

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
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CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all the area within the corporate limits which is zoned as the "general business district." (2000 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. Modifications.
- 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 prescribing regulations governing conditions hazardous to life and property from fire or explosion, 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 requirement of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the *Fire Prevention Code* has been filed with the city 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. (2000 Code, § 7-201, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. (2000 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of LaFollette. (2000 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 and storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code. (2000 Code, § 7-204)

¹Municipal code reference

Building, utility and residential codes: title 12.

²Copies of this code are available from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, MA 02269-9101.

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within any business or residential district at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (2000 Code, § 7-205)

7-206. Modifications. The chief of the fire department may recommend to the city council modifications 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 modifications when granted or allowed shall be contained in an amendment to this code or a resolution of the city council. (2000 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 *Standard 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 city council of the city or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (2000 Code, § 7-207)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city council. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the commissioner of public safety shall appoint and the city council shall approve. (2000 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; and
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (2000 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. (2000 Code, § 7-303)

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

¹Municipal code reference

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

to the commissioner of public safety once each month, and at the end of the year a detailed annual report shall be made. (2000 Code, § 7-304)

7-305. Tenure and compensation of members. The chief and all other members of the fire department shall hold office so long as their conduct and efficiency are satisfactory to the commissioner of public safety.

All personnel of the fire department shall receive such compensation for their services as the city council may from time to time prescribe. (2000 Code, § 7-305)

7-306. Chief responsible for training. The chief of the fire department shall be fully responsible for the training of the fire fighters, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (2000 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of *Tennessee Code Annotated*, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by *Tennessee Code Annotated*, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (2000 Code, § 7-307)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-301. Equipment and personnel to be used only within corporate limits.

7-301. Equipment and personnel to be used only within corporate limits. City of LaFollette Fire Department equipment will be used outside LaFollette corporate limits only to respond to mutual aid calls or the fire is on city property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property unless otherwise authorized by the fire chief or city administrator.

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Permits, necessity; regulations; display; nontransferable.
- 7-502. Business licenses not replaced by permit.
- 7-503. Application fee, duration of permit.
- 7-504. Responsibility for fireworks display.
- 7-505. Disposal of unfired fireworks.
- 7-506. Seizure of fireworks.
- 7-507. Storage, location and display of fireworks; protection of fuses.
- 7-508. Manufacture, sale of explosive is prohibited.
- 7-509. Exceptions.
- 7-510. Age limitations.
- 7-511. Firing fireworks.
- 7-512. Application fee.
- 7-513. Temporary structures.

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

It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into the City of LaFollette, except as herein provided, any item of fireworks without first having secured the required applicable permits as a manufacturer, distributor, wholesaler or retailer from the City of LaFollette, Planning Commission, and the state fire marshal, possession of said permits being hereby made a condition prerequisite to manufacturing, selling or offering for sale, shipping or causing to be shipped any fireworks into the City of LaFollette, except as herein provided. Permits are not transferable. (Ord. #2018-06, Sept. 2018)

7-502. Business licenses not replaced by permit.

The issuance of the permit herein required by the City of LaFollette shall not replace or relieve by any person, state, county or municipal business licenses as now or hereafter provided by law. All individuals and/or entities receiving a permit as detailed herein shall be responsible for all applicable state and local sales taxes. (Ord. #2018-06, Sept. 2018)

7-503. Application fee, duration of permit.

The application fee for the permit provided in § 7-501 shall be set by the board of mayor and council and shall be required for each application. The permit shall be valid for twelve (12) months.

- (1) The fireworks permit may be issued after approval for the site plan or land use plan, by the planning commission that the property meets or exceeds

the requirements for that zoning district and that the building meets minimum standards for the safe storage of fireworks.

(2) The structure has at least a four (4) hour fire rating.

(3) The applicant is a state licensed retailer.

(4) Certification by the fire chief and the property maintenance officer that the operation meets minimum fire codes for safe operation.

(5) Temporary structures are permissible and details of said temporary structure shall be itemized on the required site plan and shall be approved by the planning commission. Temporary permits shall be valid for a total of fifteen (15) days and the application shall further itemize the start and end date as proposed by the applicant. (Ord. #2018-06, Sept. 2018)

7-504. Responsibility for fireworks display. The permittee shall be held responsible for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors. (Ord. #2018-06, Sept. 2018)

7-505. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (Ord. #2018-06, Sept. 2018)

7-506. Seizure of fireworks. The chief of the fire department or any police having knowledge thereof shall seize, take, remove, or cause to be removed at the expense of the owner of all stocks or fireworks offered or exposed for sale, stored, or held in violation of this chapter. (Ord. #2018-06, Sept. 2018)

7-507. Storage, location and display of fireworks; protection of fuses. Placing, storing, locating, or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes, within fifty feet (50') of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with words "fireworks-no smoking" in letters not less than four inches (4") high. No fireworks shall be sold at retail at any location where paints, oils, or varnishes are for sale or use, unless such paints, oils, or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline, or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property. (Ord. #2018-06, Sept. 2018)

7-508. Manufacture, sale of explosives is prohibited. The manufacture of explosives is prohibited within the corporate limits of the city. It shall be unlawful for any person to store, offer for sale, sell, or activate any explosive device without proper notification of the chiefs of the police and fire

departments and without first obtaining a city permit. The chiefs of the fire and police departments shall seize, take, remove, or cause to be removed at the expense of the owner any devices that, in their opinion, pose a hazard, or that is held in violation of the code. (Ord. #2018-06, Sept. 2018)

7-509. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroad or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for use by military organizations. (Ord. #2018-06, Sept. 2018)

7-510. Age limitations. Fireworks will not be sold to anyone under age eighteen (18). (Ord. #2018-06, Sept. 2018)

7-511. Firing fireworks. Fireworks will not be shot where they will cause a public nuisance. (Ord. #2018-06, Sept. 2018)

7-512. Application fee. An application fee is due with the submission of any application or renewal as follows:

- (1) Permanent structure: one thousand dollars (\$1,000.00);
- (2) Temporary structure: five hundred dollars: (\$500.00); and
- (3) Renewal: five hundred dollars (\$500.00) (permanent structure).

(Ord. #2018-06, Sept. 2018)

7-513. Temporary structures. Temporary structures are permissible provided they are approved by the planning commission during the application process. Temporary structures shall be defined as any structure which is designed to be easily transported or dismantled after its function has been fulfilled, and which is used for commercial purposes. The proposed location of the temporary structure shall be detailed in the site plan submitted in the application. (Ord. #2018-06, Sept. 2018)

CHAPTER 6

OPEN BURNING

SECTION

- 7-601. Open burning prohibited.
- 7-602. Burning without permit.
- 7-603. Allowed inside city limits with permit.
- 7-604. Permits.
- 7-605. Prohibited burning materials.
- 7-606. Violations and penalty.

7-601. Open burning prohibited. No person shall cause, suffer, allow, or permit open burning of any kind except as specifically permitted herein. (Ord. #2021-04, June 2021)

7-602. Burning without permit. Open burning, as described in this section, may be conducted without permits provided that no public nuisance is or will be created by such burning. Fires used for cooking food, fires for ceremonial or recreational purposes, including barbecues and outdoor fireplaces, and fires set for the training and instruction of firefighters, do not need a permit. This grant of exemption shall in no way relieve the person from the consequences, damages, or claims resulting from such burning. This exception does not relieve the person of the responsibility of using fire safe practices nor from getting a permit from any other agency that may require such. (Ord. #2021-04, June 2021)

7-603. Allowed inside city limits with permit. Open burning shall be allowed inside the corporate limits of the city when a valid permit has been obtained from the City of LaFollette Fire Department. Prior to the burning, the person requesting the permit shall be certain that no detriment to the public health or damage to the land, water or air will be caused. The following conditions shall always be met:

- (1) Open burning shall be between the hours of 7:00 A.M. till dusk.
- (2) All fires shall be completely extinguished by dusk.
- (3) The fires may never be left unattended.
- (4) Burn piles shall be no bigger than eight by eight feet (8' x 8') and no more than four feet (4') in height.
- (5) No stumps shall be burned in the city. (Ord. #2021-04, June 2021)

7-604. Permits. To obtain a permit required by this chapter, the applicant shall call the City of LaFollette Fire Department. No fee shall be required to obtain an opening burning permit. All permits issued shall be displayed while the open burning is in progress. The fire department shall have

the authority to forbid, restrict, or suspend any and all burning when the fire chief or the senior fire officer in charge has determined that conditions are unfavorable or hazardous for outdoor fires. (Ord. #2021-04, June 2021)

7-605. Prohibited burning materials. The following items/products are strictly prohibited from burning within the City of LaFollette:

- (1) Tires and other rubber products.
- (2) Vinyl siding and vinyl shingles.
- (3) Plastics and other synthetic materials.
- (4) Paper products, cardboard and newspaper.
- (5) Asphalt shingles, and other asphalt roofing materials and demolition debris.
- (6) Asbestos-containing materials.
- (7) Paints, household and agricultural chemicals.
- (8) Aerosol cans and food cans.
- (9) Building material and construction debris.
- (10) Buildings and mobile homes.
- (11) Coated wire, copper wire and electrical wire.
- (12) Household trash.
- (13) Most vegetation not grown on site.
- (14) Also adopted and incorporated herein are all prohibited burning materials as identified in *Tennessee Code Annotated*. (Ord. #2021-04, June 2021)

7-606. Violations and penalty. Violation of this provision(s) of this section may be punishable by a civil penalty of no more than fifty dollars (\$50.00). (Ord. #2021-04, June 2021)