

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. MISCELLANEOUS.
2. FIRE CODES.
3. FIRE DEPARTMENT.
4. FIREWORKS.
5. OPEN BURNING.

CHAPTER 1

MISCELLANEOUS

SECTION

7-101. Fire limits described.

7-101. Fire limits described.² The corporate fire limits shall be as follows:
Beginning at the corner of College Avenue and Atlanta Street; thence south on Atlanta Street to Church Street; thence east on Church Street to Poplar Street; thence north on Poplar Street to the Southern Railway main line; thence westerly with the railroad to the beginning point. (1976 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

²The significance of the fire district is that Chapter III of the Standard Building Code, applicable to the City of Loudon 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 IV, 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 CODES¹

SECTION

- 7-201. Fire codes adopted.
- 7-202. Available in recorder's office.
- 7-203. Enforcement.
- 7-204. Violations and penalty.
- 7-205. – 7-208. 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, 2012 edition; NFPA 101 Life Safety Code, 2012 edition, NFPA 13 Standards for Installation of Sprinkler Systems, 2012 edition; NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2012 edition; and NFPA 72 National Fire Alarm Code, 2012 edition, are hereby adopted and incorporated by reference as a part of this code and are hereinafter referred to as the fire codes. (1976 Code, § 7-201, as amended by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

7-202. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of these fire codes has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 7-202, as replaced by Ord. #2016-10, Oct. 2016)

7-203. Enforcement. The fire 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 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. (1976 Code, § 7-203, as replaced by Ord. #2016-10, Oct. 2016)

7-204. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provisions of the fire codes as herein adopted by reference and modified. The violation of any section of this chapter shall be

¹Municipal code reference

Building, utility and housing codes: title 12.

punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1976 Code, § 7-204, as replaced by Ord. #2016-10, Oct. 2016)

7-205. -- 7-208. [Deleted.] (1976 Code, §§ 7-205–7-206, Ords. #2001-14, Sept. 2001 and 2008-12, Nov. 2008, as replaced by Ord. #2016-10, Oct. 2016)

CHAPTER 3

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. Chief responsible for training and maintenance.
- 7-306. Equipment to be used only within corporate limits generally.
- 7-307. 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 and such number of physically-fit subordinate officers and firemen as the city manager shall appoint. (1976 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. (1976 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. (1976 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 a written report on such matters at such times as required by the city manager. (1976 Code, § 7-304)

¹Municipal code reference

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

7-305. 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. (1976 Code, § 7-305)

7-306. 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 specifically authorized by the city council in writing or in response to a mutual aid agreement approved by the city council. (1976 Code, § 7-306, as amended by Ord. #2001-14, Sept. 2001)

7-307. Chief to be assistant to state officer. Pursuant to requirements of section 68-17-108 of the Tennessee Code Annotated, 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 chapter 17 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. (1976 Code, § 7-307)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Definition.
- 7-402. Manufacture, sale and discharge of fireworks.
- 7-403. Bond for fireworks display required.
- 7-404. Disposal of unfired fireworks.
- 7-405. Exceptions.
- 7-406. Seizure of fireworks.

7-401. Definition. "Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. (1976 Code, § 7-401)

7-402. Manufacture, sale and discharge of fireworks. (1) The manufacture of fireworks is prohibited within the municipality.

(2) Except as hereinafter provided it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the recorder shall have power to grant permits for supervised public displays of fireworks by the municipality, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the chief of the fire department of the municipality, and shall be of such a character, and be so located, discharged or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person.

(3) Applications for permits shall be made in writing in advance of the date of the display. After such privilege shall have been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (1976 Code, § 7-402, as amended by Ord. # 737, May 1985; and further amended by Ord. #1997-16, § 2, Nov. 1997)

7-403. Bond for fireworks display required. The permittee shall furnish a bond in an amount deemed adequate by the recorder for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors. (1976 Code, § 7-403)

7-404. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (1976 Code, § 7-404)

7-405. Exceptions. Nothing in this chapter shall be construed to prohibit any business from the sale of fireworks if that business is engaged in the sale of fireworks at the time it is annexed into the corporate limits of the city. Nothing in this chapter shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped directly out of the city; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. (1976 Code, § 7-405)

7-406. Seizure of fireworks. Policemen and firemen shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter. (1976 Code, § 7-406)

CHAPTER 5

OPEN BURNING

SECTION

7-501. Purpose.

7-502. Definition of terms.

7-503. Standards for open burning.

7-504. Permits.

7-501. Purpose. The purpose of this chapter is to regulate certain open burning in order to protect the public from the hazards of uncontrolled fires and pollution. This chapter will not relieve the person who will be burning from complying with Tennessee Code Annotated, §§ 39-14-304; 39-14-305; 39-14-401; 68-102-146; and 68-211-101, et seq.

The Loudon Fire Department is responsible for the enforcement of this policy. (as added by Ord. #2008-01, Jan. 2008)

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

(1) "Authority having jurisdiction" means the organization, agency, office, department or individual responsible for approval or enforcement.

(2) "Open burning" means the burning or causing to be burned of any flammable material in a method other than within an enclosure from which burning material cannot escape.

(3) "Permit" means the written authority of the City of Loudon issued under the authority of this chapter.

(4) "Person" means any individual, firm, partnership, corporation, association, public or private institution, political subdivision, or government agency. (as added by Ord. #2008-01, Jan. 2008)

7-503. Standards for open burning. It is unlawful for any person, as deemed herein, to conduct an open burn within the corporate limits of the City of Loudon without a permit.

(1) No person shall willfully start or cause to be started any open fire within the corporate limits of the City of Loudon without first obtaining a burn permit from the City of Loudon Fire Department.

(2) Prevailing winds at the time of ignition must be away from any dwelling, structure, highway, or other populated area, the ambient air of which may be significantly affected by smoke, fly ash, or other contaminants from burning.

(3) Burning is limited when it is determined by the fire chief or his designee, based on information supplied by the National Weather Service or

other competent authority, that stagnant air conditions or inversions exist, or that such conditions may occur during the duration of the burn.

(4) Burning shall not be initiated when it is determined and/or announced by the state fire marshal and/or the department of forestry that dry, drought, high wind, or other hazardous conditions exist to prohibit burning either statewide or in regions affecting the geographical or corporate limits of the City of Loudon.

(5) Burning shall not be initiated when it is determined and/or announced by the fire chief or his designee that dry, drought, high wind, or other hazardous conditions exist to prohibit burning within the corporate limits of the City of Loudon.

(6) Open burning is allowed only for clean wood waste, vegetation growth, or agricultural purposes (i.e. fence rows, pastures) on the responsible person's property.

(7) Burning of wood waste for land development is prohibited except where the use of an air curtain with a qualified operator or similar means to reduce excess PM-2.5 releases into the environment are used. The system used and qualified operator must be approved by the City of Loudon Fire Chief or his designee.

(8) Asphaltic material, PVC, treated lumber, or items containing natural or synthetic rubber, or materials made with hydrocarbons shall not be burned or used to ignite the material to be burned or to promote the burning of such material.

(9) No burning is permitted of any legal material that the City of Loudon provides a disposable means (i.e.: wood waste pickup, leaf collection, everyday trash, etc.)

(9) No burning is permitted within twenty-five (25) feet of any structure or dwelling.

(10) All fires must be attended to and under the direct supervision at all times of a person or persons that have sufficient capability and equipment to provide or complete extinguishment of the fire as needed.

(11) With the exception of bonfires and campfires, all fires shall be completely extinguished prior to sundown.

(12) If any problems arise the responsible person must immediately call 911. (as added by Ord. #2008-01, Jan. 2008)

7-504. Permits. Burn permits will be obtained from the fire chief or his designee. (1) No burn permit is required for cooking, recreational purposes, comfort heating on construction sites, or law enforcement burnings.

(2) Permits issued under this chapter shall require the person requesting the permit to complete the form in person. Burn permits are valid for one (1) day only.

(3) All permits issued under this chapter shall be in writing, on forms provided by the Loudon Fire Department, in the name of the person

undertaking the burning and with emergency contact information, and shall specify the specific address and area in which the burning is to occur, the type and amount of material to be burned, the duration of the permit, and such other factors as are necessary to identify the burning which is allowed under the permit.

(4) Burn sites anticipated to contain three (3) cubic yards or more of materials shall be inspected by the fire chief or his designee prior to the issuance of the permit.

(5) Permits shall not be issued when it is determined by the fire chief or his designee, based on information supplied by a competent authority, that stagnant air conditions or inversions exist, or that such conditions may occur during the duration of the burn.

(6) Permits shall not be issued when it is determined or announced by the state fire marshal and/or the department of forestry that dry, drought, or other conditions exist to prohibit burning either statewide or in regions affecting the geographical or corporate limits of the City of Loudon.

(7) Permits shall not be issued when it is determined or announced by the fire chief or his designee that dry, drought, or other hazardous conditions exist to prohibit burning within the corporate limits of the City of Loudon.

(8) Permits shall not be issued without the approval of the authority having jurisdiction when it has cited the person or designated the burn site as being in violation of federal, state, or municipal laws.

(9) The responsible person receiving the burn permit will be held responsible for any and all damages caused by the open burn.

(10) The responsible person receiving the burn permit will be held responsible for any and all charges accrued by the open burn.

(11) The City of Loudon through the Loudon Fire Department has the authority to revoke a permit and to extinguish a fire for any reason affecting the health, safety, or welfare of the City of Loudon. (as added by Ord. #2008-01, Jan. 2008)