

**TITLE 7****FIRE PROTECTION AND FIREWORKS**<sup>1</sup>**CHAPTER**

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

**CHAPTER 1****FIRE DISTRICT**<sup>2</sup>**SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be all property located within the city's city limits. The fire department may respond when possible to fires outside the city's limits as to be designated by the city council. See chapter 4 in this title for policy and procedures for outside fire service and mutual aid agreements. (1993 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility, and residential codes: title 12.  
False alarms: title 20, chapter 2.

<sup>2</sup>The fire district is set out in § 7-204.

## CHAPTER 2

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

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Exceptions, amendments, and deletions.
- 7-203. Enforcement.
- 7-204. Definition of "municipality."
- 7-205. Storage of explosives, flammable liquids, etc.
- 7-206. Gasoline trucks.
- 7-207. Variances.
- 7-208. Required access for fire apparatus.
- 7-209. Effective date.
- 7-210. Open burning.
- 7-211. Conditions for permitting.
- 7-212. Permit required.
- 7-213. 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*,<sup>2</sup> 2012 edition with amendments, is hereby adopted. 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 codes office and is available for public use and inspection. Said fire prevention code is adopted and incorporated and shall be controlling within the corporate limits. (Ord. #399, \_\_\_\_\_)

**7-202. Exceptions, amendments, and deletions.** The following exceptions, amendments, and deletions are hereby made to the *International Fire Code* adopted in § 7-201.

(1) Section 903.2.8, the following exception is added to this section: Exceptions: One and two family dwellings less than 2,500 square feet.

(2) Section 503.3.1 is added to state: It shall be unlawful for any person to stop, stand, or park a vehicle, or to allow a vehicle owned by him to stop, stand, or park, within any fire lane, on either public or private property.

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<sup>1</sup>Municipal code reference

Building, utility, and residential codes: title 12.

<sup>2</sup>Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213

Persons who violate this section, shall be cited for and charged with a violation to the Decherd Municipal Court.

(3) Section 5001.1.1 shall be amended as follows: The provisions of this chapter are waived when the fire code official determines that such enforcement is preempted by other codes or the Decherd Municipal Code title 7 §§ 7-204 to 7-208 or other ordinances passed into the Decherd Municipal Code. The details of any action granting such a waiver shall be recorded and entered in the files of the code enforcement agency.

(4) Required access for the fire apparatus. All premises which the fire department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. Fire lanes should be provided for all buildings which are set back more than one hundred fifty feet (150') from a public road or exceed thirty feet (30') in height and are set back over fifty feet (50') from a public road. Fire lanes shall be at least twenty feet (20') in width with the road edge closest to the building at least ten feet (10') from the building. Any dead-end road more than three hundred feet (300') long shall be provided with a turn-around at the closed end at least ninety feet (90') feet in diameter.

A written document, agreeable to the fire marshal and for the benefit of the jurisdiction, shall be required for emergency access over all fire lanes. The designation and maintenance of fire lanes on private property shall be accomplished as specified by the fire marshal. It shall be unlawful for any person to park motor vehicles on, or otherwise obstruct, any fire lane.

(5) Enforcement. The fire prevention code herein adopted by reference shall be enforced by the city's certified fire inspector. (Ord. #399, \_\_\_\_ )

**7-203. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the city's certified fire inspector. (Ord. #349, March 2010)

**7-204. 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 Decherd, Tennessee. (Ord. #349, March 2010)

**7-205. Storage of explosives, flammable liquids, etc.** (1) The district referred to in chapter 33 of the fire prevention code, and chapter 65 of the *NFPA Uniform Fire Code*, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(2) The district referred to in chapter 34 of the fire prevention code, in which storage of flammable liquids in outside above ground tanks is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(3) The district referred to in chapter 34 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(4) The district referred to in chapter 38 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in § 7-101 of this code. (Ord. #349, March 2010)

**7-206. 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. (Ord. #349, March 2010)

**7-207. 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. (Ord. #349, March 2010)

**7-208. Required access for fire apparatus.** 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 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. #349, March 2010)

**7-209. Effective date.** After the effective date of these regulations, no person shall cause, suffer, allow, or permit open burning of any kind except as specifically permitted herein. (Ord. #379, April 2014)

**7-210. Open burning.** 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. #379, April 2014)

**7-211. Conditions for permitting.** Open burning shall be allowed inside the corporate limits of the city when a valid permit has been obtained from the 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. and 6:00 P.M., but in no case shall burning be permitted after dark unless specially permitted for special cases;

(2) All fires shall be completely extinguished by 6:00 P.M.;

(3) The fires may never be left unattended; and

(4) Materials to be burned must comply with the rules set forth by the Tennessee Department of Environment and Conservation, open burning rules chapter 1200-3-4. (Ord. #379, April 2014)

**7-212. Permit required.** To obtain a permit by this chapter, the applicant shall contact fire department. No fee shall be required to obtain an opening burning permit. 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. #379, April 2014)

**7-213. Violations and penalty.** All premises which the fire department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. Fire lanes should be provided for all buildings which are set back more than one hundred fifty feet (150') from a public road or exceed thirty feet (30') in height and are set back over fifty feet (50') from a public road. Fire lanes shall be at least twenty feet (20') in width with the road edge closest to the building at least ten feet (10') from the building. Any dead-end road more than three hundred feet (300') long shall be provided with a turn-around at the closed end at least ninety feet (90') in diameter.

A written document, agreeable to the fire marshal and for the benefit of the jurisdiction, shall be required for emergency access over all fire lanes. The designation and maintenance of fire lanes on private property shall be accomplished as specified by the fire marshal. It shall be unlawful for any person to park motor vehicles on, or otherwise obstruct, any fire lane. (Ord. #349, March 2010)

## 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.

**7-301. 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 appointed by the city council and such number of physically-fit subordinate officers and firemen (full-time and volunteer) as the city council shall appoint or designate. (1993 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. (1993 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.

The appointed or hired chief of the fire department shall be paid fifty dollars (\$50.00) per month salary. (1993 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,

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<sup>1</sup>Municipal code reference

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

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. (1993 Code, § 7-304)

**7-305. Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the city council. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend any other member of the fire department until the next meeting of the city council when he deems such action to be necessary for the good of the department.

All personnel of the fire department shall receive such compensation for their services as the city council may from time to time prescribe. (1993 Code, § 7-305)

**7-306. 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. (1993 Code, § 7-306)

## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-401. Use of equipment and policy and procedures for outside city limits fire service.

**7-401. Use of equipment and policy and procedures for outside city limits fire service.**<sup>1</sup> The City of Decherd may provide personnel and equipment if available to residents in the area outlined in § 7-101. The fire department is not obligated to respond.

(1) The authority to respond to outside fire calls will be made by the fire chief, assistant fire chief, or the officer on duty.

(2) All firemen will report to the firehall designated by the fire chief for outside fire calls.

(3) One engine with five (5) or six (6) men if possible may respond to the fire. All other responding firemen will remain at the firehall designated by the fire chief until the responding equipment and personnel return from the outside fire call.

(4) All reporting firemen will be paid whether at the scene of the fire or on call at the fire hall.

(5) The remaining engine will report to the firehall designated by the fire chief.

(6) Compensation for this service will be rendered by the Franklin County Commission. Charges for this service will be negotiated by the city council and the Franklin County Commission on an annual basis. (1993 Code, § 7-401)

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<sup>1</sup>Municipal code reference  
Mutual aid agreements: title 20.



## CHAPTER 5

### FIREWORKS

#### SECTION

- 7-501. Definitions.
- 7-502. Permits and permit fees.
- 7-503. Separate sales and use tax numbers required.
- 7-504. Permit revocation.
- 7-505. Permissible fireworks.
- 7-506. Sale of fireworks.
- 7-507. Storing and structures.
- 7-508. Limitations on structures.
- 7-509. Location of fireworks outlets.
- 7-510. Parking for retail firework sales site.
- 7-511. Additional standards for fireworks retailers.
- 7-512. Children, unlawful sale and use of fireworks.
- 7-513. Limited time period to use fireworks.
- 7-514. Exclusions.
- 7-515. Violations and penalty.

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

(a) "D.O.T. 1.4G consumer fireworks." All articles of fireworks as are now or hereafter classified as 1.4G or formerly referred to as "D.O.T. Class C common fireworks" in the regulations of the United States Department of Transportation.

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

(c) "Permit." The written authority of the City of Decherd issued under the authority of this section.

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

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

(f) "Sale." An exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer thereof and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, copartnership, or one (1) or more individual(s).

(g) "State fire marshal permit." 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. (Ord. #398, Aug. 2016)

**7-502. Permits and permit fees.** (1) It shall be unlawful for any person to sell, offer for sale, ship, or cause to be shipped into the City of Decherd any item of fireworks without first having secured a state fire marshal permit, and a permit issued by the City of Decherd.

(2) Permits are not transferable.

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

(4) The City of Decherd shall charge a permit fee in the amount of four hundred dollars (\$400.00) for an annual fee covering both summer and winter periods as set forth in this section for retail permits.

(5) The fee for public display events using special display (1.3G) fireworks shall be five dollars (\$5.00).

(6) The fee schedule may be revised from time to time by adoption of the annual budget ordinance and fee schedules.

(7) Community groups such as schools, weddings, business, and civic clubs who desire to have a group display of a 1.3G special display or 1.4G consumer fireworks may obtain a permit to use fireworks for any time of the year if a five dollar (\$5.00) permit is obtained from the City of Decherd.

(8) A permit to sell fireworks in the City of Decherd must be obtained at least one (1) week prior to the date on which the applicant desires to begin making sales. Each application shall contain the following:

(a) Name, address, and telephone number of applicant. The applicant must be the natural person who will operate or be responsible for sales. The applicant's name shall also be the same as the name on the state fire marshal permit. The applicant shall be liable for all violations of this chapter by persons under their supervision;

(b) A copy of the state fire marshal permit. (In order for a state permit to be obtained by a retailer, the city administrator or mayor must sign in behalf of the retailer an application for fireworks permit that the state requires before a state permit is issued to a retailer for a specific location);

(c) A person that applies for a retail fireworks permit must show proof that a state sales tax number and a city business license has been obtained for sales tax purposes;

(d) 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 adjacent structures that are occupied, location and number of parking places, location of any nearby residences, location of adjacent fuel outlets, and location of other fireworks outlets if located within seven hundred fifty feet (750') of a retail structure;

(e) Mobile vendors are not permitted;

(f) Flashing signs are not permitted;

(g) One double-faced sign is permitted, however, each sign face shall not exceed thirty-six (36) square feet;

(h) Evidence that general liability insurance has been obtained by applicant naming the City of Decherd 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;

(i) The location where the applicant will conduct the business of selling fireworks and the dates for which the right to do business is desired;

(j) Applicant shall pay one hundred dollars (\$100.00) clean-up 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; and

(k) After the application has been submitted and approved, a city codes inspector shall inspect the site for compliance. (Ord. #398, Aug. 2016)

**7-503. Separate sales and use tax numbers required.** A separate sales and use tax number shall be required for each location where consumer fireworks are sold. (Ord. #398, Aug. 2016)

**7-504. Permit revocation.** The codes director and/or fire official shall be authorized to 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:

(1) In the event that the permittee or the permittee's operator violates any lawful rule, regulation, or order of the city codes director of the City of Decherd;

(2) In the event that the permittee's application contains any false or untrue statements;

(3) In the event the permittee fails to timely file and/or pay any report, tax, fee, fine, or charge;

(4) In the event the permittee or the permittee's operator violates any fireworks ordinance or statute; and/or

(5) In the event any activities of the permittee constitute a distinct hazard to life or property, said codes director and/or fire official may revoke the permit immediately. (Ord. #398, Aug. 2016)

**7-505. Permissible fireworks.** It is unlawful for any individual, firm, partnership, or corporation to possess, sell, or use within the City of Decherd or ship into the city, 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 by the U.S. Department of Transportation as 1.4G consumer 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.

Any display event using 1.3G display fireworks must be under the control of a licensed pyrotechnics technician. (Ord. #398, Aug. 2016)

**7-506. Sale of fireworks.** Permissible items or fireworks may be sold within the City of Decherd only from June 20 through July 5 and December 21 through January 5 of each year. (Ord. #398, Aug. 2016)

**7-507. Storing and structures.** No person shall smoke within a structure where fireworks are sold. No person selling fireworks shall 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 10# ABC rated portable fire extinguisher must be present at each retail fireworks site. Fireworks sold at retail shall only be sold from a freestanding structure. Fireworks are not permitted to be stored in residential districts, except for personal use. (Ord. #398, Aug. 2016)

**7-508. Limitations on structures.** Tents meeting the current adopted *International Building Code* and *International Fire Code* may be used for the retail sale of fireworks. No structure from which fireworks are sold shall 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. (Ord. #398, Aug. 2016)

**7-509. Location of fireworks outlets.** Fireworks sales structures shall be no closer than sixty feet (60') from any occupied building. Fireworks sales are only permissible 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. (Ord. #398, Aug. 2016)

**7-510. Parking for retail firework sales site.** The site for a fireworks retailer shall be improved to provide at least adequate parking places for off street and right-of-way customer parking. (Ord. #398, Aug. 2016)

**7-511. 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 and fifty feet (750') from other similar uses. This distance shall be measured from structure to structure. Priority shall be given to the retailer who obtained a permit the previous year at the same location. (Ord. #398, Aug. 2016)

**7-512. Children, unlawful sale and use of fireworks.** It shall be 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 or seemingly irresponsible person. It shall be 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. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such motor vehicle, or at or near any person or group of persons. A user of fireworks shall not ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. Fireworks shall not be launched or fired onto property of persons who have not given permission. Fireworks shall not be used at times, places, or in any manner, which adversely affect other persons. Fireworks shall not be used during a burning ban declared by either the State of Tennessee or the Decherd Fire Department, except for public (and/or group) displays for which permits have been granted. (Ord. #398, Aug. 2016)

**7-513. Limited time period to use fireworks.** It shall be unlawful to discharge or use fireworks except for the following time periods:

(1) June 20 through July 5: the permissible hours shall be from 10:00 A.M. to 11:30 P.M., except for July 3 and 4 when permissible hours shall be from 10:00 A.M. to 12:30 A.M.; and

(2) December 20 and January 2: the permissible hours shall only be from 10:00 A.M. to 11:30 P.M. except for December 31 when permissible hours are up to 1:00 A.M. January 1. (Ord. #398, Aug. 2016, modified)

**7-514. Exclusions.** Nothing in this chapter shall be construed to prohibit:

(1) The sale of any kind of fireworks which are to be shipped directly out of the corporate limits of the city 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 use of fireworks by railroads or other transportation agencies for signal purposes or illumination;

- (3) The sale of use of blank cartridges for theater or sporting events;
- (4) The use of fireworks for military operations of agencies of the state or federal government;
- (5) The use of fireworks for agricultural purposes under conditions approved by the fire chief or his designee; and
- (6) Supervised displays of fireworks or hereinafter provided. (Ord. #398, Aug. 2016)

**7-515. Violations and penalty.** All individuals who violate any provision of this chapter shall be guilty of an offense and, upon conviction, shall be punished by a fine not to exceed fifty dollars (\$50.00) plus costs. Each violation or transaction shall be considered a separate violation. (Ord. #398, Aug. 2016)