

TITLE 7**FIRE PROTECTION AND FIREWORKS**¹**CHAPTER**

1. FIRE DISTRICT.
2. FIRE PREVENTION CODE.
3. FIRE AND RESCUE.
4. DELETED.
5. FIREWORKS.
6. OPEN BURNING.

CHAPTER 1**FIRE DISTRICT****SECTION**

7-101. Fire limits described.

7-101. Fire limits described. There is hereby established, for the City of Columbia, the following fire limits. The fire limits shall consist of those areas of the City of Columbia designated by a map of the City of Columbia, which is hereby incorporated by reference and made a part of this chapter, and which map is identified by the title "Columbia, Tennessee Fire Limits Map," dated December 5, 1963. (1968 Code, § 7-210)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE PREVENTION CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Establishment and duties of bureau of fire prevention.
- 7-203. Definitions.
- 7-204. Modifications.
- 7-205. Appeals.
- 7-206. New materials, processes, or occupancies which may require permits.
- 7-207. Violations.

7-201. Fire code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and the rules of the Tennessee Department of Insurance, Division of Fire Prevention, there is hereby adopted by the City Council of the City of Columbia, Tennessee, for the purpose of prescribing regulations governing fire or explosion, that certain code known as the International Fire Code, including Appendix B and Appendix C, published by the International Code Council, being particularly the 2018 edition. Not less than one (1) copy of the International Fire Code, 2018 edition has been and now is filed in the office of the Recorder of the City of Columbia and the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this chapter shall take effect, the provisions of the International Fire Code, 2018 edition shall be controlling within the limits of the City of Columbia, Tennessee. (1968 Code, § 7-201, as replaced by Ord. #3819, Sept. 2009, Ord. #3974, April 2014, and Ord. #4263, Dec. 2019 *Ch8_3-12-20*)

7-202. Establishment and duties of bureau of fire prevention. The Fire Prevention Code shall be enforced by the bureau of fire prevention in the fire and rescue of the City of Columbia, Tennessee, which is hereby established and which shall be operated under the supervision of the chief of the fire and rescue.

The chief of the fire and rescue shall be in charge of the bureau of fire prevention.

The chief of the fire and rescue may detail such members of the fire and rescue as inspectors as shall from time to time be necessary. The chief of the fire and rescue shall have the authority to appoint such technical inspectors as he deems necessary.

A report of the bureau of fire prevention shall be made annually and transmitted to the chief executive officer of the municipality. It shall contain all

¹Municipal code reference

Building, utility and residential codes: title 12.

proceedings under this code with such statistics as the chief of the fire and rescue may wish to include therein. The chief of the fire and rescue shall also recommend any amendments to the code which, in his judgment, shall be desirable. (1968 Code, § 7-202, as amended by Ord. #4187, May 2018)

7-203. Definitions. Wherever the word "municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Columbia, Tennessee.

Wherever the term "corporation counsel" is used in the Fire Prevention Code, it shall be held to mean the attorney for the City of Columbia, Tennessee. (1968 Code, § 7-203)

7-204. Modifications. The chief of the bureau of fire prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by any property owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief of the bureau of fire prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (1968 Code, § 7-207)

7-205. Appeals. Whenever the chief of the fire and rescue shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire and rescue to the city council within thirty (30) days from the date of the decision appealed. (1968 Code, § 7-208, as amended by Ord. #4187, May 2018)

7-206. New materials, processes, or occupancies which may require permits. The city manager, superintendent of inspections, and the chief of the fire and rescue shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the Fire Prevention Code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (1968 Code, § 7-209, as amended by Ord. #4187, May 2018)

7-207. Violations. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall 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 who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of a fine shall not be held to prevent the enforced removal of prohibited conditions. (1968 Code, § 7-211)

CHAPTER 3

FIRE AND RESCUE¹

SECTION

- 7-301. Organization and personnel of the fire and rescue.
- 7-302. Promotion, demotion, dismissal, etc., of firemen.
- 7-303. Chief to enforce fire and rescue rules and regulations, etc.
- 7-304. Police power of firemen.
- 7-305. Firemen to wear uniforms, etc.
- 7-306. Interference with fire and rescue; emergency assistance to department.
- 7-307. Obstruction of fire hydrants; driving vehicles near fires.

7-301. Organization and personnel of the fire and rescue.² The fire department shall consist of a chief of the fire and rescue and such number of subordinate officers and personnel as the city council may provide for by ordinance and the city manager shall appoint.

The chief of the fire and rescue shall have control of all employees constituting the fire and rescue.

In case of riot, conflagration, or other emergency, the city manager may appoint additional firemen and officers for temporary service only. (1968 Code, § 7-101, as amended by Ord. #4187, May 2018)

7-302. Promotion, demotion, dismissal, etc., of firemen. The fire force shall be governed in all matters relating to the promotion, demotion, or dismissal in the same manner as is provided herein for members of the police force and rules and regulations shall be provided for the governing of the fire and rescue in the same manner as heretofore provided for members of the police force. (1968 Code, § 7-102, as amended by Ord. #4187, May 2018)

7-303. Chief to enforce fire and rescue rules and regulations, etc. The chief of the fire and rescue shall devote his entire time to the prevention

¹Charter references

Civil service board: art. VI.

Departments: art. XVI.

Fire department: art. XVIII.

Municipal code reference

Civil service system: title 4, chapter 6.

²Municipal code reference

Minimum age limit for firemen: § 4-607.

and control of fires in the City of Columbia, and shall control the members of the fire and rescue while on duty, exacting from them obedience to all of the rules and regulations adopted for the department. He may discipline members of his department for insubordination or violation of the rules by temporary suspension as is provided by the city charter and this chapter. (1968 Code, § 7-103, as amended by Ord. #4187, May 2018)

7-304. Police power of firemen. When fighting fires, the ranking officer of the fire and rescue, during the actual conflagration, shall be clothed with police power to the same extent and with the same authority as the members of the police force. (1968 Code, § 7-104, as amended by Ord. #4187, May 2018)

7-305. Firemen to wear uniforms, etc. All members of the fire and rescue, when on duty, shall wear such uniforms, hats, and badges as the city manager may determine and shall deport themselves in keeping with their positions. (1968 Code, § 7-105, as amended by Ord. #4187, May 2018)

7-306. Interference with fire and rescue; emergency assistance to department. It shall be unlawful for any person, except members of the fire and rescue, to handle any of the apparatus of the fire and rescue, or to in any manner interfere with the working of the department during any fire or any practice drill. However, the chief of the fire and rescue, or any ranking officer in charge of the fire and rescue, may summon any inhabitant of the City of Columbia to render all of the assistance in his power to extinguish or stay the progress of a fire, or to assist the department in any way. A refusal to do so on the part of such person so summoned shall render the person so refusing liable to a penalty under the general penalty clause for this code. (1968 Code, § 7-106, as amended by Ord. #4187, May 2018)

7-307. Obstruction of fire hydrants; driving vehicles near fires. It shall be unlawful for any person to place or cause to be placed around or near any of the fire hydrants in the city, any goods or other things, in such a manner as to interfere with the department in obtaining access to said hydrants. It shall also be unlawful for any person, without the permission of the fire and rescue or police force, to ride or drive a vehicle through that part of any street or square in which the fire and rescue is assembled for the purpose of extinguishing a fire. (1968 Code, § 7-107, as amended by Ord. #4187, May 2018)

CHAPTER 4

DELETED

(1968 Code, § 7-108, as deleted by Ord. #3749, May 2008)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Purpose.
- 7-502. Definitions.
- 7-503. Permit required.
- 7-504. Permit fees and length of validity.
- 7-505. Application for permit.
- 7-506. Separate sales and use tax numbers required.
- 7-507. Permissible types of fireworks.
- 7-508. Conditions for sale, use and storage of permissible items.
- 7-509. Retail sale of permissible items--time limitations--exceptions.
- 7-510. Public displays--permits--regulation.
- 7-511. Regulations governing storing, locating or displaying of fireworks.
- 7-512. Unlawful acts in the sale, handling, or private use of fireworks.
- 7-513. Due process; penalty for violation.
- 7-514. Exceptions to application.
- 7-515. Seasonal use of fireworks.

7-501. Purpose. The purpose of this chapter is to provide an ordinance for regulating the manufacturing, sale, display, use and storage of certain fireworks for both private and public display within the corporate limits of the City of Columbia, Tennessee, setting certain guidelines which shall provide for the general safety and welfare of the citizens thereof and property therein. (Ord. #3535, Dec. 2003)

7-502. Definitions. As used in this chapter, the following terms shall have the meaning ascribed to them herein, unless clearly indicated otherwise.

(1) "Bottle rocket." A small tube containing less than four (4) grams of propellant in a casing of less than five-eighths inch by three inches (5/8" x 3") attached to a thin bamboo stick that shoots an expelling combustion from one (1) end that propels it into the air.

(2) "Distributor." Any person engaged in the business of selling of fireworks to any other person engaged in the business of reselling fireworks either as a wholesaler or retailer, or any person who receives, brings, or imports any fireworks of any kind, in any manner into the City of Columbia, except to a holder of a manufacturer's, distributor's or wholesaler's permit issued by the state fire marshal and the City of Columbia fire chief.

(3) "D.O.T. Class C Common Fireworks." All articles of fireworks as are now or hereafter classified as "D.O.T. Class C common fireworks" in the regulations of the United States Department of Transportation for transportation of explosives and other dangerous articles.

(4) "Manufacturer." Any person engaged in the making, manufacturing or constructing of fireworks of any kind.

(5) "Mortar." A tube loaded with a shell that is propelled from the tube into the air that produces a break with varying colors, effects and noises. Also called "tube," "mine" or "gun."

(6) "Permit." The document granting the written authority of the City of Columbia Fire Chief or his designee issued under the authority of this chapter.

(7) "Person." Any individual, organization for profit, organization not for profit, firm, partnership or corporation.

(8) "Retailer." Any person engaged in the business of making retail sales of fireworks.

(9) "Reloadable." A tube which can be used multiple times to fire separate shells. The device is designed to fire one shell at a time. After a shell is fired, a new shell can be loaded, hence the name "reloadable."

(10) "Sale." An exchange of articles of fireworks for money, also including a barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, salesman, agent, association, co-partnership, or one (1) or more individuals.

(11) "Shell." A circular or cylindrical shaped paper casing or cartridge propelled into the air from a mortar or tube that produces a burst or break with varying colors, effects and noise. A shell contains pyrotechnic composition, a burst charge and an internal time fuse or module.

(12) "Sign, portable." Any advertising sign or devise in the shape of an "A" frame or any variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually a two (2) sided sign and including any single or double surface painted or postered panel type sign or any variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached to the premises or any building, wall, fence, pole or any other structure situated upon any real property.

(13) "Special fireworks." All articles of fireworks that are classified as Class B explosives in the regulation of the United States Department of Transportation and includes all articles other than those classified as Class C.

(14) "Storage." A place where merchandise is stocked or supply is reserved for future use.

(15) "Storage facility." A place where fireworks are stockpiled or kept for future use.

(16) "Wholesaler." Any person engaged in the business of making sales of fireworks to a retailer. (Ord. #3535, Dec. 2003, as replaced by Ord. #4166, Nov. 2017)

7-503. Permit required. It shall be unlawful for any person to sell, publicly display, offer for sale, ship, cause to be shipped or stored in the City of Columbia or property which is within the area the city fire department protects,

except as herein provided, any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler, person or entity in charge of a public display event, or retailer, from both the City of Columbia Fire Chief or his designee and the State of Tennessee Fire Marshal (as required by Tennessee Code Annotated, § 68-104-101, et seq.). Possession of said permits shall be a condition prerequisite to selling, putting on a public display, offering for sale, shipping or causing to be shipped into, or storing any fireworks in the City of Columbia, except as herein provided. Permits issued under this section are not transferable. No permit shall be issued for manufacturing of fireworks within the City of Columbia as the same is prohibited. (Ord. #3535, Dec. 2003)

7-504. Permit fees and length of validity. (1) The fee for the permit provided for in § 7-503 of this chapter for retail sales of fireworks shall be two thousand five hundred dollars (\$2,500.00) and the permit shall be valid for a maximum period of ten (10) days as specified on such permit.

(2) The fee for storage of fireworks shall be one thousand dollars (\$1,000.00) and the permit shall be valid for a period of one hundred eighty (180) days as specified on such permit.

(3) The fee for public display events shall be one thousand dollars (\$1,000.00) and the permit shall be valid for a maximum period of three (3) days as stated on such permit.

(4) The fee for obtaining a permit for a distributor shall be one thousand dollars (\$1,000.00) and the permit shall be valid for a period of one hundred eighty (180) days from the date of issuance. (Ord. #3535, Dec. 2003, as amended by Ord. #3678, Jan. 2007)

7-505. Application for permit. Applicants for a permit under this chapter must obtain a permit packet and file with the city recorder a sworn written application containing the following:

(1) The name and addresses of the persons, firms, corporations, or other organizations wishing to obtain said permit.

(2) The complete home address, business address and local address of the applicant.

(3) A brief description of the location where such applicant intends to either sell, display or store said fireworks.

(4) The amount of fireworks on hand and the amount of fireworks to be stored.

(5) The date and length of time for which the right to do business is desired.

(6) A statement as to whether or not the applicant has been convicted of any felony or misdemeanor or for the violation of any municipal ordinance; the nature of the offense; and the punishment and penalty assessed therefore.

(7) After the application has been submitted and approved, the fire marshal or his designee shall inspect the site for compliance.

(8) Any fees are to be paid when the application is submitted and all fees are non-refundable.

(9) The City of Columbia shall be named as an additional insured on applicant's liability policy with a required minimum of one million dollars (\$1,000,000.00) in coverage. (Ord. #3535, Dec. 2003)

7-506. Separate sales and use tax numbers required. A separate sales and use tax number shall be required for each location where D.O.T. Class C Fireworks are sold.

The issuance of permits provided for herein shall not replace or relieve any person of state, county or municipal privilege licenses as now or hereafter are required by law. (Ord. #3535, Dec. 2003)

7-507. Permissible types of fireworks. It is unlawful for any individual, firm, partnership or corporation to possess, sell, use or store within the City of Columbia, or ship into the City of Columbia, except as provided in this chapter, any pyrotechnics commonly known as fireworks other than the following permissible items:

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

(2) Those items that comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations. (Ord. #3535, Dec. 2003)

7-508. Conditions for sale, use and storage of permissible items. No permissible articles of D.O.T. Class C Common Fireworks, shall be sold, offered for sale, or possessed within the City of Columbia, or used within the city, unless it is properly named and labeled to conform to the nomenclature of allowed fireworks and unless it is certified "D.O.T. Class C Common Fireworks" on all shipping cases and by imprinting on the article or retail container D.O.T. 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. The regulations of the State of Tennessee Fire Marshal's Office relative to the possession and sale of fireworks, their storage and safety requirements, are hereby incorporated by reference herein, together with the regulations of the National Fire Protection Association (NFPA 1124). Retail sales for fireworks will only be allowed in commercial zones defined by the Columbia Zoning Ordinance. No parking at any site shall be allowed in the city right of ways. Signs advertising fireworks are allowed only on the permitted site. No portable signs as defined herein shall be allowed. A minimum distance for the sale of fireworks shall be a minimum of 50 feet from any public right-of-

way and/or permanent building. Fireworks shall not be sold or stored within three hundred (300) feet of any residential district, hospital, hotel, motel, private or public schools. All permits must be kept on site and visibly posted in the sales or storage area. A business license must be obtained from the city recorder's office. (Ord. #3535, Dec. 2003, as replaced by Ord. #3958, Oct. 2013)

7-509. Retail sale of permissible items--time limitations--exceptions.¹ Permissible articles of fireworks may be sold at retail to residents of the City of Columbia from June 25th through July 5th of each year. The definition of fireworks does not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five one-hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding. Toy paper pistol caps which contain less than twenty-five one hundredths (25/100) grains of explosive compounds, cone, bottle, tube, and other type serpentine pop-off novelties, model rockets, wire sparklers containing not over one hundred (100) grams of composition per item (sparklers containing chlorate or per chlorate sales may not exceed five (5) grams of composition per item), emergency flares, matches, trick matches, and cigarette loads, may be sold at all times. Retail sales displays of the fireworks within the city must be housed in a temporary facility, such as a tent or trailer, away from any permanent structure and the temporary facility cannot be attached to said permanent structure. Proof of tent flame retardant is required. (Ord. #3535, Dec. 2003, as amended by Ord. #4166, Nov. 2017)

7-510. Public displays--permits--regulation. Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal's office. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the City of Columbia, shall include display shells designed to be fired from mortars and display set pieces of fireworks classed by the regulation of the United States Department of Transportation 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 received written approval from the police chief and fire chief, or their designees, and applied for and received

¹Per § 7-504(1), "the permit shall be valid for a maximum period of ten (10) days as specified on such permit." Ordinance #3678 dated January 2007 created said language and repeals the dates in this section.

a permit for such displays issued by the City of Columbia and the state fire marshal's office. Applicants for permits for such public displays shall be made in writing and shall show that the proposed display is to be so located and supervised that is not hazardous to property and that it shall not endanger human lives. (Ord. #3535, Dec. 2003)

7-511. Regulations governing storing, locating or displaying of fireworks. (1) Placing, storing, locating or displaying fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to allow the presence of open flames, lighted cigars, cigarettes, or pipes within fifty (50) 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 (not hand made) 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 offered for sale or used, 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.

(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.

(3) All firework devices sold or stored under a duly issued permit must be located not less than three hundred (300) feet from any gasoline dispensing pump.

(4) Any sales or storage facilities must be at all times free from litter and debris.

(5) All proposed sales or storage facilities must be inspected prior to the selling or storing of any fireworks.

(6) Storage facilities must have a placard with a NFPA 704 warning symbol "Fireworks." (Ord. #3535, Dec. 2003)

7-512. Unlawful acts in the sale, handling, or private use of fireworks. (1) It is unlawful to:

(a) Offer for retail sale or to sell any fireworks to children under the age of sixteen (16) years or to any intoxicated or incompetent person.

(b) Explode or ignite fireworks within three hundred feet (300') of any church, hospital, hotel, motel, or public school or within three hundred feet (300') of where fireworks are stored, sold or offered for sale, or within three hundred feet (300') of a gasoline retailer or wholesale storage facility.

(c) Ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle or to place or throw any

ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people.

(2) All items of fireworks, which exceed the limits of D.O.T. Class C Common Fireworks as to explosive composition, such items being commonly referred to as "illegal ground salutes" designed to produce an audible effect, are expressly prohibited from the manufacturing, possession, use, sales or storage within the City of Columbia. This subsection shall not affect display fireworks authorized by this chapter.

(3) (a) Except as part of a public-display pursuant to title 7, §§ 7-502, 504 and 510, it shall be unlawful for any person within the City of Columbia to sell, use or possess any mortar firework with a single tube, or any mortar firework with multiple tubes, if any tube has been loaded with a shell or shells with a diameter of one and one-half inches (1-1/2") or more. Measurement of any tube shall be from the inside edge of the tube to the inside edge of the opposite side of the tube.

(b) Except as part of a public display pursuant to title 7, §§ 7-502, 504 and 510, it shall be unlawful for any person within the City of Columbia to sell, use or possess any reloadable firework.

(c) If the firework appears to be a mortar firework in violation of subsection (a) or a reloadable firework in violation of subsection (b), and if the packaging of the firework does not clearly indicate the contents of the firework so that it can be determined if the item is lawful for sale, it shall be presumed to be unlawful.

(d) It shall be unlawful for any person within the City of Columbia to use, possess, sell or offer for sale any bottle rocket.

(4) It shall be unlawful for any person to sell any item of fireworks without providing the purchaser with a written list of the days and hours of lawful use of fireworks within the City of Columbia as well as written safety instructions appropriate for the type of fireworks sold.

(5) It is unlawful to fail to comply with the City of Columbia's Zoning Ordinance. (Ord. #3535, Dec. 2003, as amended by Ord. #3923, Sept. 2012, as replaced by Ord. #4166, Nov. 2017)

7-513. Due process; penalty for violation. Violations of any of the provisions of this chapter may result in the issuance of a citation, the revocation of any applicable permit or the refusal to issue any future permits for a period of not to exceed three (3) years.

The permit holder shall be held responsible in the event of fire, personal injury, physical injury, and/or any property damage as a result of the permit holder's or the permit holder's employees actions. If permit is suspended or revoked the permit holder may request a due process hearing in front of the City Manager of the City of Columbia within three (3) days.

If a person or organization fails to obtain any required permits prior to manufacturing, possession, use, sales or storage of fireworks, the required permit fees shall be doubled. (Ord. #3535, Dec. 2003)

7-514. Exceptions to application. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, of the State of Tennessee or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser first secures a written permit to purchase and use fireworks for agricultural purposes from the state fire marshal's office, and after approval of the local county agricultural agent and the fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the City of Columbia. (Ord. #3535, Dec. 2003)

7-515. Seasonal use of fireworks. Except as part of a public display pursuant to title 7, chapter 5, §§ 7-503, 504 and 510, fireworks may only be used in the City of Columbia on July 3rd, July 4th and July 5th between the hours of 10:00 A.M. and 10:00 P.M. and on December 31st from 10:00 A.M. until January 1st at 12:30 A.M. (as added by Ord. #4166, Nov. 2017)

CHAPTER 6

OPEN BURNING

SECTION

- 7-601. Definitions.
- 7-602. Open burning prohibited.
- 7-603. Exceptions to prohibition.
- 7-604. Permits for open burning.
- 7-605. Penalties for failure to comply.
- 7-606. Review of violations by the city manager.

7-601. Definitions. (1) "Air curtain destructor" is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a recirculating motion of air under the curtain. The use of an air curtain destructor is considered controlled open burning subject to opacity requirements as stated elsewhere.

(2) "Air pollution emergency episode" is defined as air pollution alerts, warnings, or emergencies declared by the Tennessee Division of Air Pollution Control during adverse air dispersion conditions that may result in harm to public health or welfare.

(3) "Fuel oil" is defined as having a lower ignition temperature than kerosene. Kerosene has an ignition temperature of 444 degrees F. (Kerosene/diesel fuel is acceptable.)

(4) "Garbage" is defined as putrescible animal or vegetable waste resulting from the processing, storage, serving, or consumption of food.

(5) "Open burning" is the burning of any matter under such condition that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

(6) "Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, an agency, authority, commission, or department of the United States government, or of the State of Tennessee government; or any other legal entity, or their legal representative, agent, or assigns.

(7) "Public nuisance" is defined as a condition of things which is prejudicial to the health, comfort, safety, property, sense of decency, or morals of the citizens at large, resulting either from an act not warranted by law, or from neglect of a duty imposed by law.

(8) "Refuse collection service" is a public or private operation engaged in rubbish and/or garbage collection, transportation, and disposal in a registered sanitary landfill.

(9) "Registered sanitary landfill" is defined as one approved by the Tennessee Department of Health and Environment, Division of Solid Waste Management, to which a registration number has been assigned.

(10) "Rubbish" is defined as residential paper and cardboard products and packaging.

(11) "Wood waste" is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips and chemically untreated lumber whose "disposition" by open burning is to solely get rid of or destroy. Leaves that are not still on limbs are not considered wood waste. (Ord. #3402, April 2001)

7-602. Open burning prohibited. (1) No person shall cause, suffer, allow, or permit open burning of refuse, garbage, trade waste, trees, limbs, leaves, brush, grass, crops, flammables, combustibles or materials from construction or salvage operations within the entire city limits of Columbia except as specifically exempted by § 7-603, "Exceptions to Prohibition."

(2) Open burning except for the exemptions contained in § 7-603 will not be allowed in any area where the open burning would interfere with the attainment or maintenance of the State of Tennessee air quality standards.

(3) No open burning shall be allowed in any non-attainment or additional control area that might be affected by applicable contaminants from such open burning, nor any location within one half (1/2) miles of such a non-attainment or additional control area.

(4) The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited.

(5) No open burning shall be allowed when the governor has placed a ban on open burning. (Ord. #3402, April 2001, as amended by Ord. #4255, Sept. 2019 *Ch8_3-12-20*)

7-603. Exceptions to prohibition. Open burning, as listed below, may be conducted subject to specified limitations and provided further that no public nuisance is or will be created by such open burning. As a general rule, open burning will not be permitted except between sunrise until one (1) hour before sunset. Open burning must be conducted when ambient conditions are such that good dispersion of combustion products will result. This grant of exception shall in no way relieve the person responsible for such burning from the consequences, damages, injuries, or claims resulting from such burning.

(1) Commercial barbecue fireplace.

(2) Non-commercial fire used for ceremonial or recreation purposes including cookouts.

(3) Smokeless flares or safety flares for the combustion of waste gases.

(4) Fires used to clear land consisting solely of vegetation grown on that land for agricultural, forest, or game management purposes provide a permit is obtained prior to burning pursuant to this title.

(5) Fires set by or under the direction of responsible fire control agencies for the prevention, elimination, or reduction of a fire hazard.

(6) Application for open burning permits shall be made in person at any one of the City of Columbia Fire and Rescue Stations at least forty-eight (48) hours prior to commencing open burning.

(7) The fire chief or fire marshal may at his/her discretion issue a written permit for a bon fire for ceremonial purposes provided the size does not exceed ten feet (10') in height and ten feet (10') at the base. Columbia Fire and Rescue must be notified at least two weeks in advance during regular business hours prior to the approval and ignition of a bon fire. If an organization wants to build a bon fire, a fire apparatus from the City of Columbia must be arranged to be on site during the ceremony at a fee of one hundred dollars (\$100.00).

(8) The fire chief or fire marshal may at his discretion issue a written permit for any resident provided the size does not exceed three feet (3') in height and three feet (3') at the base. These piles may not be within fifty feet (50') of any structure.

(9) The fire chief or fire marshal shall have the authority to permit or prohibit open burning not specifically addressed herein. (Ord. #3402, April 2001, as replaced by Ord. #4255, Sept. 2019 *Ch8_3-12-20*)

7-604. Permits for open burning. Open burning may be conducted only when authorized by a specific permit issued by the City of Columbia and approved in writing by the Columbia Fire Department before burning commences and then only when done in conformity with the following conditions and any special conditions and terms of the permit:

(1) Exempt from permits are § 7-603(1), (2) and (3).

(2) As a general rule, open burning will only be permitted between sunrise and until one hour before sunset.

(3) All material to be burned must be dry and in all other respects be in a state to sustain good combustion.

(4) No fire shall be ignited while any air pollution emergency episode is in effect in the area of the burn.

(5) Open burning must be conducted when ambient conditions are such that good dispersion of combustion products will result.

(6) Application for open burning permits shall be made in person at any one of the City of Columbia Fire and Rescue Stations at least forty-eight (48) hours prior to commencing open burning.

(7) An open burning permit shall be subject to revocation if fire is deemed by the City of Columbia Fire and Rescue to jeopardize public health or welfare, or create a public nuisance or safety hazard.

(8) Obtaining an open burning permit as required does not relieve any person of the responsibility to obtain a permit required by any other agency, or of complying with other requirements set forth by other such agencies. (Ord. #3402, April 2001, as amended by Ord. #4187, May 2018 and Ord. #4255, Sept. 2019 *Ch 8_3-12-20*)

7-605. Penalties for failure to comply. Failure to obtain a valid open burning permit from the Columbia Fire and Rescue or failure to adhere to the provisions and conditions of the issued permit shall be construed as a violation of this chapter and such corrective/punitive measures that may be deemed appropriate by the City of Columbia Fire and Rescue. Schedule for equipment and manpower listed below with a one hour minimum for each incident:

Fire apparatus	\$45 per hour per apparatus.
Firefighters	\$15 per hour per person.
Materials	At cost. (Ord. #3402, April 2001, as amended by Ord. #4187, May 2018)

7-606. Review of violations by the city manager. Any person charged with violation of the provisions herein shall be entitled to request a review by the city manager of such violation. Such request must be made in writing and must be made within fifteen (15) days from the date of the notice of violation. Following such review, the city manager is hereby authorized to forgive a portion or all of the charges assessed for violation of this section. (as added by Ord. #3637, March 2006)