

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

1. MISCELLANEOUS.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIREWORKS.
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CHAPTER 1

MISCELLANEOUS

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows:
The General Business District as shown on the zoning map of Selmer,
Tennessee. (Code of 1977, § 7-101)

CHAPTER 2

FIRE CODE¹

SECTION

7-201. Fire code adopted.

7-202. Modifications.

7-203. Definition of "municipality."

7-204. Gasoline trucks.

7-205. Enforcement.

7-206. Variances.

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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 NFPA Uniform Fire Code, (NFPA No. 1,² 2012 edition and its Appendix A and K), (NFPA 101, ch. 24 is exempted), as recommended by the National Fire Protection Association, 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 NFPA Uniform Fire Code has been filed with the town recorder and is available for public use and inspection. The NFPA Uniform Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Code of 1977, § 7-201, as replaced by Ord. #497, Feb. 2003, Ord. #550, March 2007, and Ord. #608, Dec. 2011)

7-202. Modifications. The NFPA Uniform Fire Code adopted in § 7-201 above is modified by adding to there from section 3.2.2, titled "Authority Having Jurisdiction (AJH)"; by adding; AJH for this code will be the Fire Chief of the Selmer Fire Department. (Code of 1977, § 7-202, as replaced by Ord. #497, Feb. 2003, Ord. #550, March 2007, and Ord. #608, Dec. 2011)

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 Selmer, Tennessee. (Code of 1977, § 7-203, as replaced by Ord. #497, Feb. 2003, Ord. #550, March 2007, and Ord. #608, Dec. 2011)

¹Municipal code reference

Building, utility, and residential codes: title 12.

²Copies of this code are available from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, MA 02269-9101.

7-204. 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. (Code of 1977, § 7-204, as replaced by Ord. #497, Feb. 2003, Ord. #550, March 2007, and Ord. #608, Dec. 2011)

7-205. Enforcement. The fire prevention code herein adopted in § 7-201 shall be enforced by the chief of the fire department or his/her designee. He shall have the same powers as the state fire marshal and is designated as the authority having jurisdiction. (Code of 1977, § 7-205, as replaced by Ord. #497, Feb. 2003, Ord. #550, March 2007, and Ord. #608, Dec. 2011)

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. (Code of 1977, § 7-206, as replaced by Ord. #497, Feb. 2003, Ord. #550, March 2007, and Ord. #608, Dec. 2011)

7-207. Violations and penalties. 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 there under; or build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, 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 violation of any section of this chapter shall be punishable by a penalty of up to fifty (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense in which the penalty will multiply per day and a separate citation for this offense is not required. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. (Code of 1977, § 7-207, as replaced by Ord. #497, Feb. 2003, Ord. #550, March 2007, and Ord. #608, Dec. 2011)

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

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 and maintenance.

7-307. Equipment to be used only within corporate limits generally.

7-308. 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 board of mayor and aldermen of the Town of Selmer. All apparatus, equipment, and supplies shall be purchased by or through the Town of Selmer and shall be and remain the property of the town. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (Code of 1977, § 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. (Code of 1977, § 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. (Code of 1977, § 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 a written report on such matters to

¹For special privileges with respect to traffic, see title 15, in this code.

the mayor once each month, and at the end of the year a detailed annual report shall be made. (Code of 1977, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (Code of 1977, § 7-305)

7-306. Chief responsible for training and maintenance. 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. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (Code of 1977, § 7-306)

7-307. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless such fire is on town owned 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 such town property or unless expressly authorized in writing by the board of mayor and aldermen. (Code of 1977, § 7-307)

7-308. Chief to be assistant to state officer. Pursuant to requirements of section 68-13-208 of the Tennessee Code Annotated, the chief of the fire department is designated as an assistant to the state commissioner of insurance and banking and is subject to all the duties and obligations imposed by chapter 13 of title 68 of said Tennessee Code Annotated, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (Code of 1977, § 7-308)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Definitions.
- 7-402. Permits and permit fees.
- 7-403. Permit revocation.
- 7-404. Permissible fireworks.
- 7-405. Storing and structures.
- 7-406. Limitations on structures.
- 7-407. Location of fireworks outlets.
- 7-408. Parking for retail fireworks sales site.
- 7-409. Additional standards for fireworks retailers.
- 7-410. Unlawful sale to certain children and other persons; unlawful use of fireworks.
- 7-411. Limited time period to use fireworks.
- 7-412. Exemptions.
- 7-413. Violations and penalty.

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

(a) "Fireworks" means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of:

- (i) All articles of fireworks classified as 1.4G, or referred to as "Consumer Fireworks," or "Class C Common Fireworks";
- (ii) Theatrical and novelty, classified as 1.4S; or
- (iii) Display fireworks, classified as 1.3G, as set forth in the U.S. Department of Transportation's (D.O.T.) Hazardous Materials Regulation, title 49, Code of Federal Regulations (C.F.R.), parts 171-180.

(iv) Exceptions:

(A) Toy caps for use in toy pistols, toy canes, or toy guns, and novelties and trick noisemakers manufactured in accordance with D.O.T. regulations, 49 C.F.R. 173.100(p), and packed and shipped according to those regulations;

(B) Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models.

(C) Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as designed to produce audible effects.

(b) "Mobile retailer" means a vendor operating from motor vehicles, trailers, bicycles, or motorbikes.

(c) "Permit" means the written authority of the Town of Selmer 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 and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, copartnership, 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. (Ord. #461, June 1998, as replaced by Ord. #603, Sept. 2011)

7-402. Permits and permit fees. (1) It is unlawful for any person to sell or to offer for sale in the Town of Selmer any item of fireworks without first having secured a state fire marshal permit and a permit issued by the Town of Selmer.

(a) Permits are not transferable.

(b) A permit (to sell fireworks to the general public) is valid only from June 20 through July 9 or December 21 through January 5.

(c) The permit fee for retail permits is one thousand dollars (\$1,000.00) for the summer period and five hundred dollars (\$500.00) for the winter period.

(d) The fee for public displays using Special Display (1.3G) fireworks is five dollars (\$5.00).

(e) Schools, wedding groups, businesses, and civic clubs that desire to have a 1.3G Special Display or 1.4G Consumer Fireworks Display may obtain a permit to use fireworks for any time of the year by paying a five dollar (\$5.00) permit fee and obtaining a permit from the town.

(2) A permit to sell fireworks in the Town of Selmer must be obtained at least one (1) week prior to the date on which the applicant begins making sales. Each application shall contain the following:

(a) The application must include the name, address, and telephone number of applicant.

(b) The applicant must be the natural person who will operate or be responsible for sales.

(c) The applicant's name must be the same as the name on the state fire marshal permit.

(d) The applicant is liable for all violations of this chapter by persons under his/her supervision.

(3) A copy of the state fire marshal permit. (For a state permit to be obtained by a retailer, the 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.)

(4) 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.

(5) 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 other structures in the area that are occupied, location and number of parking places, location of any nearby residences, location of the nearest fuel outlets, and location of other fireworks outlets if located within seven hundred fifty feet (750') of a retail structure.

(6) Mobile vendors are not permitted.

(7) Flashing signs are not permitted.

(8) One (1) double-faced sign is permitted; however, each sign face may not exceed thirty-six (36) square feet.

(9) The application must contain evidence that general liability insurance has been obtained by applicant naming the Town of Selmer as additional insured for at least two million dollars (\$2,000,000.00) for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage liability combined.

(10) The application must disclose the location where the applicant will conduct the business of selling fireworks and the dates for which the right to do business is desired.

(11) Applicant shall pay one hundred dollar (\$100.00) cleanup deposit per location, which shall be refunded after the fireworks season or used by the town to clean up the retail fireworks site if needed.

(12) After the application has been submitted and approved, the codes enforcement officer shall inspect the site for compliance with applicable codes and ordinances. (Ord. #461, June 1998, as replaced by Ord. #603, Sept. 2011)

7-403. Permit revocation. (1) The codes enforcement officer and/or fire official may revoke any permit upon failure of retailer to correct any of the following conditions within thirty six (36) hours after the codes enforcement officer gives written notice.

(a) When the permittee or the permittee's operator violates any lawful rule, regulation, or order of the codes enforcement officer.

(b) When the permittee's application contains any false or untrue statements.

(c) When the permittee fails to timely file any report or pay any tax, fee, fine, or charge.

(d) When the permittee or the permittee's operator violates any fireworks ordinance or statute.

(2) When any activities of the permittee constitute a distinct hazard to life or property, the codes enforcement officer or fire official, or both, may revoke the permit immediately. (as added by Ord. #603, Sept. 2011)

7-404. Permissible fireworks. (1) It is unlawful for any individual, firm, partnership, or corporation to sell or use within the Town of Selmer, except as provided in this chapter, any "fireworks" as defined in § 7-401(1)(a), other than the following:

(a) Those items classified by the U.S. Department of Transportation as 1.4G Consumer Fireworks; or

(b) 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.

(2) Any display using 1.3G Display Fireworks must be under the control of a licensed pyrotechnics technician. (as added by Ord. #603, Sept. 2011)

7-405. Storing and structures. No person may smoke within a structure where fireworks are sold. No person selling fireworks may 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 inches (4") high. An inspected and currently tagged fire extinguisher with a minimum 2A rating and one (1) pressurized water type fire extinguisher must be present at each retail fireworks site. Fireworks sold at retail may be sold only from a freestanding structure. Fireworks must be stored at least ten feet (10') away from windows and other areas where the sun may shine through. Fireworks are not permitted to be stored in residential districts, except for personal use. (as added by Ord. #603, Sept. 2011)

7-406. Limitations on structures. Tents meeting the current adopted International Building Code and the Life Safety Code (NFPA 101) may be used for the retail sale of fireworks. Ground fault interrupter protection must be used for power cords that supply power to tents and other outdoor structures. Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by a suitable fixture or guard. No structure from which fireworks are sold may 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. #603, Sept. 2011)

7-407. Location of fireworks outlets. Fireworks sales structures must be no closer than sixty feet (60') from any occupied building. Fireworks sales are permissible only on commercial/industrial property as approved by the planning department and the sales structure must be located a minimum of forty-five feet (45') from the right-of-way. Any fireworks sales structure must be at least one hundred fifty feet (150') 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. #603, Sept. 2011)

7-408. Parking for retail fireworks sales site. The site for a fireworks retailer shall be improved to provide at least twelve (12) 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 turnaround area so that backing of vehicles onto the street will not be necessary. (as added by Ord. #603, Sept. 2011)

7-409. Additional standards for fireworks retailers. (1) Any site for a fireworks retailer must be located so that all parts of the structure and fireworks inventory on the site are no closer than one hundred feet (100') to any fuel source.

(2) The parcel in which a fireworks retail use is required shall be a minimum of seven hundred and fifty feet (750') from other similar uses. This distance shall be measured in a straight line 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. #603, Sept. 2011)

7-410. Unlawful sale to certain children and other persons; unlawful use of fireworks. It is 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 person. It is unlawful to explode or ignite fireworks within six hundred feet (600') of any church, assisted living facility, nursing home, hospital, funeral home, public or private school academic structure, or within two hundred feet (200') of where fireworks are stored, sold, or offered for sale. It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle. It is unlawful to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons. It is unlawful to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. It is unlawful to launch fireworks onto property of persons who have not given permission. It is unlawful to use fireworks at times, places, or in any manner that endangers other persons. It is

unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the Town of Selmer Fire Department, except for public (and/or group) displays for which permits have been granted. (as added by Ord. #603, Sept. 2011)

7-411. Limited time period to use fireworks. It is unlawful to discharge or use fireworks except for the following time periods.

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

(2) December 31 and January 1. The permissible hours from 8:00 P.M. on December 31 to 1:00 P.M. on January 1. (as added by Ord. #603, Sept. 2011)

7-412. Exclusions. Nothing in this chapter prohibits:

(1) The sale of any kind of fireworks that 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 sale, transportation, handling, or use of industrial pyrotechnic devices or fireworks, such as railroad torpedoes, fusees, automotive, aeronautical, and marine flares and smoke signals.

(3) The sale or use of blank cartridges for theater, for signal or ceremonial purposes, in athletics or sporting events, or legal power tools.

(4) The transportation, handling, or use of any pyrotechnic devices by the armed forces of the United States.

(5) The use of pyrotechnics in training by the fire service, law enforcement, or similar government agencies.

(6) The use of fireworks for agricultural purposes under conditions approved by the fire chief or his designee.

(7) Supervised displays of fireworks as provided for in this chapter. (as added by Ord. #603, Sept. 2011)

7-413. Violations and penalties. Violations of any provision of this chapter shall be subject to a penalty of up to fifty dollars (\$50.00) per violation. (as added by Ord. #603, Sept. 2011)

CHAPTER 5

FIRE HYDRANTS

SECTION

7-501. Fire hydrants.

7-501. Fire hydrants. (1) In accordance with Tennessee's Division of Water Supply Rule 1200-5-1-17(18) and NFPA 291, the Town of Selmer will adopt this chapter on installation and usage of fire hydrants for fire protection. This chapter will be applied to all hydrants within Selmer Urban Growth Boundary.

(2) All future water mains and fire hydrants shall be installed in such a manner to provide adequate fire flows. All future water mains shall be at least six inches in diameter. However, larger mains shall be installed when necessary to insure that a minimum of 500 gallons per minute (gpm) at 20 pounds per square inch (psi) residual pressure is available at all fire hydrants. Additional gallons per minute above the minimum 500 gpm shall be made available if the Needed Fire Flow to structures in the area demands such additional flows. The fire chief will determine the Needed Fire Flow for each structure when necessary. Fire hydrants shall be installed in such a manner that there shall be a fire hydrant within 750 feet of the front entrance of every structure of more than 300 square feet and within 300 feet of the front entrance if the structure contains more than 5000 square feet. The distance to the fire hydrant shall be measured along the route that would be accessible to the fire department to lay fire hose from the hydrant to the building.

(3) Present fire hydrants, and any future hydrants, that currently exist on mains that will not flow 500 gpm at 20 psi. will not be used by a fire department unless fire department operations are needed in providing immediate and imminent suppression of fire and/or in a threat of life safety. These hydrants will be painted red in color, or may remain manufacture red, to indicate to firefighters that it is not capable in providing 500 gpm at 20 psi.. At no time will connection to any Selmer Utilities fire hydrant be done with a non-collapsible (hard suction) hose. All fire department pumpers will use collapsible (soft suction) hoses when connection to hydrants is needed. This chapter will be signed by all fire chiefs who departments use Selmer Utilities hydrants.

(4) All hydrants will be color coded as to comply with Division of Water Supply Rule 1200-5-1-17(18). Color coding will be as follows:

Green = Hydrants flowing 1000 gallons per minute or more.

Orange= Hydrants flowing between 501 to 999 gallons pre minute.

Red = Hydrants flowing 500 gallons per minute or less.

A copy of flow testing records will be provided to the Selmer Fire Chief on annual bases. (as added by Ord. #511, Feb. 2005)