

**TITLE 7**

**FIRE PROTECTION AND FIREWORKS**<sup>1</sup>

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER 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 district shall be the area zoned as central commercial on the zoning map of Hohenwald, Tennessee. (1982 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

## CHAPTER 2

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

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Modifications.
- 7-203. Available in recorder's office.
- 7-204. Amendments.
- 7-205. Violations and penalty.

**7-201. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, the International Fire Code, 2012 edition, and Appendices B, D, E, F, G, H and I thereto, as prepared and published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the fire code.

**7-202. Modifications.** (1) Definitions. Whenever the fire code refers to the "chief appointing authority" it shall be deemed a reference to the mayor, with confirmation of the city council. Whenever the fire code refers to the "fire code official," it shall be deemed a reference to such person as the mayor shall have appointed or designated to administer and enforce the provisions of the fire code.

(2) Modifications and insertions. The following modifications and insertions are made to the fire code:

- 101.1 Title - Insert "City of Hohenwald Tennessee"
- 103 Department of Fire Prevention - Delete
- 104.6 Official records - Revise the second sentence to read: "Such official records shall be retained as required by law."
- 105.3.1 Expiration - Delete the second and third sentences in their entirety
- 105.3.2 Extensions - Delete
- 109.4 Violation penalties - Delete
- 111.4 Failure to comply - Delete

**7-203. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

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<sup>1</sup>Municipal code reference

Building, utility, and residential codes: title 12.

**7-204. Amendments.** In accordance with Tennessee Code Annotated, § 6-54-502(c), the mayor, as the municipal code administrative official, shall adopt administrative regulations to incorporate subsequent changes and amendments to the fire code as prepared and published from time to time by the International Code Council. These amendments shall be identified by the mayor as to date and source and shall take effect as provided in Tennessee Code Annotated, § 6-54-502(d), unless disapproved by resolution of the city council.

**7-205. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference and modified.

## CHAPTER 3

### VOLUNTEER 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. Compensation.
- 7-306. Chief responsible for training and maintenance.
- 7-307. Destruction of property to prevent spread of fire.
- 7-308. Firemen to have same authority as policemen.
- 7-309. Chief to be assistant to state officer.

**7-301. Establishment, equipment, and membership.** There is hereby established a volunteer 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 volunteer fire department shall be composed of a chief appointed by the mayor with approval of the city council and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1982 Code, § 7-301)

**7-302. Objectives.** The volunteer 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) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable;
- (8) To provide code enforcement and building inspections as directed by the city within adopted codes and ordinances;
- (9) To serve as the emergency management agency of the city;
- (10) To protect the health and safety of the citizens from the transportation, storage, or manufacture of hazardous materials to the extent possible that the level of equipment and training will allow.

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<sup>1</sup>Municipal code reference

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

(11) To work with the water department to insure that adequate water supplies for fire protection are available; and

(12) To provide public fire and life-safety education materials and information to the citizens in order that they may protect themselves from harm and reduce the risk of fire in the community. (1982 Code, § 7-302, modified)

**7-303. Organization, rules, and regulations.** The chief of the volunteer 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 volunteer fire department. (1982 Code, § 7-303)

**7-304. Records and reports.** The chief of the volunteer 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. (1982 Code, § 7-304)

**7-305. Compensation.** All personnel of the volunteer fire department shall receive such compensation for their services as the city council shall prescribe.

**7-306. Chief responsible for training and maintenance.** The chief of the volunteer fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the volunteer 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. (1982 Code, § 7-306)

**7-307. Destruction of property to prevent spread of fire.** During the progress of any fire, fire fighters shall have the power to remove or destroy any property necessary to prevent the further spread of fire. (1982 Code, § 7-308)

**7-308. Firemen to have same authority as policemen.** Fireman shall have the same powers and authority as policemen of the city while going to, attending, and returning from a fire, and enforcing parking prohibitions relating to fire hydrants. (1982 Code, § 7-309)

**7-309. 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. (1982 Code, § 7-310)

## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-401. Equipment to be used only within corporate limits generally.

**7-401. Equipment to be used only within corporate limits generally.** Except for a mutual aid request or through interlocal agreement duly authorized by the city council, no equipment of the fire department shall be used for fighting any fire, or providing any emergency response or other emergency service, outside the corporate limits unless the response is to city property, or unless, when in the opinion of the chief of the fire department, that such fire is in such proximity to property owned by or located within the city so as to endanger the city property.

## CHAPTER 5

### FIREWORKS

#### SECTION

- 7-501. Purpose.
- 7-502. Definitions.
- 7-503. Permit required.
- 7-504. Permit fees and length of validity.
- 7-505. Application for permit.
- 7-506. Separate sales and use tax number required.
- 7-507. Permissible types of fireworks.
- 7-508. Conditions for sale.
- 7-509. Retail sales of permissible items--time limitations--exceptions.
- 7-510. Public displays.
- 7-511. Regulations governing storing, locating or displaying fireworks.
- 7-512. Unlawful act in the sale, handling or private use of fireworks.
- 7-513. Due process; penalty for violation.
- 7-514. Exceptions to application.
- 7-515. Use and shooting of fireworks.
- 7-516. Manufacturing of fireworks prohibited.

**7-501. Purpose.** The purpose of this chapter is to provide an ordinance for regulating the sale and use of fireworks within the corporate city limits of Hohenwald, Tennessee and thereby set guidelines which shall provide for the general safety and welfare of the citizens thereof and property therein. (Ord. #623, Nov. 2007)

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

(1) "Distributor." Any person engaged in the business of selling fireworks to any other person engaged in the business of reselling fireworks either as a wholesaler or retailer, or any other person who brings, or imports any fireworks of any kind, in any manner into the City of Hohenwald, except to a holder of a manufacturer's, distributor's or wholesaler's permit issued by the State of Tennessee and the City of Hohenwald.

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

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

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

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

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

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

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

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

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

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

(12) "Wholesaler." Any person engaged in the business of making sales of fireworks to a retailer. (Ord. #623, Nov. 2007)

**7-503. Permit required.** (1) It shall be unlawful for any person to sell, publicly display, offer for sale, ship, cause to be shipped or stored in the City of Hohenwald or property which is within the area which the Hohenwald Fire Department protects, except as herein provided, any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler, person or entity in charge of a public display event, or retailer from the City of Hohenwald Fire Chief or his designee and the State of Tennessee Fire Marshal (as required by Tennessee Code Annotated, § 68-104-101, et seq.).

(2) Possession of said permits shall be a prerequisite to selling, putting on a public display, offering for sale, shipping or causing to be shipped into, or storing any fireworks in the City of Hohenwald, except as herein provided. No permit shall be issued for manufacturing of fireworks within the City of Hohenwald as the same is prohibited. (Ord. #623, Nov. 2007)

**7-504. Permit fees and length of validity.** (1) The fee for the permit provided in § 7-503 of this chapter for retail sales of fireworks shall be five hundred dollars (\$500.00) and the permit shall be valid for a maximum period of sixteen (16) days each; for both retail seasons during that calendar year and as specified on the state permit.

(2) There shall be no fee for public display events. All persons desiring to display fireworks as a public event shall continue to be required to obtain a special event permit. (Ord. #623, Nov. 2007, as amended by Ord. #629, July 2008)

**7-505. Application for permit.** (1) Applicants for a permit under this chapter must obtain a permit packet and file with the city recorder a sworn written application containing the following:

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

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

(3) A brief description of the location where the applicant intends to sell fireworks;

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

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

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

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

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

(4) The City of Hohenwald shall be named as an additional insured on applicant's liability policy with a required minimum of one million dollars (\$1,000,000.00) in coverage.

(5) The following list of regulations will be issued with the approved application:<sup>1</sup>

(1) Only Class C fireworks may be sold.

(2) Fireworks must be stored at least ten feet (10') from windows where sun may shine through.

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<sup>1</sup>State law references

Tennessee Code Annotated, §§ 68-104-102c, 68-104-108 and 68-104-111.

(3) A "FIREWORKS--NO SMOKING" sign with letters no less than four inches (4") high (not homemade) must be posted and visible inside, the same type sign shall be posted at every entrance to a tent or building where fireworks are sold.

(4) State license and local permits shall be posted in a conspicuous place. License and permits must be accurate for the address location.

(5) Extension cords and wiring, when used outdoors, must be listed for wet locations, and be protected from physical damage, NFPA 70, 525-20(A).

(6) Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by suitable fixture or guard, NFPA 70, 525-21(B).

(7) Combustible materials must be kept at least thirty feet (30') from fireworks, NFPA 1 65.11.6.2.

(8) Heating devices must be listed and used in accordance with their listing. Temporary heating shall have overheating and tip-over protection devices. Fuel fired heaters are not allowed, NFPA 1 65.11.11.2.

(9) Seasonal retailers must have at least one (1) portable fire extinguisher (minimum of 10 lbs. ABC rating) within thirty-five feet (35') of any point in the tent/building.

(10) No fireworks shall be "shot" within three hundred feet (300') of any tent/building where fireworks are being sold.

(11) Tents used to house fireworks sales must meet or exceed NFPA 701-96 for flame resistance and have such information attached to the tent.

(12) Tents must be a minimum of twenty feet (20') from a fixed structure, grass around tent must be kept cut short for a distance of twenty feet (20'), tents containing over two hundred (200) square feet must have two (2) exits. (Ord. #623, Nov. 2007)

**7-506. Separate sales and use tax number required.** A separate sales and use tax number shall be required for each location where D.O.T. Class C fireworks are sold. (Ord. #623, Nov. 2007)

**7-507. Permissible types of fireworks.** It is unlawful to possess, sell or use any pyrotechnic known as fireworks within the City of Hohenwald other than those items now or hereafter classified as D.O.T. Class C common fireworks. (Ord. #623, Nov. 2007)

**7-508. Conditions for sale.** No permissible articles of D.O.T. Class C common fireworks shall be sold, offered for sale, or possessed within the City of Hohenwald, or used within the city, unless it is properly named and labeled to

conform to the nomenclature of allowed fireworks and unless it is certified "D.O.T. Class C common fireworks" on all shipping cases and by imprinting on the article or retail container D.O.T. Class C common fireworks, such imprint to be sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public. Retail sales for fireworks will not be allowed in any residentially zoned areas. All permits must be kept on site and visibly posted in the sales area. (Ord. #623, Nov. 2007)

**7-509. Retail sale of permissible items--time limitations--exceptions.** Permissible articles of fireworks may be sold at retail to residents of the City of Hohenwald only from June 20<sup>th</sup> through July 5<sup>th</sup> and from December 20<sup>th</sup> through January 2<sup>nd</sup> of each year. The definition of fireworks does not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing 25/100 grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding. These described items plus cone, bottle, tube, and other type serpentine pop-off novelties, model rockets, wire sparklers containing not over one hundred (100) grams of composition per item (sparklers containing chlorate or per chlorate sales may not exceed five (5) grams of composition per item) emergency flares, matches, trick matches, and cigarette loads may be sold at all times. (Ord. #623, Nov. 2007)

**7-510. Public displays.** Public displays of fireworks shall be performed only under competent supervision, and after the persons or organizations making such displays shall have received written approval from the police chief and fire chief, or their designees, and applied for and received a special events permit from the City of Hohenwald. Applicants for such displays shall be made in writing and shall show that proposed display is to be so located and supervised that it is not hazardous to property and that it shall not endanger human life. There shall be no fee for the display of Class C common fireworks. If a display is anything other than Class C common fireworks, the fee shall be three hundred dollars (\$300.00). (Ord. #623, Nov. 2007)

**7-511. Regulations governing storing, locating or displaying fireworks.** (1) Placing, storing, displaying, or locating fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to allow the presence of open flames, lighted cigarettes, cigars or pipes within fifty feet (50') of where the fireworks are for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs (not hand made) with the words "Fireworks--No Smoking" in letters not less than four inches (4") high. No fireworks shall be sold at any location where paints, oils or varnishes are offered for sale or used, unless such are kept in their original consumer containers, nor where resin, turpentine, gasoline or any other flammable substance is stored or sold.

(2) All firework devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety-type thread wrapped and coated fuses shall be exempt from this provision.

(3) All firework devices sold or stored under a duly issued permit must be located not less than one hundred feet (100') from any gasoline dispensing pump.

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

(5) All proposed sales facilities must be inspected prior to the selling or storing of any fireworks. (Ord. #623, Nov. 2007)

**7-512. Unlawful act in the sale, handling or private use of fireworks.**

(1) It is unlawful to:

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

(2) Explode or ignite fireworks within three hundred feet (300') of any hospital, hotel, motel, or public school or within three hundred feet (300') of where fireworks are stored, sold or offered for sale.

(3) Ignite or discharge any fireworks within or throw the same from a motor vehicle or to place or throw any fireworks into or at a motor vehicle, or at or near any person or group of people.

(2) All items of fireworks which exceed the limits of D.O.T. Class C common fireworks as to explosive composition, such items being commonly referred to as "illegal ground salutes" designed to produce an audible effect, are expressly prohibited from the manufacturing, possession, use, sales or storage within the City of Hohenwald. This subsection shall not affect display fireworks authorized by this chapter. (Ord. #623, Nov. 2007)

**7-513. Due process; penalty for violation.** (1) Violations of any of the provisions of this chapter may result in the issuance of a citation, the revocation of any applicable permit or the refusal to issue any future permits for a period of not more than three (3) years.

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

(3) If a person or organization fails to obtain any required permits prior to the storage or sales of fireworks, the required permit fee shall be doubled. (Ord. #623, Nov. 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 the safe operation of railroads, or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, of the State of Tennessee or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical or athletic events, nor as applying to the transportation, sale or use of fireworks for agricultural purposes. (Ord. #623, Nov. 2007)

**7-515. Use and shooting of fireworks.** The use and/or shooting of Class C Common Fireworks within the corporate city limits of the City of Hohenwald shall be restricted to the following dates and times: July 3 through July 6; 9:00 A.M. until 10:30 P.M. and December 31 through January 2: 9:00 A.M. until 10:30 P.M. Notwithstanding the foregoing, on the date of December 31, the discharge of common fireworks shall be restricted to the hours of 9:00 A.M. until 12:30 A.M. This section does not apply to the lawful and permitted public display of fireworks addressed elsewhere in this chapter. (Ord. #623, Nov. 2007, as replaced by Ord. #629, July 2008)

**7-516. Manufacturing of fireworks prohibited.** The manufacturing of fireworks inside the City of Hohenwald is hereby prohibited. (Ord. #622, Nov. 2007)