

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTARY FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN LIMITS.
5. FIREWORKS.
6. OPEN BURNING.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be the town limits for the Town of Estill Springs. (1997 Code, § 7-101)

¹Municipal code reference

Building, utility and residential codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the *International Fire Code*,² 2018 edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Pursuant to the requirements of *Tennessee Code Annotated*, §§ 6-54-502, one (1) copy of the *International Fire Code* has been filed with the recorder and is available for public use and inspection. Said fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1997 Code, § 7-201, modified, as amended by Ord. #22-466, Dec. 2022 *Ch1_12-01-22*)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. The chief shall apply for and meet the requirements of the "assistant to the commissioner" and shall have the same powers as the state fire marshal.

Included with or in addition to having the same powers as the state fire marshal, the fire chief or his designee shall have the authority to cancel any burning even with a fire permit, if this burning in their opinion, creates property damages or health hazards to anyone or anything in neighboring sites. (1997 Code, § 7-202, as amended by Ord. #22-466, Dec. 2022 *Ch1_12-01-22*)

¹Municipal code reference

Building, utility and residential codes: title 12.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Estill Springs, Tennessee. (1997 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in the fire prevention code, in which storage of explosive materials is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this code. (1997 Code, § 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1997 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1997 Code, § 7-206)

7-207. Violations and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen of the municipality or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. Remedial fines and penalties may be assessed to bring violations into compliance after legal notice.

The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. (1997 Code, § 7-207, modified)

CHAPTER 3

VOLUNTARY FIRE DEPARTMENT¹

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Chief responsible for training and maintenance.

7-306. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a voluntary 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 of Estill Springs and shall be and remain the property of the town. The fire department shall be composed of a chief and assistant chief and such number of physically-fit subordinate officers and firemen as the board of mayor and aldermen authorize. (1997 Code, § 7-301)

7-302. Objectives. The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.

(7) Investigate every fire for cause, origin, and circumstances which fire damaged or destroyed. Notify the state fire marshal as per Tennessee Fire Prevention and Arson Laws, *Tennessee Code Annotated*, § 68-102-111. (1997 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1997 Code, § 7-303)

¹Municipal code reference

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

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1997 Code, § 7-304)

7-305. Chief responsible for training and maintenance. The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the 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. (1997 Code, § 7-306)

7-306. Chief to be assistant to state officer. Pursuant to requirements of *Tennessee Code Annotated*, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by *Tennessee Code Annotated*, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1997 Code, § 7-307)

CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

7-401. Restrictions on fire service outside town limits.

7-401. Restrictions on fire service outside town limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the town limits unless the fire is on town property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the town as to endanger the town property, or unless the board of mayor and aldermen has developed policies for providing emergency services outside of the town limits or entered into a contract or mutual aid agreement pursuant to the authority of:

(1) The Local Government Emergency Assistance Act of 1987, as amended, codified in *Tennessee Code Annotated*, § 58-2-601, *et seq.*¹

¹State law references

Tennessee Code Annotated, § 58-2-601, *et seq.*, as amended by Public Acts 1988, Ch. 499, authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

This statute, as amended, does not require written agreements between the local governments, but authorizes them to develop policies and procedures for requesting and responding to requests for emergency assistance, including provisions for compensation for service rendered.

The statute specifies which municipal officers may request and respond to requests for emergency assistance and provides for the appointment by municipal governing bodies of additional municipal officers with the same authority.

The statute provides that the senior officer of the requesting party will be in command at the scene of the emergency.

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its
(continued...)

- (2) *Tennessee Code Annotated*, § 12-9-101, *et seq.*¹
- (3) *Tennessee Code Annotated*, § 6-54-601.² (1997 Code, § 7-401)

¹(...continued)

employees shall be liable for any property damage or bodily injury at the actual scene of any emergency due to actions performed in responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while en route to or from the scene of the emergency.

¹State law reference

Tennessee Code Annotated, § 12-9-101, *et seq.* is the Interlocal Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

²State law reference

Tennessee Code Annotated, § 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with industrial fire departments, to furnish one another with fire fighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide such communities with firefighting assistance. (3) Provide fire protection outside their town limits to either citizens on an individual contractual basis, or to citizens in an area without individual contracts, whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided. (Counties may compensate municipalities for the extension of fire services.)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Definitions.
- 7-502. Permits and permit fees.
- 7-503. Permit revocation.
- 7-504. Permissible fireworks.
- 7-505. Storing and structures.
- 7-506. Limitations on structures.
- 7-507. Location of fireworks outlets.
- 7-508. Parking for retail fireworks sales site.
- 7-509. Additional standards for fireworks retailers.
- 7-510. Unlawful sale to certain children and other persons; unlawful use of fireworks.
- 7-511. Limited time period to use fireworks.
- 7-512. Exemptions.
- 7-513. Violations and penalty.

7-501. Definitions. (1) As used in this chapter, unless the content otherwise requires:

(a) "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:

(i) All articles of fireworks classified as 1.4G, or referred to as "Consumer Fireworks," or "Class C Common Fireworks."

(ii) Theatrical and novelty, classified as 1.4S; or

(iii) 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.

(iv) Exceptions: (A) 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;

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

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

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

(c) "Permit" means the written authority of the Town of Estill Springs issued under the authority of this section.

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

(e) "Retailer" means any person engaged in the business of making retail sales of fireworks to the general public.

(f) "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).

(g) "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.*

(2) Singular words and plural words used in the singular include the plural and the plural as singular.

7-502. Permits and permit fees. (1) It is unlawful for any person to sell or to offer for sale in the Town of Estill Springs any item of fireworks without first having secured a state fire marshal permit and a permit issued by the Town of Estill Springs.

(a) Permits are non-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 one thousand dollars (\$1,000.00) for the summer period and five hundred dollars (\$500.00) for the winter period.

(d) The fee for public displays using special display (1.3G) fireworks is five dollars (\$5.00).

(e) Schools, wedding groups, businesses, and civic clubs that desire to have a 1.3G special display or 1.4G consumer fireworks display may obtain a permit to use fireworks for any time fo the year by paying a five dollar (\$5.00) permit fee and obtaining a permit from the town.

(2) A permit to sell fireworks in the Town of Estill Springs 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 the applicant.

(b) The applicant must be the natural 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 this/her supervision.

(3) A copy of the state fire marshal permit. (For a state permit to be obtained by a retailer, the mayor must sign on 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.)

(4) A person that applies for a retail fireworks permit must show proof that a state sales tax number has been obtained for sales tax purposes.

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

(6) Mobile vendors are not permitted.

(7) Flashing signs are not permitted.

(8) One (1) double-faced sign is permitted; however, each sign face may not exceed thirty-six (36) square feet.

(9) The application must contain evidence that general liability insurance has been obtained by applicant naming the Town of Estill Springs 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 liability combined.

(10) 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.

(11) Applicant shall pay one hundred dollars (\$100.00) cleanup deposit per location, which shall be refunded after the fireworks season or used by the city to clean up the retail fireworks site if needed.

(12) After the application has been submitted and approved, a city codes inspector shall inspect the site for compliance with applicable codes and ordinances.

7-503. Permit revocation. (1) The codes director 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 codes director gives written notice.

(a) When the permittee or the permittee's operator violates any lawful rule, regulation, or order of the city codes director.

(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 or statute.

(2) When any activities or the permittee constitute a distinct hazard to life or property, the codes director or fire official, or both, may revoke the permit immediately.

7-504. Permissible fireworks. (1) It is unlawful for any individual, firm, partnership, or corporation to sell or use within the Town of Estill Springs, except as provided in this chapter, any "fireworks" as defined in § 7-401(1)(a), other than the following:

(a) Those items 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.

7-505. 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 windows and other areas where the sun may shine through. Fireworks are not permitted to be stored in residential districts, except for personal use.

7-506. 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.

7-507. Location of fireworks outlets. Fireworks sales structures must be no closer than sixty feet (60') from any occupied building. Fireworks sales are permissible only on commercial/industrial property as approved by the planning department and the sales structure must be located a minimum of forty-five feet (45') from the right-of-way. Any fireworks sales structure must be at least one hundred fifty feet (150') from a residence. Fireworks sales are not allowed on any property where there is an existing retail business that is operated from a building in excess of one hundred twenty-five thousand (125,000) square feet.

7-508. Parking for retail fireworks sales site. The site for a fireworks retailer shall be improved to provide at least twelve (12) graveled or paved parking 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.

7-509. Additional standards for fireworks retailers. (1) Any site for a fireworks retailer must be located so that all parts of the structure and fireworks inventory on the site are no closer than one hundred feet (100') to any fuel source.

(2) The parcel in which a fireworks retail use is required shall be a minimum of seven hundred fifty feet (750') from other similar uses. This instance shall be measured in a straight line from structure to structure. Priority shall be given to the retailer who obtained a permit the previous year at the same location.

7-510. Unlawful sale to certain children and other persons; unlawful use of fireworks. It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age or to any intoxicated person. 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. It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle. 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 of persons. It is unlawful to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. It is unlawful to launch fireworks onto property of persons who have not given permission. It is unlawful to use fireworks at times places, or in any manner that endangers other persons. It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the Town of Estill Springs Fire Department, except for public (and/or group) displays for which permits have been granted.

7-511. Limited time period to use fireworks. It is unlawful to discharge or use fireworks except for the following time periods:

(1) July 1 through July 4 - The permissible hours are from 10:00 A.M. to 10:30 P.M., except for July 4 when permissible hours are from 10:00 A.M. to 11:00 P.M.

(2) December 31 and January 1 - The permissible hours from 8:00 P.M. on December 31 to 1:00 A.M. on January 1.

7-512. Exclusions. Nothing in this chapter prohibits:

(1) The sale of any kind of fireworks that are to be shipped directly out of the corporate limits of the town 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 water.

(2) The sale, transportation, handling, or use of industrial pyrotechnic devices or fireworks, such as railroad torpedoes, fusees, automotive, aeronautical, and marine flares and smoke signals.

(3) The sale or use of blank cartridges for theater, for signal or ceremonial purposes, in athletics or sporting events, or legal power tools.

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

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

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

(7) Supervised displays of fireworks as provided for in this chapter.

7-513. Violations and penalty. Violations of any provision of this chapter shall be subject to a penalty of up to fifty dollars (\$50.00) per violation.

CHAPTER 6

OPEN BURNING

SECTION

7-601. Purpose.

7-602. Definition of terms.

7-603. Standards for open burning.

7-604. Permits.

7-605. Penalties.

7-601. Purpose. The purpose of this chapter is to regulate certain open burning in order to protect the public from the hazards of uncontrolled fires and pollution. This chapter will not relieve the person who will be burning from complying with *Tennessee Code Annotated*, §§ 39-14-305; 39-14-401; 68-102-146 and 68-211-101 *et seq.* (as added by Ord. #22-462, Sept. 2022 **Ch1_12-01-22**)

7-602. Definition of terms. As used in this chapter, the following terms shall have the meaning ascribed to them herein, unless clearly indicated otherwise:

(1) "Authority having jurisdiction." The organization, agency, office, department or individual responsible for approval or enforcement.

(2) "Open burning." Any person burning or causing to be burned combustible or flammable material in a method other than within an enclosure from which burning material cannot escape.

(3) "Permit" means the written authority of the Town of Estill Springs issued under the authority of this chapter.

(4) "Person" means any individual, firm, partnership, corporation, association, public or private institution, political subdivision, or government agency. (as added by Ord. #22-462, Sept. 2022 **Ch1_12-01-22**)

7-603. Standards for open burning. It shall be unlawful for any person, as defined herein, to conduct an open burn within the corporate limits of the Town of Estill Springs without a valid approved permit.

(1) No person shall willfully start or cause to be started any open fire within the corporate limits of Estill Springs without first obtaining a burn permit from the State Division of Forestry.

(2) Prevailing winds at the time of ignition must be away from any dwelling, structure, highway or other populated area, the ambient air of which may be significantly affected by smoke, fly ash, or other contaminants from burning.

(3) Burning shall not be limited when it is determined by the fire chief or designee, based on information supplied by the National Weather Service or

other competent authority, that stagnant air conditions or inversions exist, or that such conditions may occur during the duration of the burn.

(4) Burning shall not be initiated when it is determined and announced by the state fire marshal that dry, drought, high wind or other hazardous conditions exist to prohibit burning either statewide or in regions affecting the geographical or corporate limits of Estill Springs.

(5) Burning shall not be initiated when it is determined and announced by the fire chief or designee that dry, drought, high wind or other hazardous conditions exist to prohibit burning within the corporate limits of Estill Springs.

(6) Asphaltic material, PVC, treated lumber, or items containing natural or synthetic rubber, or materials made with hydrocarbons shall not be burned or used to ignite the material to be burned or to promote the burning of such material. Banned materials include but may not be limited to tires and other rubber products, vinyl siding and vinyl shingles, plastics and other synthetic materials, paper products, cardboard and newspaper, asphalt shingles, and other asphalt roofing materials and demolition debris, asbestos containing materials, paints, household and agricultural chemicals, aerosol cans and food cans, building material and construction debris, buildings and mobile homes, coated wire, household trash, most vegetation not grown on site, etc.

(7) No burning shall be permitted within thirty feet (30') of any structure or dwelling.

(8) All fires must be attended to and under the direct supervision at all times of a person or persons that have sufficient capability and equipment to provide for complete extinguishment of the fire as needed.

(9) With the exception of bonfires and campfires, all fires shall be completely extinguished by 8:00 P.M. local time.

(10) All intentional open burning must comply with the rules and regulations set by the Tennessee Department of Environment and Conservation (TDEC) if not specifically more restricted by the municipality.

(11) Federal, state, or local declared natural disasters have certain provisions for cleanup. The Tennessee Department of Environment and Conservation, Division of Air Pollution Control open burning regulations include an exception for anyone conducting open burning of materials resulting only from a natural disaster. Such open burning is subject to certain conditions found at Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-.04(1). Everyone must comply with the listed basic conditions which include, but are not limited to:

(a) Making a reasonable effort to remove all expressly prohibited materials from the natural disaster remains before ignition. Expressly prohibited materials include tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials.

(b) Ensuring that a traffic hazard will not be caused by the air contaminants generated by the fire.

(c) Refraining from igniting a fire while any pollution emergency episode is in effect in the area of the burn.

(d) Ensuring that no other safe and/or practical means of disposal is available. (as added by Ord. #22-462, Sept. 2022 *Ch1_12-01-22*)

7-604. Permits. Burn permits will be obtained from the State Division of Forestry. Permit season is classified by the State Division of Forestry, starting October 15th of the current year to May 15th of the following year.

(1) Permits shall not be issued without the approval of the authority having jurisdiction when it has cited the person or designated the burn site as being in violation of federal, state, or municipal laws.

(2) The town, through the fire chief, has the authority to revoke a permit and to extinguish a fire for any reason affecting the health, safety or welfare of the Town of Estill Springs. (as added by Ord. #22-462, Sept. 2022 *Ch1_12-01-22*)

7-605. Penalties. (1) Any person violating the provisions of this chapter, or of any permit issued under the authority of this chapter, or any provisions herein, shall be subject to the general penalty provision of this code. Each day of violations shall constitute a separate offense. The penalties provided in said section shall be separate and apart and not in lieu of all other civil or criminal penalties which may be imposed under the laws of the State of Tennessee, or the Town of Estill Springs, Tennessee.

(2) Penalties for violations of the open burning rules and regulations set by the Tennessee Department of Environment and Conservation (TDEC) will be assessed separately from the Town of Estill Springs by TDEC. (as added by Ord. #22-462, Sept. 2022 *Ch1_12-01-22*)