

**TITLE 7**

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

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN 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 all that area defined and described as corporate limits in the town's zoning ordinance.<sup>2</sup> (1998 Code, § 7-101, modified)

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<sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

<sup>2</sup>The zoning ordinance and map, and any amendments thereto, are available in the office of the recorder.

## CHAPTER 2

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

#### SECTION

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

**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 prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,<sup>2</sup> 2006 edition, as prepared and adopted by the International Code Council is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been filed with the recorder and is available for public use and inspection. Said fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1998 Code, § 7-201, as amended by Ord. #254, Sept. 2006, modified)

**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. (1998 Code, § 7-202, modified)

**7-203. Definition of "municipality."** Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the Town of New Tazewell, Tennessee. (1998 Code, § 7-203, modified)

**7-204. Storage of explosives, flammable liquids, etc.** The limits referred to in the fire code, in which storage of explosives and blasting agents is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

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<sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

<sup>2</sup>Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

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

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 limits as set out in § 7-101 of this code.

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 limits as set out in § 7-101 of this code. (1998 Code, § 7-204, modified)

**7-205. 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. (1998 Code, § 7-205)

**7-206. Variances.** The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1998 Code, § 7-206, modified)

**7-207. Violation and penalty.** Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense.

## CHAPTER 3

### FIRE DEPARTMENT<sup>1</sup>

#### SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Chief to be assistant to state officer.

**7-301. Establishment, equipment, and membership.** There is hereby established a joint fire department to be supported and equipped from appropriations by the Boards of Mayor and Aldermen of the Towns of Tazewell and New Tazewell. The appropriations shall be paid over to and administered by a fire department committee composed of five (5) members (two (2) from the Tazewell Board of Mayor and Aldermen, two (2) from the New Tazewell Board of Mayor and Aldermen, and the fire chief) for the exclusive use of the fire department. Board members of the fire department committee shall serve at the will and pleasure of the mayor appointing them. The committee shall provide for its organization, shall adopt its own by-laws, and shall keep complete minutes of all its meetings. All apparatus, equipment and supplies shall be purchased by the fire department committee for the towns, in accordance with the annual budget approved by the Boards of Mayor and Aldermen of Tazewell and New Tazewell, and shall be and remain the joint property of Tazewell and New Tazewell. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the fire department committee shall appoint or authorize. (1998 Code, § 7-301)

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

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1998 Code, § 7-302)

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<sup>1</sup>Municipal code reference

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

**7-303. Organization, rules, and regulations.** The chief of the fire department, subject to the approval of the fire department committee, shall set up the organization of the fire 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. (1998 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 such written reports on such matters to the fire department committee as the latter may require. The fire department committee shall make such reports to the boards of mayor and aldermen of Tazewell and New Tazewell as the respective boards may from time to time require. (1998 Code, § 7-304)

**7-305. Tenure and compensation of members.** All members of the fire department shall serve only so long as their conduct and efficiency are satisfactory to the fire department committee. They shall receive such compensation for their services as the committee may from time to time prescribe. (1998 Code, § 7-305)

**7-306. Chief responsible for training.** 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 under direction and subject to the requirements of the fire department committee. (1998 Code, § 7-306, modified)

**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 commissioner in the execution of the provisions thereof. (1998 Code, § 7-307, modified)

## CHAPTER 4

### **FIRE SERVICE OUTSIDE TOWN LIMITS**

#### **SECTION**

7-401. Equipment to be used only within corporate limits except when answering a mutual aid agreement call from another agency.

**7-401. Equipment to be used only within corporate limits except when answering a mutual aid agreement call from another agency.** No equipment of the Tazewell-New Tazewell Fire Department shall be used for fighting any fire outside of the corporate limits of either town unless the fire is on town property, or in the opinion of the chief of the fire department is in such hazardous proximity to property owned by or located within the town as to endanger the town property. (Ord. #202, Aug. 1999, modified)

## CHAPTER 5

### FIREWORKS

#### SECTION

- 7-501. Purpose.
- 7-502. Definition of terms.
- 7-503. Permits required for sale.
- 7-504. Permissible items of fireworks.
- 7-505. Conditions for sale and use of permissible articles.
- 7-506. Public displays--permits--regulations.
- 7-507. Retail sales of permissible articles--time limitations--exceptions.
- 7-508. Private use of permissible articles--time limitations--exceptions.
- 7-509. Regulations governing storing, locating or display of fireworks.
- 7-510. Unlawful acts in the sale and handling of fireworks.
- 7-511. Exceptions to application.
- 7-512. Seizure and destruction of fireworks.
- 7-513. Requirements or compliance with state regulations not affected.
- 7-514. Violation and penalty.

**7-501. Purpose.** The purpose of this chapter is to provide for the display, sale and use of certain fireworks for both private and public display within the corporate limits of the Town of New Tazewell, Tennessee within certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (1998 Code, § 7-501)

**7-502. Definition of terms.** As used in this chapter the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise.

(1) "Distributor." Any person engaged in the business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a jobber, wholesaler or retailer.

(2) "DOT Class C Common fireworks." Shall mean all articles of fireworks as are now or hereafter classified as "DOT Class C Common fireworks" in the regulation of the United States Department of Transportation for the transportation of explosive and other dangerous articles.

(3) "Jobber." Any person engaged in the business of making sales of fireworks to bona fide tourists for use outside the State of Tennessee.

(4) "Manufacturer." Any person engaged in making, manufacture, or construction of fireworks of any type within the Town of New Tazewell or the State of Tennessee.

(5) "Permit." A permit is the written authority of the state fire marshal issued under the authority of Tennessee Code Annotated, §§ 68-104-101--68-104-116.

(6) "Person." Includes any corporation, association, co-partnership or one (1) or more individuals.

(7) "Retailer." Any person engaged in the business of making sales of fireworks to consumers.

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

(9) "Singular" and "plural." Words used in the singular include the plural and the plural the singular.

(10) "Special fireworks." Shall mean all articles of fireworks that are classified as Class B explosives in the regulation of the United States Department of Transportation and shall include all articles other than those classified as Class C explosives.

(11) "Wholesaler." Any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales at retail. (1998 Code, § 7-502, modified)

**7-503. Permits required for sale.** It shall be unlawful for any person to sell, offer for sale, ship or cause to be shipped into or within the Town of New Tazewell, except as herein provided, any item of fireworks, without first having secured the required applicable permit from the recorder and also from the state fire marshal, possession of said permit being hereby a condition prerequisite to selling, or offering for sale, shipping or causing to be shipped any fireworks into or within the Town of New Tazewell, except as herein provided. This provision applies to non-residents as well as residents of the Town of New Tazewell. Permits issued under this section are not transferable, nor shall a person be permitted to operate under a permit issued to any other person.

(1) Prior to engaging in the sale within the Town of New Tazewell, Tennessee, or shipment into the Town of New Tazewell, of any fireworks each person must make application on forms secured from the recorder and the state fire marshal for a permit or permits required under this chapter.

(2) The manufacture or bulk storage (storage other than limited amounts incidental to permitted retail sales or public display) of fireworks within the corporate limits of the Town of New Tazewell is prohibited, and a violation of this section is unlawful and punishable under the provision of this chapter or the applicable state code.

(3) The decision of the recorder as to what type of permit or permits shall be required of each person shall be final. No permit shall be issued to a person under the age of eighteen (18) years.

(4) In addition to charges for permits authorized to the state fire marshal for state permits, the recorder is authorized and directed to charge for permits issued as follows: Wholesalers ten dollars (\$10.00); retailer ten dollars



(\$10.00); display ten dollars (\$10.00) and deposit these funds into the general fund accounts.

(5) A record of all sales, other than retail sales directly to private consumers, must be kept showing the names and address of purchasers. All fees collected for said permits shall be payable directly to the general fund of the town and shall constitute general fund revenue. (1998 Code, § 7-503, modified)

**7-504. Permissible items of fireworks.** It shall be unlawful for any individual, firm, partnership, or corporation to possess, sell, or use within the Town of New Tazewell, or ship into the Town of New Tazewell except as provided in § 7-506, any pyrotechnics, commonly known as "fireworks," other than the following permissible items:

(1) Those items now or hereafter classified as DOT Class C common 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. (1998 Code, § 7-505, modified)

**7-505. Conditions for sale and use of permissible articles.** No permissible articles of common fireworks defined in Tennessee Code Annotated, § 68-104-108, shall be sold, offered for sale, or possessed within the town, or used in the Town of New Tazewell except as herein provided for public display, unless it shall be properly named to conform to the nomenclature of Tennessee Code Annotated, § 68-104-108, and unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container, "DOT Class C Common fireworks," such imprinting to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities, and the general public. The Fire Marshal of the State of Tennessee regulations relative to the possession and sale of fireworks, their storage and safety requirements, are here and now incorporated by reference herein, together with the National Fire Protection Association (NFPA 1124), and the fire code, all in full force and effect within the town. (1998 Code, § 7-506, modified)

**7-506. Public displays--permits--regulations.** The public display of fireworks within the corporate limits of the Town of New Tazewell shall be governed by the provisions of Tennessee Code Annotated, § 68-104-211. Required permits for the controlled, public display of fireworks shall be obtained from the state fire marshal and also from the town fire chief and the town chief of police. (1998 Code, § 7-507, modified)

**7-507. Retail sale of permissible articles--time limitations--exceptions.** Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be sold at retail and used within the Town of New

Tazewell from June 20th through July 5th, from August 25th through September 10th, and from December 10th through January 10th of each year only, except that the term "fireworks" shall not include toy pistols, toy cannons, toy guns, or other devices in which paper caps containing twenty-five hundredth (25/100th) 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, and toy paper pistol caps which contain less than twenty-five hundredth (25/100th) grains of explosive compounds, cone, bottles, tube and other type serpentine pop-off novelties, model rockets, nonpoisonous toy snakes, smoke sticks with report and sparklers, emergency flares, and matches, the sale and use of which shall be permitted at all times. (1998 Code, § 7-508, modified)

**7-508. Private use of permissible articles--time limitations--exceptions.** Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be stored, used and expended within the Town of New Tazewell by private citizens for their personal use and enjoyment during the periods June 20th through July 5th, from August 25th through September 10th, and from December 10th through January 10th of each year under the following restrictions.

(1) Permitted fireworks shall not be ignited, exploded, or otherwise used in an area or location of the town whereby persons or property may be endangered.

(2) Permitted fireworks shall be ignited, exploded, or otherwise used within six hundred feet (600') of any business or storage area whereas or wherein flammable materials are sold, used or stored.

(3) Permitted fireworks may be ignited, exploded, or otherwise used during the hours of 10:00 A.M. to 12:00 midnight, daily during the permitted periods.

(4) Small children, those under the age of ten (10) years, shall be supervised by adults when using permitted fireworks.

(5) If the use of permitted fireworks in a specific area of the town becomes a public nuisance or endangerment to private or public property in the opinion of the town fire chief or the town chief of police, these officials or their authorized representatives are authorized and directed to prohibit said use therein or thereat. (1998 Code, § 7-509)

**7-509. 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 ten feet (10') 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 other 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) All firework devices sold under a duly issued permit must be located not less than three hundred feet (300') from any gasoline dispensing pump.

(4) As permits are temporary for a period not to exceed thirty (30) days, the permit shall state any sales site must be at all times free from litter and debris, including the termination date of authorized selling periods. Violation of this provision, for which citation may issue, may give cause to refuse issuance of another permit for a period not to exceed three (3) years.

**7-510. Unlawful acts in the sale and handling of fireworks.** 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 feet (600') of any church, hospital, asylum, public school, or within five hundred feet (500') 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 persons. (1998 Code, § 7-511, modified)

**7-511. Exceptions to application.** Nothing in this chapter shall be constructed 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 the State of Tennessee or to the peace officers of the town or of the state, 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 shall first secure a written permit to purchase and use fireworks for agricultural purposes only from the recorder, and the state fire marshal, and after approval of the County Agricultural Agent of Claiborne County, Tennessee, and said fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the town and the state. (1998 Code, § 7-512, modified)

**7-512. Seizure and destruction of fireworks.** Pursuant to Tennessee Code Annotated, § 68-104-115(a) the town fire chief shall seize as contraband, any fireworks other than "Class C common fireworks" as defined in § 7-505 hereof, and Tennessee Code Annotated, § 68-104-108, or "special fireworks" for public displays as provided in § 7-507 of this chapter and Tennessee Code Annotated, § 68-104-211, which are sold, displayed, used or posed in violation of this chapter. After notice and hearing pursuant to Tennessee Code Annotated, § 68-104-115(b), the town fire chief is authorized to destroy any fireworks. (1998 Code, § 7-514, modified)

**7-513. Requirements or compliance with state regulations not affected.** This chapter shall in no way affect the validity of any law or regulation promulgated by the State of Tennessee or by the fire marshal thereof, as relates to the control and regulations of the manufacture, sale or use of fireworks within the State of Tennessee. It is the intent of this chapter to authorize the public display, sale and use of such fireworks within the corporate limits of the Town of New Tazewell in accordance with the applicable state regulations, as augmented by the rules and regulations of the Town of New Tazewell. (1998 Code, § 7-515)

**7-514. Violation and penalty.** Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense. (1998 Code, § 7-513, modified)