one- and two-family dwellings shall be as specified in TABLE B 105.1.

B105.2 Buildings other than one- and two-family dwellings. The minimum fire-flow and duration for building shall be as specified in TABLE B105.1.

Exceptions: (1) A reduction in required fire-flow of up to 30 percent is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. A reduction in required fire-flow of up to 40 percent is allowed when the building is provided with an approved ESFR sprinkler system installed in accordance with this code and NFPA 13. A reduction in required fire-flow which exceeds the percentages listed above must be specifically approved by the Fire Code Official.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Fire Code has been filed with the town recorder and is available for public use and inspection. The fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits of the Town of Arlington.

(2) The International Fire Code is amended and changed in the following respects:

(a) Automatic sprinkler system requirements as governed in § 7-205 shall remain in place and where it conflicts with section 903 or any other section of the International Fire Code, the more stringent shall apply;

(b) Fire lane requirements as governed in § 7-206 shall remain in place and where it conflicts with section 503 or any other section of the International Fire Code, the more stringent shall apply. (Ord. #2005-01, Feb. 2005, as amended by Ord. #2015-12, Jan. 2016)

**7-202. Enforcement.** The fire code herein adopted by reference shall be enforced by the chief of the fire department or his authorized designee. He shall be the person identified in the fire code as the "fire official" and have the same powers as the state fire marshal as well as powers identified in the town charter. (Ord. #2005-01, Feb. 2005)

**7-203. Fire investigation and inspections.** The chief of the fire department or his or her duly qualified designee shall make all reasonable efforts to determine the cause of all unwanted and destructive fire that occurs within the Town of Arlington. The chief of the fire department or his or her duly qualified designee shall cause all buildings to be inspected, except the interior of private dwelling houses and all premises and public thoroughfares at least once a year to ascertain and cause to be corrected any condition that may cause a fire, subject to the standards of the aforementioned International Fire Code. (Ord. #2005-01, Feb. 2005, modified)

**7-204. Hazardous material placarded vehicles.** (1) No person shall operate or park any hazardous material placards vehicle within a business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of that material.

(2) Hazardous material placards shall include:

- (a) Explosives;
- (b) Gases;
- (c) Flammable liquids;
- (d) Flammable solids;
- (e) Oxidizers;
- (f) Poisons and etiological agents;
- (g) Radioactive materials;
- (h) Corrosives;
- (i) Dangerous mix loads of above or other materials as regulated by the United States Department of Transportation, Materials Transportation Bureau. (Ord. #2005-01, Feb. 2005)

**7-205. Automatic sprinkler system requirements.** (1) An approved automatic sprinkler system shall be provided for the following new or renovated buildings or structures:

- (a) Group A (Assembly): all buildings or structures five thousand (5,000) square feet gross floor area or more;
- (b) Group E (Educational): all buildings or structures five thousand (5,000) square feet gross floor area or more;
- (c) Group I (Institutional): all buildings or structures;
- (d) Group R (Residential): all residential buildings or structures as follows:
  - (i) R-1 (hotel, motel, boarding houses); all buildings shall be protected in accordance with NFPA 13;
  - (ii) R-2 (apartments, dormitories, fraternities/sororities): all buildings in accordance with NFPA 13R up to four (4) stories in height and NFPA 13 for more than four (4) stories;

- (iii) R-3 and R-4 (including one- and two-family residential dwellings): all buildings or structures five thousand (5,000) square feet gross floor area or more;
  - (e) Group M (Mercantile): all buildings or structures five thousand (5,000) square feet gross floor area or more;
  - (f) Group B (Business): all buildings or structures five thousand (5,000) square feet gross floor area or more;
  - (g) Group F (Factory): all buildings or structures five thousand (5,000) square feet gross floor area or more;
  - (h) Group S (Storage): all buildings or structures five thousand (5,000) square feet gross floor area or more;
  - (i) Mixed uses: all buildings or structures five thousand (5,000) square feet gross floor area or more;
- (2) For the purpose of this section, occupancies shall be classified in accordance with chapter 2 of the fire code.
- (3) Major renovations. (a) For the purpose of this section only, major renovation shall be defined as construction to the building that is greater than fifty percent (50%) of the estimated cost of reconstruction of the entire structure.
- (b) In the event that a disagreement regarding the estimated cost percentage occurs, the building owner or his or her agent shall provide a certified appraisal of the structure and a certified construction estimate shall be furnished to the chief of the fire department or his designee upon request, as proof of compliance. Appraisal shall not include associated land cost, furnishings or decorations.
- (4) Any addition to an existing building or structure which brings the gross floor area above the applicable square footage listed in subsection (1) of this section shall cause the entire building or structure to meet the requirements of that section.
- (5) Any change in use and occupancy to a structure that is of a higher hazard classification as defined in the fire code and the gross square footage is above the applicable square footage as listed in subsection (1) of this section shall cause the entire building or structure to meet the requirements of that section.
- (6) For the purpose of this section, only approved four (4) hour rated fire walls with properly protected openings shall be considered when calculating the gross floor area or constituting a separate building in occupancies specified in subsection (1) of this section.
- (7) Where automatic sprinkler protection is determined to increase the hazard to the property or its occupants to be protected, other automatic extinguishing systems appropriate for the hazard shall be provided.
- (8) Any building that is required to be equipped with a fire department connection (FDC) shall be located on the front street side of the facility. Special circumstances that would prevent this shall be reviewed and altered only by the

fire chief or his or her designee on a case by case basis. Physical location of the fire department connection (FDC) shall be determined by the following factors:

(a) Hazard classification of the facility as defined in NFPA 13:

(i) Light hazard. May be located on the surface of the structure. FDC shall be located not to exceed five (5) feet from the corner of the structure and shall not be higher than five (5) feet from finished grade nor less than eighteen (18) inches above finished grade.

(ii) Ordinary hazard. Same as light hazard.

(iii) Extra hazard. Fire department connection (FDC) shall be located a minimum of forty (40) feet from the structure.

(b) Height of structure or building. (i) Any building or structure three (3) stories or less that meets the requirements as defined in this subsection shall be permitted.

(ii) Any building or structure exceeding three (3) stories in height shall have the fire department connection (FDC) located a distance away from the structure or building at least half the height of the structure but in no case shall the distance be less than forty (40) feet.

(9) Any building that is required to be equipped with a fire department connection (FDC) for the automatic sprinkler system as described in NFPA 13, 13D, 13R shall have a reliable water supply for use by the fire department located within one hundred (100) feet of the (FDC). A reliable water supply shall mean a fire hydrant that meets Memphis Light, Gas and Water and Arlington Fire Department requirements. A reliable water supply shall be connected to the Memphis Light, Gas and Water system. For special circumstances, an alternative water supply may be proposed when connection to this system is not practical with the approval of the fire chief or his designee.

(10) Any automatic sprinkler system provided as a requirement of this section or other code requirements shall be adequately supervised as follows:

(a) The extinguishing system shall be electrically connected to a central (UL) station facility meeting the requirements of NFPA 72;

(b) Where a system may be disabled by closing of valves, interruption of power and the like, adequate supervision shall be provided to sound at least a local alarm when the system is deactivated and a trouble signal to the central station facility;

(c) Automatic sprinkler flow alarms shall be zoned to indicate a water flow and not a general fire alarm to the central station;

(d) 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;

(e) Where building fire alarm facilities are not provided, actuation of the extinguishing system shall require at least one building

alarm to sound within the facility. Alarms shall be installed in accordance with NFPA 72;

(f) Where multiple tenants are located within a building or structure, at least one alarm sounding device shall be provided for each tenant space that upon actuation of the extinguishing system shall sound an alarm to evacuate the facility. Alarms shall be installed in accordance with NFPA 72.

(11) Automatic sprinkler systems and appurtenances shall be installed, tested, inspected and maintained in accordance with National Fire Protection Standards and Tennessee Code Annotated laws.

(12) Where these requirements conflict with the Shelby County Building Code, fire code or state or federal standards, the more stringent requirement shall apply. (Ord. #2005-01, Feb. 2005)

**7-206. Fire lane requirements.** (1) Fire lanes shall be provided for all commercial and industrial buildings or that are set back more than one hundred fifty (150) feet from a public road or exceeds thirty (30) feet in height and are set back more than fifty (50) feet from a public road. However, nothing shall prevent modification to this requirement by the fire chief or his or her designee to impose fire lane requirements for special use facilities; such as care homes, multi-family dwellings, hazardous operation or any area that does not provide for immediate or adequate emergency access for emergency apparatus for purposes of rescue and extinguishment.<sup>1</sup>

(2) Fire lanes shall not be less than twenty (20) feet of unobstructed width, able to withstand live loads of fire apparatus and have a minimum of thirteen (13) feet six (6) inches of vertical clearance. An approved turnaround for fire apparatus shall be provided where the access road is a dead-end and is in excess of one hundred fifty (150) feet in length and shall comply with Table D103.4 requirements for Dead-End Fire Access Roads in Appendix D. The turnaround shall have a minimum centerline radius of forty (40) feet of pavement (50 foot of right-of-way).<sup>2</sup>

(3) Fire lanes shall be designated in the following manner:

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<sup>1</sup>Exception: Existing buildings or structures with less than 20,000 square feet gross floor area between properly rated tenant separation walls and adequate emergency vehicle access may be continued in use without designated fire lanes.

<sup>2</sup>Exception: turnarounds shall be permitted for "T" or "Y" arrangements and turnaround arrangements other than a cul-de-sac, when acceptable to the fire chief or his designee.

(a) Fire lanes shall be properly marked with approved reflective type signs;

(b) Signs shall be a minimum of one (1) foot wide and one (1) and one-half ( $\frac{1}{2}$ ) foot tall and shall contain the words "Fire Lane--No Parking;"

(c) Letters shall be red in color against a white background and shall be not less than two (2) inches in height;

(d) Signs shall be mounted on both sides of a pole or supporting structure, set back from the curb or roadway a minimum of one (1) foot but not more than four (4) feet. Unless conditions warrant otherwise, signs are to be positioned perpendicular to the roadway so as to be visible from both directions of the driving surface;

(e) The bottom of the signs shall be a minimum of five (5) feet above the finished grade, at the base of the sign support and shall not exceed seven (7) feet above the finished grade from the bottom of the sign;

(f) Signs are to be posted at each end of the fire lane with intermediate signs posted so as not to exceed seventy-five (75) feet between signs;

(g) Curbs along the fire lane shall be painted either red or yellow;

(h) Where fire lane lengths exceed one hundred (100) feet, the wording "Fire Lane" shall be posted on the driving surface, no further than fifty (50) feet from either end, and along the lane so as not to exceed one hundred (100) feet between such posting. The lettering shall be either red or yellow letters that are a minimum of twelve (12) inches in height, with the principal strokes of the letter not less than three (3) inches.

(4) All fire lanes shall be approved by the fire chief or his designee, pursuant to these regulations, and thereafter shall be maintained by the property owner. Designated fire lanes, or roads deemed necessary for fire department access, shall be maintained free from unnecessary obstructions at all times and are subject to frequent inspections and enforcement. Any removal of obstructing material shall be at the owner's expense.

(5) The disregard or disobedience of the instruction of signs placed in accordance with the provisions of this section by the driver of a vehicle shall be deemed prima facie evidence of violation of the law. The parking of an unattended vehicle in a fire lane, other than authorized emergency vehicles is strictly prohibited. (Ord. #2005-01, Feb. 2005, as amended by Ord. #2015-12, Jan. 2016)

**7-207. Key boxes.** All buildings or parts of buildings served by an internal automatic fire detection or suppression system, having a connection to a central monitoring station facility, shall be provided with a key lock box approved prior to installation by the town fire department.

(1) The key lock box shall be located:



(a) At or near the recognized public entrance, adjacent to the fire annunciator panel, on the exterior of the structure, or above the F.D.C., when occupancy is serviced by the fire sprinkler system with internal control valves and wall mounted F.D.C. locations of key lock boxes must be approved by the fire department.

(b) The key lock box shall be located at a height of not less than six (6) feet and not more than twelve (12) feet above final grade.

(c) No steps, displays, signs, or other fixtures or structure protrusions which would allow intruders to access the box without assistance shall be located under the key lock box.

(d) The key lock box shall be connected to the NFPA 72A fire alarm control panel, when such a panel is provided. Wiring shall be supervised as required in NFPA 72. Tampering with or opening of the key lock box shall produce a supervisory signal on Supervisory Zone 1. The signal will then be transmitted through NFPA 71 panel as a supervisory signal. If an NFPA 71 panel only is used, wiring shall be supervised as required in NFPA 71. Tampering with or opening of the key lock box shall produce a supervisory signal.

(2) The key lock box shall contain the keys for the following. The keys shall be labeled so as to be easily identified in the field.

(a) The main entrance door. Mixed occupancies and strip shopping center keys shall be provided only for occupancies where system control valves or fire alarm system panel exists;

(b) Alarm room (if one exists);

(c) Mechanical rooms and sprinkler control rooms;

(d) Fire alarm control rooms;

(e) Electrical rooms;

(f) Special keys to reset pull-stations of other fire protection devices;

(g) Elevator keys; and

(h) All other rooms as specified during the plans review process.

(3) The owner/operator of facilities with installed key boxes shall immediately notify the fire department and provide new keys when a lock to any area noted in subsection (2) is changed or re-keyed. (Ord. #2005-01, Feb. 2005)

**7-208. Security gate override.** (1) Any building or structure equipped with a security gate for the purpose of preventing unwanted traffic into areas shall be provided with a fire department override feature. The override shall be placed beside the key pad for vehicle use and shall be marked fire department access.

(2) The access for electronic controlled gate(s) for commercial properties shall be required to have no less than three (3) methods of access allowing two (2) to be electronic and one (1) manual. (SOS-Siren Operated

System, Key Control Box, and Manual Mechanism release secured by an approved padlock keyed to the jurisdiction key system.

(3) There shall not be any siren operated devices placed on gates for the purpose of avoiding subsection (2) of this section. (Ord. #2005-01, Feb. 2005, as amended by Ord. #2015-12, Jan. 2016)

**7-209. Destruction of property.** Firefighters shall have the power to remove or destroy any property when reasonably necessary to prevent the further spread of a fire. (Ord. #2005-01, Feb. 2005, as renumbered by Ord. #2015-12, Jan. 2016)

**7-210. Police powers.** Firefighters shall have and exercise the same powers as police officers in so far as reasonably necessary to accomplish the objectives of the fire department in an efficient manner. (Ord. #2005-01, Feb. 2005, as renumbered by Ord. #2015-12, Jan. 2016)

**7-211. Modifications.** The chief of the fire department may recommend to the board modifications of the provisions of the fire code upon application in writing by a 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 modifications when granted or allowed shall be contained in an amendment to this code or a resolution of the board. (Ord. #2005-01, Feb. 2005, as renumbered by Ord. #2015-12, Jan. 2016)

**7-212. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the fire 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 board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (Ord. #2005-01, Feb. 2005, as renumbered by Ord. #2015-12, Jan. 2016)

**7-213. Use and occupancy inspection.** Use and occupancy certificate shall be required when a business changes ownership and/or business name or occupancy type. (as added by Ord. #2015-12, Jan. 2016)

**7-214. Vacant or abandoned structures.** Any non-residential structure that has not been in use, or not licensed for business for three hundred

sixty-five (365) calendar days or more shall require the entire structure to be modified as necessary to meet the currently adopted Fire Code. Properly designated historic building shall be modified as defined by the adopted Fire Code. (as added by Ord. #2015-12, Jan. 2016)

## CHAPTER 3

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

#### 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 and maintenance.
- 7-307. Use of equipment outside corporate limits.
- 7-308. Chief to be assistant to state officer.

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department composed of both regular and volunteer personnel, 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 municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firefighters as the chief shall deem necessary, subject to conformation by the mayor or town superintendent. (Ord. #2005-01, Feb. 2005)

**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 from fire.
- (3) To educate the public on means of preventing unwanted fires and preventing injuries from a variety of hazards.
- (4) To confine fires to their places of origin.
- (5) To extinguish uncontrolled fires.
- (6) To perform such rescue work as its equipment and training of its personnel make practicable. (Ord. #2005-01, Feb. 2005)

**7-303. Organization, rules, and regulations.** The chief of the fire department shall establish 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. (Ord. #2005-01, Feb. 2005)

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<sup>1</sup>Municipal code reference  
 Authority to direct traffic: § 15-105

**7-304. Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspection, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor or town superintendent at least once each month, and at the end of the year a detailed annual report shall be made. (Ord. #2005-01, Feb. 2005)

**7-305. Tenure and compensation of members.** The chief shall hold office so long as his/her conduct and efficiency are satisfactory to the board of mayor and town superintendent. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he/she deems such action to be necessary for the good of the department. The chief shall be subject to disciplinary action in accordance with town policy. (Ord. #2005-01, Feb. 2005)

**7-306. Chief responsible for training and maintenance.** The chief of the fire department, shall be fully responsible for the training of the fire personnel and for maintenance of all property and equipment of the fire department. (Ord. #2005-01, Feb. 2005)

**7-307. Use of equipment outside corporate limits.** Equipment of the fire department may be used outside the corporate limits under such conditions as the board of mayor and aldermen shall prescribe, provided that legal agreements have been reached and enacted that allow such use in other municipalities and/or governmental entities. (Ord. #2005-01, Feb. 2005)

**7-308. 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, and shall be subject to the directions of the commissioner of commerce and insurance in the execution of the provisions thereof. (Ord. #2005-01, Feb. 2005)

## CHAPTER 4

### MISCELLANEOUS

#### SECTION

7-401. False emergency alarms.

7-402. Service fees for non-residents.

**7-401. False emergency alarms.** (1) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) "False emergency alarms." Any signal actuated by an emergency alarm to which fire department personnel respond that is not the result of fire or other actual emergencies and/or not caused by a violent act of nature.

(b) "Owner" and/or "operator." A person or persons who reside in or operates a business in the premises to which the emergency alarm is connected, including: owners; lessees; tenants; occupants; and persons having charge or control of any premises or any part of any premises, and employees and agents of all of the foregoing.

(2) Reliability of an emergency alarm system is of prime importance. The provision of early warning of fire and of illegal activity accompanied by notification of appropriate authorities is a key element of an alarm protection system.

(3) Certain owners and/or operators shall be required to install and maintain alarm systems pursuant to the ordinances of the town. Other owners and/or operators may elect to install and maintain alarm systems. All alarm systems, whether mandatory or not, must comply with the ordinances of the town and this section applies to all of same.

(4) The occurrence of false emergency alarms transmitted to fire department personnel shall constitute a violation of this chapter and shall result in the owner and/or operator being subject to a penalty in accordance with the following for false emergency alarms occurring during any consecutive twelve (12) month period to be calculated from the date of the first false emergency alarm during such period:

(a) First false emergency alarm: Notification to the owner or operator;

(b) Third false emergency alarm: Warning letter to the owner or operator and a copy of the town's false alarm ordinance;

(c) Four or more false emergency alarms: A fine of fifty dollars (\$50.00) on the owner or operator for each such false emergency alarm.

(5) The party responsible for penalties which become due hereunder

(a) In the case of commercial establishments, shall be the owner and/or operator, and

(b) In the case of residences, shall be the record owner(s) unless the property is leased, in which event the lessee(s) shall be the responsible party.

The town shall send notice and a summons to the appropriate party by certified mail, return receipt requested. The owner or operator shall be required to pay any penalty within thirty (30) days of service of the notice thereof or shall have the opportunity to appear in court. Failure to pay will be a violation of this chapter and the town may proceed to cite the offending party for such violations. (Ord. #2005-01, Feb. 2005)

**7-402. Service fees for non-residents.** Service fees shall be charged for the following services provided within the corporate limits of the Town of Arlington, exempting residents of the Town of Arlington; persons at places of employment within the Town of Arlington; and persons attending daycare, primary or secondary educational facilities within the Town of Arlington:

- (1) Motor vehicle fire--three hundred fifty dollars (\$350);
- (2) Motor vehicle rescue--five hundred dollars (\$500);
- (3) Emergency medical response in which an ambulance is called--two hundred dollars (\$200);
- (4) Hazardous material incident--three hundred fifty dollars (\$350) plus the cost of all materials used to control the incident.

Said service fees shall be assessed the insurance carrier, or in the event such carrier refuses to pay, directly to the person receiving such service. (Ord. #2005-01, Feb. 2005)

## CHAPTER 5

### FIREWORKS

#### SECTION

7-501. Definitions

7-502. Limited time period to use fireworks.

7-503. Exclusions.

7-504. Violations and penalties.

**7-501. Definitions.** As used in this chapter, unless the content otherwise requires:

(1) "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 a mixture of sulfur, charcoal, saltpeter are not considered as designed to produce audible effects.

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

(3) Singular words and plural words used in the singular include the plural and the plural the singular. (as added by Ord. #2007-02, March 2007)

7-502. Limited time period to use fireworks. It is unlawful for any person to discharge or use fireworks except for the following time periods:

(1) July 4 - The permissible hours are from 10:00 A.M. to 10:30 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. #2007-02, March 2007)



**7-503. Exclusions.** Nothing in this chapter prohibits: (1) The sale or use of blank cartridges for theater, for signal or ceremonial purposes, in athletics or sporting events, or legal power tools.

(2) The transportation, handling, or use of any pyrotechnic devices by the armed forces of the United States.

(3) The use of pyrotechnics in training by the fire service, law enforcement, or similar governmental agencies.

(4) The use of fireworks for agricultural purposes under conditions approved by the fire chief or his designee.

(5) The Town from granting permits for institutionally sponsored fireworks displays. (as added by Ord. #2007-02, March 2007)

**7-504. Violations and penalties.** Violations of any provision of this chapter shall be subject to a penalty of up to fifty dollars (\$50.00) per violation. (as added by Ord. #2007-02, March 2007)