

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE LIMITS.
2. FIRE SERVICE OUTSIDE TOWN LIMITS.
3. FIRE CODE.
4. FIREWORKS.
5. OPEN BURNING.

CHAPTER 1

FIRE LIMITS²

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as from time to time prescribed by the board of mayor and aldermen. (1978 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

²The significance of the fire district is that Chapter 30 of the Standard Building Code, applicable to the Town of Huntland through title 12 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits Hazardous (Group H) occupancies within the fire district. Chapter 4, Section 408 of the Standard Building Code defines Hazardous (Group H) occupancy in both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials.

CHAPTER 2

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

7-201. Restrictions on fire service outside town limits.

7-201. Restrictions on fire service outside town limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the town limits unless the fire is on town property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the town as to endanger the town property, or unless the board of mayor and aldermen has developed policies for providing emergency services outside of the town limits or entered into a contract or mutual aid agreement pursuant to the authority of:

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

¹Charter and state law references

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

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

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

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

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its employees shall be liable for any property damage or bodily injury at the actual scene of any emergency due to actions performed in
(continued...)

- (2) Tennessee Code Annotated, section 12-9-101 et seq.¹
- (3) Tennessee Code Annotated, section 6-54-601.²

(...continued)

responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

¹State law reference

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

²See Ord. #80-1, May 1980, in the office of the recorder.

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

CHAPTER 3

FIRE CODE¹

SECTION

- 7-301. Fire code adopted.
- 7-302. Enforcement.
- 7-303. Definition of "municipality."
- 7-304. Storage of explosives, flammable liquids, etc.
- 7-305. Gasoline trucks.
- 7-306. Variances.
- 7-307. Violations and penalties.

7-301. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,² 1999 edition as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, section 6-54-502, one (1) copy of the fire prevention code has been filed with the town recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

Within said code, where reference is made to the duties of a certain official named therein, that designated official of the Town of Huntland who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (1978 Code, § 7-201, modified, as amended by Ord. #2005-1, March 2005)

7-302. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the police department. (1978 Code, § 7-202)

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

7-303. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Huntland, Tennessee. (1978 Code, § 7-203)

7-304. Storage of explosives, flammable liquids, etc. (1) The district referred to in section 1901.4.2 of the fire prevention code, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

(2) The district referred to in section 902.1.1 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 section 7-101 of this code.

(3) The district referred to in section 906.1 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 section 7-101 of this code.

(4) The district referred to in section 1701.4.2 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 section 7-101 of this code. (1978 Code, § 7-204, modified)

7-305. 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. (1978 Code, § 7-205)

7-306. Variances. The police chief 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 an amendment to this code or a resolution of the board of mayor and aldermen. (1978 Code, § 7-206)

7-307. Violations and penalties. 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 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 this municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1978 Code, § 7-207)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Definitions.
- 7-402. Permits and permit fees.
- 7-403. Separate sales and use tax numbers required.
- 7-404. Permit revocation.
- 7-405. Permissible fireworks.
- 7-406. Sale of fireworks.
- 7-407. Storing and structures.
- 7-408. Limitations on structures.
- 7-409. Location of fireworks outlets.
- 7-410. Parking for retail firework sales site.
- 7-411. Additional standards for fireworks retailers.
- 7-412. Children, unlawful sale and use of fireworks.
- 7-413. Limited time period to use fireworks.
- 7-414. Exclusions.
- 7-415. Penalty for violation.

7-401. Definitions. (1) As used in this chapter, unless the content otherwise requires:

(a) "D.O.T. 1.4G consumer fireworks" means 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" means a vendor operating from motor vehicles, trailers, bicycles, or motorbikes.

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

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

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

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

(g) "State fire marshal permit" means the appropriate fireworks permit issued by the Tennessee Fire Marshal under the authority of Tennessee Code Annotated, § 68-104-101, et seq.

(2) Singular words and plural words used in the singular include the plural and the plural as singular. (1978 Code, § 7-301, as replaced by Ord. #2006-4, April 2006)

7-402. 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 Town of Huntland any item of fireworks without first having secured a state fire marshal permit, and a permit issued by the Town of Huntland.

(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 20 through January 5.

(4) The Town of Huntland shall charge a permit fee in the amount of \$500 for the summer period and \$250 for the winter period as provided for in this section for retail permits.

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

(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 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 \$5 permit is obtained from the Town of Huntland.

(8) A permit to sell fireworks in the Town of Huntland must be obtained at least one 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 ordinance 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 recorder, 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 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 residencies, location of adjacent fuel outlets and location of other fireworks outlets if located within 750 feet 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 of the Town of Huntland as additional insured for at least \$1,000,000 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 \$100 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.
- (k) After the application has been submitted and approved, a city codes inspector shall inspect the site for compliance. (1978 Code, § 7-302, as replaced by Ord. #2006-4, April 2006)

7-403. 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. (1978 Code, § 7-303, as replaced by Ord. #2006-4, April 2006)

7-404. 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 Town of Huntland.
- (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.
- (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. (1978 Code, § 7-304, as replaced by Ord. #2006-4, April 2006)

7-405. Permissible fireworks. It is unlawful for any individual, firm, partnership, or corporation to possess, sell, or use within the Town of Huntland

or ship into the town, 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.

(3) Any display event using 1.3G display fireworks must be under the control of a licensed pyrotechnics technician. (1978 Code, § 7-305, as replaced by Ord. #2006-4, April 2006)

7-406. Sale of fireworks. Permissible items or fireworks may be sold within the Town of Huntland only from June 20 through July 5 and December 21 through January 5 of each year. (as added by Ord. #2006-4, April 2006)

7-407. 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 (4) inches 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. (as added by Ord. #2006-4, April 2006)

7-408. Limitation on structures. Tents meeting the current adopted Standard Building Code and Standard Fire Prevention 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. (as added by Ord. #2006-4, April 2006)

7-409. Location of fireworks outlets. Fireworks sales structures shall be no closer than sixty (60) feet 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 (45) feet from the right of way. Any fireworks sales structure must be at least one hundred fifty (150) feet 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. (as added by Ord. #2006-4, April 2006)

7-410. Parking for retail fireworks sales site. The site for a fireworks retailer shall be improved to provide at least ten (10) graveled or paved parking places for off street and right-of-way customer parking. In addition, the retail fireworks site must provide for an on-site turn around area so that backing of vehicles onto the street will not be necessary. (as added by Ord. #2006-4, April 2006)

7-411. Additional standards for fireworks retailers. (1) Any site for a fireworks retailer must be located so that all parts of the structure and fireworks in inventory on the site are no closer than one hundred (100) feet to any fuel source.

(2) The parcel in which a fireworks retail use is required shall be a minimum of seven hundred and fifty (750) feet 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. (as added by Ord. #2006-4, April 2006)

7-412. 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 (600) feet of any church, assisted living facility, nursing home, hospital, funeral home, public or private school academic structure, or within two hundred (200)feet 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 Huntland Volunteer Fire Department, except for public (and/or group) displays for which permits have been granted. (as added by Ord. #2006-4, April 2006)

7-413. Limited time period to use fireworks. It shall be unlawful to discharge or use fireworks except for the following time periods:

(1) July 1 through July 4 -- The permissible hours shall be from 10:00 A.M. to 10:30 P.M. except for July 3 when permissible hours shall be from 10:00 A.M. to 11:30 P.M.

(2) December 31 and January 1 -- The permissible hours shall only be from four (4) hours before and one (1) hour after the start of the New Year. (as added by Ord. #2006-4, April 2006)

7-414. 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 or 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.

(6) Supervised displays of fireworks or hereinafter provided. (as added by Ord. #2006-4, April 2006)

7-415. Penalty for violation. 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 offense. (as added by Ord. #2006-4, April 2006)

CHAPTER 5

OPEN BURNING

SECTION

7-501. Written consent required.

7-502. Violations.

7-501. Written consent required. Open burning within the town limits without the prior written consent of the fire chief shall be unlawful. (Ord. #86-1, May 1986)

7-502. Violations. (1) Any person starting an open fire or allowing one to be started on his or her property shall be guilty of violating this chapter.

(2) A violation of this chapter shall be a misdemeanor and punished by a fine of not less than \$2.00 or more than \$50.00 and the costs. (Ord. #86-1, May 1986)