

**TITLE 7**

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

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. 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 of the town zoned as the central business district. (1983 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

## 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. Violations.

**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 Standard Fire Prevention Code,<sup>2</sup> 1994 edition with 1995 revisions, as recommended by the Southern 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, § 6-54-502, one (1) copy of the fire prevention code has been filed with the 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. (1983 Code, § 7-201, modified)

**7-202. Enforcement.** The fire prevention 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. (1983 Code, § 7-202)

**7-203. 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 Oneida, Tennessee. (1983 Code, § 7-203)

**7-204. Storage of explosives, flammable liquids, etc.** The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

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

materials is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible 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 § 906.1 of the fire prevention 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 § 1701.4.2 of the fire prevention 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. (1983 Code, § 7-204)

**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. (1983 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 prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1983 Code, § 7-206)

**7-207. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the 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 taken; or fail to comply with such an order as affirmed or 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 the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1983 Code, § 7-207)

## CHAPTER 3

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

#### SECTION

- 7-301. Established.
- 7-302. Rules and regulations.
- 7-303. Chief; term of office.
- 7-304. Subordinate officers and promotions.
- 7-305. Appointment of members.
- 7-306. Individual equipment to be furnished firemen.
- 7-307. Compensation of firemen.
- 7-308. Power of chief to require assistance in fighting a fire.
- 7-309. Chief to be assistant to state officer.

**7-301. Established.** There is hereby established a fire department for the Town of Oneida. Said fire department shall be composed of a chief and nineteen members. (1983 Code, § 7-301)

**7-302. Rules and regulations.** The members of the fire department shall be subject to such rules and regulations as may be adopted by the board of mayor and aldermen. (1983 Code, § 7-302)

**7-303. Chief; term of office.** The chief of the fire department shall be and hereby is to serve a term to coincide with that of the mayor, city judge, recorder, and chief of police (which currently is four (4) years) and further that said fire chief will serve at the will of the appointing board and may be dismissed for any reason or no reason at all. (Ord. #560, July 1988)

**7-304. Subordinate officers and promotions.** There shall be an assistant chief of the fire department and two officers for each five men in the company. Promotions will be granted only to members with outstanding records as firemen who are recommended by the chief and confirmed by the board. (1983 Code, § 7-304)

**7-305. Appointment of members.** Members of the fire department must be recommended by the chief and approved by the board of mayor and aldermen. No person shall be appointed who is not of sound mind and body. (1983 Code, § 7-305)

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<sup>1</sup>Municipal code reference

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

**7-306. Individual equipment to be furnished firemen.** The town shall furnish to the members of the fire department rubber coats or other suitable clothing and fire helmets to be worn at fire drills and when on duty. Such equipment will remain the property of the town and shall be bought only after approval of the chief of the fire department. (1983 Code, § 7-306)

**7-307. Compensation of firemen.** Every member of the fire department who attends and assists at a fire shall receive for such service the sum of \$12.00 for the first hour and \$3.30 for each additional hour or fraction thereof. For responding to a false alarm each member shall receive the sum of \$12.00. In addition to this compensation the chief of the fire department shall receive a monthly salary in the sum of \$35.00. (1983 Code, § 7-307)

**7-308. Power of chief to require assistance in fighting a fire.** The chief of the fire department shall have authority to exercise police powers during fires and may summon to his assistance such additional help as he may deem necessary to control the fire. (1983 Code, § 7-308)

**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. (1983 Code, § 7-309)

## CHAPTER 4

### FIREWORKS

#### SECTION

- 7-401. Permits; necessity; regulations; display; non-transferable.
- 7-402. Business licenses not replaced by permit.
- 7-403. Permit fee; duration of permit.
- 7-404. Permissible items of fireworks.
- 7-405. Retail sale of permissible articles; time limitations; exceptions.
- 7-406. Public display.
- 7-407. Storage, location and display of fireworks; protection of fuses.
- 7-408. Unlawful acts in the sale and handling of fireworks.
- 7-409. Conditions for sale and use of permissible articles.
- 7-410. Seizure and destruction of fireworks.
- 7-411. Penalty for violation.

**7-401. Permits; necessity; regulations; display; non-transferable.**

It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped in the Town of Oneida, except as herein provided any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler or retailer, from both the Town of Oneida and the state fire marshall (as required by Tennessee Code Annotated, § 68-104-101, et seq.), possession of said permits being hereby made a condition prerequisite to manufacturing, selling, or offering for sale, shipping or causing to be shipped any fireworks into the Town of Oneida, except as herein provided. Permits are not transferable and are for one location only. (Ord. #649, June 1996)

**7-402. Business licenses not replaced by permit.** The issuance of the permit herein required by the Town of Oneida shall not replace or relieve any person of state, county, or municipal business licenses as now or hereafter provided by law. (Ord. #649, June 1996)

**7-403. Permit fee; duration of permit.** The permit fee for the permit provided for in § 7-401 shall be \$250.00 and the permit shall be valid from June 20 through July 5 of the year of issuance only. However, the board of mayor and aldermen may in its discretion waive the permit fee for any nonprofit organization requesting the permit. (Ord. #649, June 1996)

**7-404. Permissible items of fireworks.** It shall be unlawful for an individual, firm, partnership or corporation to possess, sell or use, within the Town of Oneida, except as provided in § 7-406, any pyrotechnics commonly

known as "fireworks" other than the permissible items herein enumerated, except as herein provided. The permissible fireworks consist of Department of Transportation class C common fireworks only and shall include all common fireworks articulated in Tennessee Code Annotated, §§ 68-104-108 and 68-104-109. (Ord. #649, June 1996)

**7-405. Retail sale of permissible articles; time limitations; exceptions.** Permissible items of fireworks defined in § 7-404 may be sold at retail to residents of the Town of Oneida and used with the Town of Oneida from June 20th through July 5th of each year only, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come into contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredths (25/100) explosive compounds, cone, bottle, tube and other type serpentine pop-off novelties, nonpoisonous toy snakes, smoke sticks without report and sparklers, the sale and use of which shall be permitted at all times. Exceptions also include all items listed in Tennessee Code Annotated, § 68-104-110, presently codified or as amended. (Ord. #649, June 1996)

**7-406. Public display.** Nothing in this chapter shall be constructed 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 marshall. Such items of fireworks which are to be used for public display 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 regulation if the United States department of transportation as "Class B special fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision and after the persons or organizations making such displays shall have applied for and received a permit for such displays issued by the state fire marshall, and the Town of Oneida. 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 located and supervised that it shall not be hazardous to property and that it shall not endanger human lives. If the display is to be performed within the limits of the Town of Oneida, the application shall so state and shall bear the signed approval of the chief supervisory officials of the fire and police departments of the Town of Oneida. 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 public fireworks display" shall be confined to holders of a distributors permit only. (Ord. #649, June 1996)

**7-407. Storage, location and display of fireworks; protection of fuses.** (1) Placing, storing, locating, or displaying of 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 (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 signs 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 such paints, oils, or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property.

(2) All firework devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety type thread wrapped and coated fuses shall be exempt from this provision. (Ord. #649, June 1996)

**7-408. 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 (600) feet of any church, hospital, funeral home, public or private school, or within two (200) hundred 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 articles of fireworks into or at such a motor vehicle, or at or near any person or group of people. A violation of this section for a second or subsequent offense constitutes a class E felony. (Ord. #649, June 1996)

**7-409. Conditions for sale and use of permissible articles.** No permissible articles of common fireworks defined in § 7-404 shall be sold, offered for sale or possessed within the town or used, in the town, except as herein provided in § 7-408, unless it shall be properly named to conform to the nomenclature of § 7-404 hereof, unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container "ICC class C common fireworks" such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public. (Ord. #649, June 1996)



**7-410. Seizure and destruction of fireworks.** The Town of Oneida police department shall seize as contraband any fireworks other than "class C common fireworks" defined in § 7-404 hereof or "special fireworks" for public displays as provided in § 7-406 hereof, which are sold, displayed, used or possessed in violation of this chapter. The Town of Oneida police department is authorized to destroy fireworks so seized after giving notice of a hearing and conducting same before the municipal judge. (Ord. #649, June 1996)

**7-411. Penalty for violation.** Any individual, firm, partnership, or corporation that violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00). In addition, the Town of Oneida may refuse to issue another permit to the holder of a permit so convicted for a period not to exceed three (3) years. (Ord. #649, June 1996)