

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include that area designated as the central business district at such time as the city may adopt a zoning ordinance. Until that time, there are no fire limits. (1973 Code, § 7-101)

¹Municipal code reference
Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Modifications.
- 7-204. Definition of "municipality."
- 7-205. Storage of explosives, flammable liquids, etc.
- 7-206. Gasoline trucks.
- 7-207. Variances.
- 7-208. Violations and penalties.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating exits, egress capacity, stairways, fire escapes, travel distance to egress, special locking arrangements in place of assembly occupancies, in any building or structure. The International Fire Code,² 2009 edition, along with appendices A, B, C, D, F, H, I and all subsequent amendments or additions to said code as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as fully as if copied herein verbatim as a part of this code.

One (1) copy of the fire code shall be kept on file in the office of the city recorder for the use and inspection of the public. (Ord. #366, Nov. 1994, modified, as amended by Ord. #631, July 2006 and Ord. #656, March 2007, and replaced by Ord. #784, May 2012)

7-202. Enforcement. The fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (as replaced by Ord. #784, May 2012)

7-203. Modifications. (1) Within the fire code when reference is made to the duties of certain officials named therein, that designated official of City of Fairview, Tennessee who has duties corresponding to those of the named

¹Municipal code references

Building, utility and residential codes: title 12

²Copies of this code (and any amendments) may be purchased from the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001.

official shall be deemed to be the responsible official insofar as enforcing the provisions of the code are concerned.

(2) Section 903, "Automatic Sprinkler Systems," of the International Fire Code, 2009 edition, is adopted in its entirety with the following modifications to the following sections:

(a) Section 903.2.1.1 Group A-1 (1) The fire area exceeds 5,000 square feet.

(b) Section 903.2.1.3 Group A-3 (1) The fire area exceeds 5,000 square feet.

(c) Section 903.2.1.4 Group A-4 (1) The fire area exceeds 5,000 square feet.

(d) Section 903.2.3 Group E (1) Throughout all Group E fire areas greater than 5,000 square feet.

(e) Section 903.2.4 Group F (1) A Group F-1 fire area exceeds 5,000 square feet.

(f) Section 903.2.7 Group M (1) A Group M fire area exceeds 5,000 square feet.

(g) Section 903.2.8 Group R A Group R an automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area except for one- and two-family dwellings.

(h) Section 903.2.9 Group S-1 (1) A group S-1 fire area exceeds 5,000 square feet.

(i) Section 903.2.9.1 Repair Garages.

(i) Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.

(ii) Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet.

(j) Section 903.2.10 Group S-2 enclosed parking garages.

(i) Where the fire area of the enclosed parking garage exceeds 5,000 square feet. (Ord. #366, Nov. 1994, as replaced by Ord. #784, May 2012)

7-204. Definition of "municipality." Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the City of Fairview, Tennessee. (as replaced by Ord. #784, May 2012)

7-205. Storage of explosives, flammable liquids, etc. (1) The limits referred to in the fire code, in which storage of explosive materials is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

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

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

(4) The limits referred to in the fire code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire district as set out in § 7-101 of this code. (as replaced by Ord. #784, May 2012)

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. (as replaced by Ord. #784, May 2012)

7-207. Variances. The chief of the fire department may recommend to the board of commissioners 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 commissioners. (as replaced by Ord. #784, May 2012)

7-208. Violations and penalties. It shall be unlawful for any person to violate or fail to comply with any provision of the fire code, along with Appendices A, B, C, D, F, H, and I as herein adopted. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as replaced by Ord. #784, May 2012)

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 and maintenance.
- 7-307. Chief to be assistant to state officer.
- 7-308. Police powers of firemen.
- 7-309. Authorization to act while off duty.
- 7-310. Inspections and inspection fees.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of commissioners. 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 to be appointed by the city manager, and any other firefighters deemed to be necessary by the fire chief and the city manager. (1973 Code, § 7-301, as amended by Ord. #504, July 2001)

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

- (1) To prevent uncontrolled fires from starting.

¹Charter references

For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

Fire chief

Appointment: § 6-21-701.

Duties: § 6-21-702.

Emergency: § 6-21-703.

Fire marshall: § 6-21-704

Firemen

Appointment: § 6-21-701.

Emergency powers: § 6-21-703.

Municipal code reference

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

- (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. (1973 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. (1973 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 to the city manager once each month, and at the end of the year a detailed annual report shall be made. (1973 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 manager. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he 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 board of commissioners may from time to time prescribe. (1973 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. (1973 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. (1973 Code, § 7-308)

7-308. Police powers of firemen. Firemen at the scene of a fire shall have the same powers and authority as policemen for the purpose of directing

traffic and otherwise preventing interference with the fire fighting effort. (1973 Code, § 7-309)

7-309. Authorization to act while off duty. Fire department employees and volunteer firemen are authorized to act to protect lives and property within the corporate limits of the City of Fairview, Tennessee, during those hours when such fire department employees and volunteer firemen are off duty, and during those hours when such fire department employees and volunteer firemen are in route or travel to and from official fire department business; and all actions by such off duty fire department employees and volunteer firemen shall be carried out in accordance with the laws, rules and regulations governing actions and conduct of fire department employees and volunteer firemen. (1973 Code, § 7-310)

7-310. Inspections and inspection fees. The chief of the fire department, or a well trained and qualified subordinate, approved by the chief, is authorized under this code to perform inspections of private residences for the purpose of determining whether flue installations for wood burning stoves are safely and properly installed to reduce the risk of fire from such installations. Provided that no such inspection is authorized unless the citizen requesting such an inspection shall sign a waiver acknowledging that the City of Fairview, and the inspector so designated, makes no warranty or guarantee, and further acknowledges his or her understanding that there is no assumption of liability upon the part of the said inspector, the chief of the fire department, or the City of Fairview, should a fire result from the installation so inspected. (1973 Code, § 7-311, as amended by Ord. #504, July 2001)

CHAPTER 4**FIRE SERVICE OUTSIDE CITY LIMITS****SECTION**

7-401. Equipment to be used only in approved areas.

7-401. Equipment to be used only in approved areas. No equipment of the fire department shall be used for fighting any fire in an area not approved by the Fairview City Commission, which shall include all areas within the municipal boundaries in the city, all areas in the 15th District of Williamson County, any other areas included in a mutual aid agreement with any other municipality or county, and (within the discretion of the city manager, the fire chief or the mayor) any area impacted by a disaster. (1973 Code, § 7-307, as amended by Ord. #504, July 2001)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Purpose.
- 7-502. Definitions.
- 7-503. [Repealed.]
- 7-504. [Repealed.]
- 7-505. [Repealed.]
- 7-506. Permissible types of fireworks.
- 7-507. Conditions for use of permissible articles.
- 7-508. [Repealed.]
- 7-509. Public displays--permits--regulation.
- 7-510. Regulations governing storing, locating or display of fireworks.
- 7-511. [Repealed.]
- 7-512. Seizure and destruction of fireworks.
- 7-513. Penalty for violation.
- 7-514. Exceptions to application.

7-501. Purpose. The purpose of this chapter is to provide for the use of certain fireworks for private use within the corporate limits of the City of Fairview, Tennessee within certain guidelines, which shall provide for the general safety and welfare of the citizens thereof. (as added by Ord. #430, May 1998, and replaced by Ord. #762, Nov. 2009)

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

(1) "D.O.T. Class C (1.4G) common fireworks" means all articles of fireworks as are now or hereafter classified as "D.O.T. Class C (1.4G) common fireworks" in the regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles;

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

(3) "Sale" means an exchange of articles of fireworks for money and also includes the barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, salesman, agent, association, co-partnership, of one (1) or more individuals;

(4) "Special fireworks" means all articles of fireworks that are classified as Class B (1.3G) explosives in the regulations of the United States Department of Transportation and includes all articles other than those classified as Class C (1.4G);

(5) "Unregulated or novelty fireworks." Those fireworks that are not regulated by state, federal or local statutes or ordinances and contain no more

than five (5) grams of pyrotechnic composition per individual device. (as added by Ord. #430, May 1998, and amended by Ord. #762, Nov. 2009)

7-503. [Repealed.] (as added by Ord. #430, May 1998, replaced by Ord. #658, March 2007, and repealed by Ord. #762, Nov. 2009)

7-504. [Repealed.] (as added by Ord. #430, May 1998, replaced by Ord. #658, March 2007, and repealed by Ord. #762, Nov. 2009)

7-505. [Repealed.] (as added by Ord. #430, May 1998, and repealed by Ord. #762, Nov. 2009)

7-506. Permissible types of fireworks. It is unlawful for any individual, firm, partnership or corporation to sell fireworks of any type except those defined in § 7-502(5) within the corporate boundaries of the City of Fairview, Tennessee. (as added by Ord. #430, May 1998, and replaced by Ord. #762, Nov. 2009)

7-507. Conditions for use of permissible articles. (1) No permissible articles of common fireworks, defined in § 7-502(1) shall be possessed or used within the corporate boundaries of the City of Fairview, Tennessee unless they are properly named to conform to the nomenclature of § 7-506 hereof or unless they are certified as "common fireworks" or certified as "unregulated or novelty fireworks" as defined in § 7-502(5).

Additionally:

(2) Those items now or hereafter classified as D.O.T. Class C (1.4G) common fireworks may be possessed and used by person(s) as defined in § 7-502(2) in accordance with the use of permissible articles as defined in § 7-507.

(a) Such use by persons shall be restricted to the following dates and times and those dates and times only.

(i) July 3, 4 and 5 from noon to 11:00 P.M. inclusive.

(ii) December 31 from noon to January 1, 1:00 A.M. inclusive.

(iii) January 1 and 2 from noon to 11:00 P.M. each day inclusive.

(b) All persons using fireworks as provided in this section shall:

(i) Not use or ignite or discharge fireworks on public roadways, streets, sidewalks, or any other public owned property, within six hundred feet (600') of any church, hospital, asylum, public school, or park or within two hundred feet (200') gas station or throw any fireworks from a motor vehicle, into a motor vehicle at or near any person or group of persons.

(ii) Persons using fireworks as provided in this section shall have attained the minimum age of sixteen (16) years unless they are accompanied by a person who has attained the minimum age of eighteen (18) years.

(iii) All persons using or igniting fireworks as provided in this section shall:

Make every reasonable effort to contain the fireworks and the debris on the users' property.

(iv) If the person using or igniting the fireworks as provided in this section does not own the property upon which the person is using or igniting the fireworks, the owner's permission must be obtained for the firework using or igniting and the owner must be present during the entire time fireworks are being used or ignited.

(v) Debris from the fireworks must be contained to the premises where the fireworks were used or ignited, collected and disposed of properly upon termination of the using or igniting of fireworks.

(vi) Any provision contained in § 5-507 to the contrary notwithstanding the dates and times for use shall not apply to those items certified as "unregulated or novelty fireworks." (as added by Ord. #430, May 1998, and replaced by Ord. #762, Nov. 2009)

7-508. [Repealed.] (as added by Ord. #430, May 1998, and repealed by Ord. #762, Nov. 2009)

7-509. 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. 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 Fairview shall include display shells designed to be fired from mortars and display set pieces of fireworks classified 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 codes administrator, or their designees, and applied for and received a permit for such displays issued by the state fire marshal. 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 it is not hazardous to

property and that is shall not endanger human lives. Possession of special fireworks for re-sale to holders of a permit for public fireworks display shall be confined to holders of a distributors permit only. Applicants must obtain and also provide liability insurance of at least one million dollars and no cents (\$1,000,000.00). (as added by Ord. #430, May 1998)

7-510. Regulations governing storing, locating or display 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 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 the 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.

(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) The physical site proposed for the location of storage, placement or sale of permissible fireworks shall require the prior approval of the codes administrator or the fire chief previous to the issuance of any required permits and licenses.

(4) The bulk storage (storage other than limited amounts incidental to permitted retail sales or public displays) of fireworks within the corporate limits of the City of Fairview is prohibited, and a violation of this section is unlawful and punishable under the provision of this chapter or the applicable state code. (as added by Ord. #430, May 1998)

7-511. [Repealed.] (as added by Ord. #430, May 1998, and repealed by Ord. #762, Nov. 2009)

7-512. Seizure and destruction of fireworks. (1) The City of Fairview Fire Chief shall seize as contraband any fireworks other than "Class C common fireworks" defined in § 7-502 hereof, or "special fireworks" for public displays as provided for in § 7-509 hereof, which are sold, displayed, used or possessed in violation of this chapter.

(2) Before any seized fireworks may be destroyed:

(a) If the owner of such seized fireworks is known, the fire chief shall give notice by registered mail or personal service to such owner, of

the fire chief's intention to destroy such seized materials. Such notice shall inform the owner of the owner's right to a hearing. Upon the request of the owner, the fire chief shall conduct an appropriate contested case hearing concerning such destruction of fireworks in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, title 4, chapter 5.

(b) If the identity of the owner of any seized fireworks is not known to the fire chief, the fire chief shall cause to be published, in a newspaper of general circulation in the county wherein the seizure was made, notice of such seizure, and of the fire chief's intention to destroy such fireworks. The notice shall be published once each week for three (3) consecutive weeks and if no person claims ownership of the fireworks within ten (10) days of the date of the last publication, the fire chief may proceed to destroy the fireworks. If the owner does claim the fireworks within the time specified, a hearing as set out in this subsection shall be held. (as added by Ord. #430, May 1998)

7-513. Penalty for violation. Any individual, firm, partnership or corporation that violates any provision of this chapter, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not to exceed fifty dollars (\$50.00). Each day of operation in violation shall constitute a separate distinct punishable offense. In addition, the City of Fairview fire chief may refuse to issue another permit to the holder of a permit so convicted for a period not to exceed three (3) years. (as added by Ord. #430, May 1998, as replaced by Ord. #658, March 2007)

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 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, or 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 only from the state fire marshal, and after approval of the county agricultural agent for the county in which the fireworks are to be used 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 Fairview. (as added by Ord. #430, May 1998)