

TITLE 7

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

CHAPTER

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

CHAPTER 1

FIRE LIMITS<sup>2</sup>

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall include all the territory bounded by Hill Street on the east, the Southern Railway on the south, "C" Street on the west and First Avenue on the north, and the Lenoir City park and to the marina area; said marina being the area which is leased to the City of Lenoir City, Tennessee by the United States of America by and through its agency, the Tennessee Valley Authority, which is now sublet to certain operators and is currently known as Fort Loudon Dam Marina. (1963 Code, § 7-101, as amended by Ord. adopted Aug. 24, 1981)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>The significance of the fire limit is that Chapter 30 of the Standard Building Code, applicable to the City of Lenoir City 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 CODES<sup>1</sup>

SECTION

- 7-201. Fire codes adopted.
- 7-202. Available in recorder's office.
- 7-203. Violations and penalty.
- 7-204. Enforcement.
- 7-205--7-207. Deleted.

7-201. Fire codes adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from fire, or for other purposes, the International Fire Code, 2006 edition; NFPA 1-Uniform Fire Code, 2006 edition; and NFPA 101 - Life Safety Code, 2006 edition, as recommended by the International Code Council are hereby adopted and incorporated by reference as a part of this code and are hereinafter referred to as the fire codes. (Ord. #22-A, Sept. 1970, as replaced by Ord. #2000-1-24-1296, Jan. 2000, and amended by Ord. #2008-06-09-1816-A, June 2008)

7-202. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1963 Code, § 7-202, as replaced by Ord. #2000-1-24-1296, Jan. 2000)

7-203. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provisions of the fire prevention code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1963 Code, § 7-203, as replaced by Ord. #2000-1-24-1296, Jan. 2000)

7-204. Enforcement. The fire prevention inspector shall be such person as the city council shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the fire prevention code as herein adopted by reference. He is authorized and directed to make such inspections as are

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<sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. (1963 Code, § 7-204, as replaced by Ord. #2000-1-24-1296, Jan. 2000)

7-205--7-207. Deleted. (as replaced by Ord. #2000-1-24-1296, Jan. 2000)

## 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. Chief responsible for training.

7-306. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the governing body and such number of physically-fit subordinate officers and firemen as the city council shall appoint. (1963 Code, § 7-301, modified)

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 in case a fire does start.
3. To confine fires to the place 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. (1963 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, under the direction of the city administrator. (1963 Code, § 7-303, modified)

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

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<sup>1</sup>Municipal code reference

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

the city council once each month, and at the end of the year a detailed annual report shall be made. (1963 Code, § 7-304, modified)

7-305. Chief responsible for training. The chief of the fire department or his designee, shall be fully responsible for the training of the firemen and, the minimum training shall comply with the standards as adopted by the Tennessee Commission on firefighter standards and education. No firefighter, volunteer or paid, shall have less than 40 hours of in-service training during any year. (1963 Code, § 7-306, modified)

7-306. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief is designated as an assistant to the state commissioner of 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 state commissioner in the execution of the provisions thereof. (1963 Code, § 7-308, modified)

## CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

## SECTION

## 7-401. Restrictions on fire service outside city limits.

7-401. Restrictions on fire service outside city limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the city limits unless the fire is on city property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the city as to endanger the city property, or unless the city council has developed policies for providing emergency services outside of the city 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, § 58-2-601, et seq.<sup>1</sup>

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<sup>1</sup>State law references

Tennessee Code Annotated, § 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

(continued...)

2. Tennessee Code Annotated, § 12-9-101, et seq.<sup>1</sup>
3. Tennessee Code Annotated, § 6-54-601.<sup>2</sup>

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(...continued)

the actual scene of any emergency due to actions performed in 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.

<sup>1</sup>State law reference

Tennessee Code Annotated, § 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.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 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 5

FIREWORKS

## SECTION

- 7-501. Manufacture prohibited.
- 7-502. Storage, sale and use restricted.
- 7-503. Use of fireworks restricted.
- 7-504. Special displays; permit required.
- 7-505. Penalty for violation.
- 7-506. Use by railroads, etc.
- 7-507. Exceptions.

7-501. Manufacture prohibited. It shall be unlawful for any person, firm, partnership or corporation to manufacture within the corporate limits of Lenoir City, Tennessee pyrotechnics, commonly known as fireworks, of any kind or description.

7-502. Storage, sale and use restricted. It shall be unlawful for any person, firm, partnership corporation to store or sell in, or ship into the corporate limits of Lenoir City any pyrotechnics, commonly known as fireworks, except those fireworks classed as permissible fireworks in Tennessee Code Annotated, § 68-104-108. The storage and sale of permissible fireworks shall be subject to the following restrictions:

1. The storage and sale of permissible fireworks is permitted only within the C-4 District, as shown on the Zoning Map of Lenoir City, Tennessee, and shall be subject to all conditions and restrictions contained in the Zoning Ordinance of Lenoir City, Tennessee.

2. Any person, firm, partnership or corporation desiring to store and sell fireworks within the corporate limits of Lenoir City shall make application for a permit to do so on forms provided for that purpose. The application shall be accompanied by a non-refundable fee of two hundred fifty dollars (\$250.00). No permit shall be issued to a person under eighteen (18) years of age. All permits shall be for the calendar year or any fractions thereof and shall expire on December 31. A grace period of two (2) days shall be allowed each holder of a permit.

The application shall include the name of the person making application, the firm, partnership or corporation he represents, the business address of both the applicant and the partnership, firm or corporation he represents, the address and description of the premises where the storage and sale of fireworks is contemplated, sales tax numbers and any other information the recorder deems pertinent to aid in the investigation of the application.

The recorder shall refer the applicant to the fire chief who shall interview the applicant and inspect the premises in which the storage and sale of

fireworks is contemplated and make whatever additional investigation of the applicant or premises he deems appropriate to insure that the premises and its operation by the applicant will not constitute a fire, explosion or similar safety hazard. The fire chief shall make a written report of his investigation to the recorder within 72 hours which shall indicate whether the application is approved or denied and shall clearly state the reasons for denial, if applicable. The report may also indicate a qualified approval based on authority which the fire chief shall have to impose reasonable restrictions on the applicant and/or premises.

If the fire chief approves the application the recorder shall issue a permit. If the fire chief approval is qualified, the restrictions and conditions imposed by the chief upon the applicant and/or premises shall be stated in writing in the permit. The permit shall not be transferable to any other person, firm, partnership, corporation or premise.

An applicant denied a permit or whose permit contains conditions and restrictions shall have the right of appeal to the city administrator within fourteen (14) days after denial or the issuance of the permit containing conditions and restrictions by giving the recorder written notice of appeal. Pending appeal by said permit holder whose permit contains conditions and restrictions the permit holder shall abide by any and all conditions and restrictions contained in the permit.

3. Anything in this code to the contrary, no fireworks shall be sold from an automobile or any other vehicle.

4. Placing, storing, location, or displaying of fireworks in any window where the sun may shine through the glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within ten (10) feet 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 with the words "fireworks-no smoking" in letters not less than four (4) inches high. No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers, nor where resin, turpentine, gasoline, or other flammable substance which may generate inflammable vapors is used, stored or sold.

5. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, public school, 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 a motor vehicle, or at or near any person or group of people.

7-503. Use of fireworks restricted. It shall be unlawful for any person to fire, set off, shoot, discharge, or otherwise explode any fireworks within the corporate limits of the City of Lenoir City, except that it is permissible for persons to fire, set off, shoot, discharge or otherwise explode fireworks at their residences providing that:

1. The igniting and final firing or exploding is done entirely within the property lines of the person doing the firing;
2. Such firing is not objectionable to or does not create a nuisance insofar as other residences of the neighborhood are concerned; and
3. The fireworks may only be fired, set off, shot, discharged or exploded on a seasonal basis from June 20 through July 5 and from December 10 through January 2.

Streets, roadways, and alleys maintained by the State of Tennessee or the City of Lenoir City and sidewalks adjacent to the property from which fireworks are being exploded or fired are to be construed as outside the property lines of the person exploding fireworks, it being the intent of this chapter to prohibit the use of fireworks on all public streets, roadways, alleys and sidewalks within the City of Lenoir City.

7-504. Special displays; permit required. 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 displays only and which are otherwise prohibited for sale and use within the state shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of interstate commerce commission 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 applied for and received a permit for such display issued by the state fire marshal. Applications for permits for such public displays shall be made in writing at least ten (10) days in advance of the proposed display, and the application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives. The application shall so state and shall bear the signed approval of the chief supervisory officials of the fire and police departments of the City of Lenoir City. Permits issued shall be limited to the time specified therein, and shall not be transferable. Possession of special fireworks for resale to holders of a permit for a public fireworks display shall be confined to holders of a distributors permit only.

7-505. Penalty for violation. Any individual violating any provision of this chapter shall be guilty of a misdemeanor punishable pursuant to Tennessee Code Annotated § 68-104-114.

The fire chief of the City of Lenoir City is further authorized to seize any contraband and destroy fireworks which do not comply with the provisions defining allowable fireworks contained in this chapter pursuant to the provisions of Tennessee Code Annotated § 68-104-115.

7-506. Use by railroads, etc. Nothing contained herein shall be construed as prohibiting the railroads or other transportation agencies from the use of fireworks for signal purposes or illumination.

7-507. Exceptions. 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, or of this state 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 only from the state fire marshal, after approval of the county agricultural agency of the county in which said fireworks are to be used and said 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.