

**TITLE 7**

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

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
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4. BLASTING REGULATIONS.
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**CHAPTER 1**

**FIRE DISTRICT**

**SECTION**

7-101. Fire district described.

**7-101. Fire district described.** The corporate fire limits shall be the residential, commercial and industrial zones of the city as defined by applicable zoning regulations. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

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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

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

7-231. Premises identification.

**7-201. Definitions.** (1) Wherever the word "jurisdiction" is used in the International Fire Code adopted by the provisions of this code, it shall be held to mean the City of La Vergne, Tennessee.

(2) Wherever the term "fire code official" or "fire official" is used in the International Fire Code adopted by the provisions of this code, it shall be held to mean the fire chief, or duly authorized representative being fire inspector.

(3) Wherever the term "department of fire prevention" is used in the International Fire Code, it refers to the La Vergne Fire Department.

(4) "Air curtain destructor" is a unit consisting of a combustion chamber pit and air blower designed to establish a curtain of high velocity air above the fire burning in the pit so that the products of combustion must be forced up through the curtain before they reach the outside air.

(5) "Open burning" is the burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

(6) "Person" is any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, an agency, authority, commission, or department of the United States, or of the State of Tennessee; or any other legal entity, or their legal representative, agent, or assigns.

(7) "Rubbish" is any material thrown away as worthless trash.

(8) "Wood waste" is defined as any product which has not lost its basic character as wood, such as bark, sawdust, limbs, tree trunks, chips and chemically untreated lumber whose "disposition" by open burning is to solely get rid of or destroy. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-202. Fire code adopted.** (1) Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-502, et seq., and for the purpose of regulating and governing the safe-guarding of life and property from fire or explosion, hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, and providing for the issuance of permits in the City of La Vergne, the 2012 edition of the International Fire Code,<sup>1</sup> including Appendices A, B, C, and D, is hereby adopted by reference and included herein as part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502 one (1) copy of said International Fire Code has been filed with the recorder and is available for

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

public use and inspection. Said International Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. The International Fire Code, chapter 80, Referenced Standards of the National Fire Protection Association shall be the latest editions published by the National Fire Protection Association.

(2) Modifications. (a) Section 101.1 Title. Add "City of La Vergne, TN" in place of "[name of jurisdiction]";

(b) Section 1008.1.9.4 Bolt locks. Exceptions #3 and 4. Add "M" after "F". (Ord. #2006-18, Nov. 2006, as replaced by Ord. #2012-14, Aug. 2012, Ord. #2013-22, Jan. 2014, and Ord. #2014-05, May 2014)

**7-203. Application.** The provisions of the codes adopted by reference in § 7-202 shall govern the manner in which:

(1) The codes are applied to new construction and existing buildings;

(2) Occupancies and types of construction are classified for the purpose of determining minimum code requirements;

(3) The specific requirements of the codes may be modified to permit the use of alternate materials or methods of construction. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-204. Equal applicability.** The provisions of the fire code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-205. Enforcement of chapter.** The International Fire Code herein adopted by reference shall be enforced by the fire chief of the city, or his duly authorized representative. Any other persons so authorized by the city administrator or his designee to make inspections shall be designated as a "fire inspector." The fire chief or his designee, or fire inspector shall be authorized to inspect all property within the city and any future area that shall be annexed to the city. Authority to enforce traffic and parking rules and regulations relating to fire safety shall be shared equally by the fire chief or his designee and the police chief.

The fire chief or his designee and the fire inspector shall be authorized to issue summons, citations, written notices and take any action required to remove or abate any situation that poses an immediate threat to life and/or property. The fire inspector shall be authorized to issue written notices for code violations. The fire official shall be authorized to grant an extension of up to thirty (30) days time limit to correct violations upon proof and receipt of written request not less than three (3) days prior to expiration of notice. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-206. Fire code board of appeals.** The City of La Vergne Construction Board of Adjustments and Appeals shall hear any filed appeal and the established laws, ordinances, and rules regarding such board shall govern. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-207. Modifications.** The fire chief may recommend to the board of mayor and aldermen modifications of the provisions of the International 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 modifications when granted or allowed shall be contained in an amendment to this code or a resolution of the board of mayor and aldermen. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-208. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code hereby 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. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-209. Penalties.** (1) Any person violating any of the provisions of this chapter, the International Fire Code or the conditions of any permit issued hereunder, shall be served by the fire official with a summons, citation or written notice stating the nature of the violation, and providing up to thirty (30) working days time limit for the satisfactory correction thereof.

(2) The offender shall, within the time period stated in such notice, permanently cease all violations as prescribed by the fire official. Any permit issued hereunder shall be void until such time as the violation is corrected.

(3) Any person who shall continue any violation beyond the time provided for in § 7-209(1), shall be served by the fire code official with a summons stating the nature of the violation. Such violation shall be punishable by a civil penalty not to exceed fifty dollars (\$50.00) or, in cases where the penalty is remedial in nature, a civil penalty not to exceed five hundred dollars (\$500.00).

(4) As to any violation deemed by the fire code official to be emergency in nature, or which poses an immediate danger to life or property, involves fire,

or necessitates removal or abatement by the fire department, the fire code official may issue a summons stating the nature of the violation and requiring the appearance of the violator in city court. In such cases, the fire code official shall not be required to give any prior notice of violation or opportunity to correct the condition. Any such violation shall be punishable by a civil penalty not to exceed fifty dollars (\$50.00) or, in cases where the penalty is remedial in nature, a civil penalty not to exceed five hundred dollars (\$500.00).

(5) Any person violating any of the provisions of this chapter shall become liable to the city for expense, loss or damage occasioned by the city personnel or equipment by reason of such violation. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-210. Area in which storage of flammable and combustible liquids in outside above ground tanks is permitted.** (1) Storage of flammable and combustible liquids above ground in commercial and industrial areas is limited to one (1) tank of one thousand (1,000) gallons or less capacity per five (5) acres or portion thereof. Usage is limited to onsite non-retail needs. In addition, each processor in the area may have one (1) tank not to exceed five hundred (500) gallons for storage of fuel for equipment used to mow grass push snow, etc., or one (1) tank per product per five (5) acres.

(2) Storage of flammable and combustible liquids in outside above ground tanks allowed under above provisions, shall meet requirements of the fire code and NFPA 30-1993. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-211. Residential storage of Class I flammable liquids.** The erection and maintenance of storage tanks, either above or below ground, for the storage of Class I flammable liquids in residential districts is prohibited except as follows:

(1) Where such properties are to be used for heating purposes in a residence located upon the property;

(2) Any nonresidential or non-retail use area may have tanks not to exceed five hundred (500) gallons each for storage fuel for equipment used to mow grass, push snow, etc., or one (1) tank per product per five (5) acres. Such location shall not be within six hundred feet (600') of a residential structure.

(3) Residential storage of Class I flammable liquids allowed under above provisions shall meet requirements of the fire code and NFPA 30-A-1993. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-212. Bulk storage of petroleum products restricted; building, businesses restricted.** (1) It is unlawful for any person to establish, erect, construct, or enlarge a plant or place of business where petroleum products are

to be manufactured or physically distributed or handled, except in the commercial and industrial areas of the city.

(2) Bulk storage of petroleum products allowed under above provisions, shall meet requirements of the fire code and NFPA 30-1993. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-213. Bulk storage of liquified petroleum gases restricted; building, businesses restricted.** (1) It is unlawful for any person to establish, erect, construct, or enlarge a plant or place of business where liquefied petroleum gas or gases are to be manufactured or physically distributed or handled, except in the commercial and industrial areas of the city.

(2) Bulk storage of liquefied petroleum gases allowed under above provisions, shall meet requirements of the fire code and NFPA 58 and 59-1992. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-214. Bulk storage of liquified natural gas restricted; building, businesses restricted.** (1) It is unlawful for any person to establish, erect, construct or enlarge a plant or place of business where liquified petroleum gas or gases are to be manufactured or physically distributed or handled, except in the commercial and industrial areas of the city.

(2) Bulk storage of liquified petroleum gases allowed under above provisions, shall meet requirements of the fire code and NFPA 59A-1990. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-215. Compression, storage and dispensing of compressed natural gas restricted; building, businesses restricted.** (1) It is unlawful for any person to establish, erect, construct or enlarge a plant or place of business where compression, storage and dispensing of compressed natural gas or gases are to be manufactured or physically distributed or handled, except in the commercial and industrial areas of the city.

(2) Compression, storage and dispensing of compressed natural gases allowed under above provisions, shall meet requirements of the fire code, NFPA 52-1992 and regulations of the public service commission. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-216. Routes for vehicles transporting hazardous materials.** Routes for vehicles transporting hazardous materials shall be as established by the fire chief or his designee and the city public works director. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-217. Transportation of hazardous materials.** No person shall operate or park any vehicle carrying hazardous materials within the corporate limits of La Vergne at any time except while traveling on an established route and for the purpose of and while actually engaged in the expeditious delivery of hazardous materials. Vehicles transporting hazardous materials shall be prohibited within the limits of the fire district, except to make expeditious deliveries within the fire district. The date, time of day, quantity of materials, and method of delivery shall be subject to regulation and permitted by the fire official. Businesses located within the city may have vehicle parking sites designated, subject to review and approval by the fire official. This section shall apply to materials not otherwise covered in this code which are highly flammable, or which may react to cause fires or explosives, or by their presence create or augment a fire or explosion hazard, or which because of toxicity, flammability or liability to explosion render fire-fighting abnormally dangerous or difficult; also the flammable or combustible liquids which are chemically unstable and which may spontaneously form explosive compounds or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous materials shall include flammable solids, corrosive liquids, poisonous gases or highly toxic, radioactive, oxidizing, unstable or reactive, hyperbolic or pyrophoric materials. Also, any substance or mixture of substance which is an irritant, a strong sensitizer, or which generates pressure through exposure to heat, decomposition or other means. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-218. Hazardous substances; recovery of costs.** (1) As used in this section, the following terms shall be defined as follows:

(a) "Costs" means those necessary and reasonable costs incurred by the La Vergne Fire Department in connection with investigating, mitigating, minimizing, removing or abating discharges of hazardous substances including, but not limited to the following: actual labor cost of city personnel or its authorized agents; costs of equipment operation and rental; and cost of expendable items including, but not limited to, firefighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums, acid suits, acid gloves, goggles and protective clothing.

(b) "Discharge" means any intentional or unintentional action or omission resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance upon public or private property located within the city limits of the City of La Vergne.

(c) "Hazardous substances" means any substances or materials in a quantity or form, which in the determination of the fire chief or his authorized designee poses an unreasonable and imminent risk to the life, health, safety or welfare of persons or property within the City of

La Vergne, and shall include, but not be limited to, those hazardous substances listed in the "NFPA Guide on Hazardous Materials," or the EPA's list of extremely hazardous substances.

(d) "Person" means one (1) or more individuals, partnerships, corporations, joint ventures, associations or any other entities or any combination thereof.

(2) (a) The fire department is hereby authorized to take such steps as necessary to clean up, remove or abate the effects of any hazardous substances discharged upon or into public or private property or facilities located within the limits of the city.

(b) Any person or persons responsible for causing or allowing an unauthorized discharge of hazardous substances that requires emergency action of the fire department of the City of La Vergne or its authorized agents in order to protect the public health, safety or welfare shall be jointly and severally liable to the City of La Vergne for the costs incurred by the city in investigating, mitigating, minimizing removing and abating any such discharge.

(c) When responding to the emergency caused by the unauthorized discharge of hazardous substances, the Fire Department of the City of La Vergne shall keep a detailed record of the costs attributable thereto.

(d) The authority to recover costs under this section shall not include costs incurred for actual fire suppression services which are normally or usually provided by the City of La Vergne, or its authorized agents.

(3) (a) Any person or persons responsible for causing or allowing an unauthorized discharge of hazardous substances shall reimburse the La Vergne Fire Department for the full amount of all costs, as defined herein, associated with the investigating, mitigating, minimizing, removing and abating any such discharge within a period of thirty (30) days after receipt of an itemized bill for such costs from the La Vergne Fire Department.

(b) Any person or persons responsible for causing or allowing an unauthorized discharge of hazardous substances and who fails to promptly reimburse the La Vergne Fire Department within the time set forth in subsection (3)(a) hereof, shall be subject to a penalty payment equal to five percent (5%) of the total amount of the bill for each month that the bill for such costs remains unpaid.

(c) The remedy provided for in this section shall be supplemental to and in addition to all other available remedies at law and equity. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-219. Storage, dispensing, use and handling of hazardous materials, restricted.** (1) It is unlawful for any person to establish, erect, construct, or enlarge a plant or place of business where hazardous materials are to be manufactured or physically distributed or handled, except in the commercial and industrial areas of the city.

(2) Storage, dispensing, use and handling of hazardous materials allowed under the above provisions, shall meet requirements of the fire code.

(3) It shall be unlawful for any person to discharge a hazardous material by releasing, spilling, pumping, pouring, emitting, emptying or dumping.

(4) Hazardous materials shall not be released into a sewer, storm drain, ditch, drainage canal, creek, stream, river, lake or tidal waterway, or upon the ground, sidewalk, street, highway or into the atmosphere; except materials used for weed abatement, erosion control, soil amendment or similar applications when applied in accordance with the manufacturer's specifications and/or materials released in accordance with federal, state or local governmental regulations.

(5) The fire department shall be immediately notified when an unauthorized discharge of hazardous materials is discovered. The fire department shall notify the other responsible agencies. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-220. 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. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-221. Open burning.** (1) No person shall cause, suffer, allow, or permit open burning within the entire city limits of La Vergne except as set out in subsection (2).

(2) Exceptions:

(a) Non-commercial fires used for cooking of food including barbecues and outdoor fireplaces;

(b) Commercial incinerator;

(c) Commercial barbecue fireplace;

(d) Non-commercial fires used for ceremonial or recreation purposes including bonfires and cookouts.

(e) Fires set by or at the direction of responsible fire control persons for training purposes or directed at the prevention, elimination, or reduction of fire hazards.

(f) Routine demolition of structures via supervised open burning by responsible fire control persons will not be considered fire training or elimination of a fire hazard. Demolition of structures may be

conducted by open burning provided that there is unilaterally issued state or local building codes order to demolish the structure by open burning because of its structural failure or potential for structural failure. Such orders will be recognized only where there is no other safe way to demolish the structure.

(g) Fires used to clear land consisting solely of vegetation grown on that land for forest or game management purposes.

(h) Smokeless flares or safety flares for the combustion of waste gases.

(i) The fire chief or his designee or fire official have the authority to allow open burning where there is no other practical, safe, and/or lawful method of disposal.

(j) Fires set at the direction of law enforcement agencies or courts for the purpose of destruction of controlled substances and legend drugs seized as contraband. This does not include antineoplastic agents.

(k) Disposal of "wood waste" as defined in § 7-201. Priming materials used to facilitate such burning as wood waste and vegetation are limited to #1 or #2 grade fuel oil. Burning of wood waste shall require an "Air Curtain Destructor," or other approved device.

(l) Exceptions (a) and (c) above are allowed with no permit requirements.

(m) The fire chief or his designee or fire official shall have the authority to permit or prohibit open burning not specifically addressed herein.

(n) Open burning allowed under the above provisions, shall meet requirements of the fire code; and be permitted under the conditions approved by the fire department, unless otherwise stated. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-222. Fire lanes on private property, devoted to public use.**

(1) The fire lanes referred to in § 503 of the International Fire Code shall be as established by the fire chief and the codes director.

(2) Fire lanes shall be provided for all buildings that are set back more than one hundred fifty feet (150') (45.75 m.) from a public road or exceed thirty feet (30') (9.14 m.) in height and are set back more than fifty feet (50') (15.25 m.) from a public road. However, this provision may be modified by the fire inspector when the building is protected throughout with an approved automatic sprinkler system.

(3) Fire lanes shall be not less than twenty feet (20') (6.1 m.) of unobstructed width, able to withstand live loads of fire apparatus and have a minimum of thirteen feet six inches (13' 6") (4.1 m.) of vertical clearance. An approved turnaround for fire apparatus shall be provided where an access road is a dead end and is in excess of one hundred fifty feet (150') (45.8 m.) in length.

The turnaround radius shall have a minimum centerline radius of fifty feet (50') (15.3 m.). The grade of the fire lane shall not exceed six percent (6%) in any direction. Exceptions to this requirement shall be permitted for T or Y turnaround arrangements and turnaround arrangements other than a cul-de-sac when acceptable to the fire inspector.

(4) Fire lanes shall be marked with signs adjacent to the curb and pavement markings reading "Fire Lane--No Parking," visible from the normal lane of traffic, and painted yellow or white, or in such other manner as is approved by the fire inspector.

(5) A maximum distance of fifty feet (50') (15.3 m.) alternating between signs and pavement markings shall be required along the entire length of the fire lane. Placement of signs and pavement markings are subject to approval of the fire inspector. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-223. Obstruction of fire protection equipment.** It shall be unlawful to place or keep any post, fence, vehicle, growth, trash, storage or other material or thing near any fire hydrant, fire department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access and operation to said equipment or hydrant. A minimum three foot (3') clear space with access shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the fire chief or his designee or fire official. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-224. Key box.** The fire official shall have the authority to require a key box to be installed in an accessible location where access to or within a structure or area is difficult because of security. The key box shall be of a type approved by the fire official and contain the keys necessary to gain access as required by the fire department. The owner or operator of the building shall immediately notify the fire official, and provide new keys, when a lock is changed or re-keyed. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-225. Manual fire alarm box covers.** The fire official may approve and shall have the authority to require listed manual fire alarm box covers or listed double-action pull stations to be installed where manual fire alarm systems are susceptible to malicious false alarms. When required, manual fire alarm box covers shall be transparent or red in color with a transparent face to permit the manual fire alarm box to be visible. The cover shall also display operating instructions. Box covers which emit a local alarm signal without initiating the manual fire alarm system are acceptable when all normal building

occupants are trained in the operation of the boxes and fire reporting procedures. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-226. Protection of gas equipment.** (1) Guard posts or other means approved by the fire official shall be provided to protect gas meters, piping and appurtenances where subject to physical damage or where vehicle traffic is normally expected at the site.

(2) Guard posts shall be not less than three feet (3') (0.9 m) from the equipment and spaced not more than four feet (4') (1.2 m) on center and a minimum of thirty inches (30") (762 mm) in height and shall resist a force of twelve thousand (12,000) (53.378N) applied thirty inches (30") above the driving surface.

(3) Protective measures may be required and shall be approved by the fire official or building official. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-227. Fire department connection.** Every new fire department connection for water-based fire protection systems shall be provided with a locking cap or caps of type approved by the fire official. On existing systems, the cap shall be installed within one (1) year of passage of this chapter. The owner of the building where such system is located shall be responsible for notifying the fire department when inspection, testing, or maintenance of any such fire protection equipment is performed. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-228. Combustible mulch.** Combustible mulch shall not be applied or maintained within two feet (2') of any building around entire exterior perimeter, except one (1) and two (2) family dwellings, buildings with exterior walls and exterior wall coverings constructed of noncombustible materials. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-229. Automatic fire sprinkler system. Buildings, occupancies, and parking structures.** An approved automatic fire sprinkler system shall be provided for all new and renovated buildings of five thousand (5,000) square feet of gross floor area or more. All new or renovated educational or institutional occupancies shall be provided with an automatic fire sprinkler system regardless of the gross floor area limit. The following provisions shall apply under this subsection:

(1) Renovated buildings shall be defined as construction to the building that is greater than fifty percent (50%) of the estimated cost of reconstructing the entire structure.

(2) Occupancies shall be classified in accordance with chapter 3 of the International Building Code.

(3) Any addition to an existing building, which brings the gross floor area to five thousand (5,000) square feet or more shall cause the entire building to meet the requirements of this section.

(4) Where automatic sprinkler protection is determined to increase the hazard to the property or occupants to be protected, other automatic extinguishing systems appropriate for the hazard shall be provided.

(5) Any automatic fire sprinkler system provided as a requirement of this section or otherwise installed shall be supervised in accordance with the International Building Code.

(6) Automatic extinguishing systems and appurtenances shall be installed, tested, inspected and maintained in accordance with National Fire Protection Association standards.

(7) Where these requirements conflict with the International Building Code, International Fire Code, or any state or federal requirement, the more stringent requirement shall apply.

(8) Parking structures are exempt from the provisions of this subsection except when the following conditions apply:

(a) The parking structure is defined as closed within International Building Code definitions and thereby requires mechanical ventilation.

(b) The parking area is located within or under an occupied building.

(c) Free standing parking structures allowed this exemption must have fire department stand pipe connections available on all floors at a distance not to exceed two hundred fifty feet (250') from any point. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, Ord. #2013-22, Jan. 2014, and Ord. #2014-10, May 2014, and amended by Ord. #2015-09, May 2015)

**7-230. Safeguarding construction, alteration, and demolition operations.** For the purpose of prescribing minimum safeguards for construction, alteration, and demolition operations in order to provide reasonable safety to life and property from fire during such operations, NFPA 241, Standards for Safeguarding Construction, Alteration and Demolition Operations, Appendix B Referenced Publications, 2000 edition with any subsequent amendments or revisions that may be added, or as replaced by any later editions, as prepared by the National Fire Prevention Association, Inc., is hereby adopted by reference and included herein as part of this code. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-231. Premises identification.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (4") high with a minimum stroke of 0.5 inch.

Multi-tenant buildings provided with secondary exits to the exterior or exit corridor, shall be provided with tenant identification by business name. This identification shall be Arabic numerals or alphabet letters and contrast with their background. Letters or numbers shall be a minimum of two inches (2") high and be located at sixty inches (60") above the bottom of the door. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**CHAPTER 3****LIFE SAFETY CODE****SECTION**

- 7-301. Life safety code adopted.
- 7-302. Application.
- 7-303. Equal applicability.
- 7-304. Enforcement of chapter.
- 7-305. Board of adjustments and appeals.
- 7-306. Modifications.
- 7-307. Violations.
- 7-308. Penalties.
- 7-309. Definitions

**7-301. Life safety code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-502, *et seq.*, and for the purpose of prescribing regulations governing the design, operation, and maintenance of buildings and other structures for safety to life from fire and similar emergencies, the NFPA 101, Life Safety Code, 2003 edition with any subsequent amendments or revisions that may be added, or as replaced by any later editions, as prepared by the National Fire Protection Association, is hereby adopted by reference and included herein as part of this code. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of said NFPA 101, Life Safety Code has been filed with the recorder and is available for public use and inspection. Said NFPA 101, Life Safety Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. The NFPA 101, Life Safety Code, chapter 33, referenced publications, of the National Fire Protection Association shall be the latest editions available by the National Fire Code Subscription Service. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-302. Application.** The provisions of the codes adopted by reference in § 7-301 shall govern the manner in which:

- (1) The codes are applied to new construction and existing buildings;
- (2) Occupancies and types of construction are classified for the purpose of determining minimum code requirements;
- (3) The minimum requirements of the codes may be modified to permit the use of alternate materials or methods of construction.
- (4) Where, in any specific case, there is a conflict between this code and another adopted code the most applicable shall govern. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-303. Equal applicability.** The provisions of the NFPA 101, Life Safety Code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-304. Enforcement of chapter.** The NFPA 101, Life Safety Code herein adopted by reference shall be enforced by the fire chief of the city, or his duly authorized representative. Any other persons so authorized by the city administrator or his designee to make inspections shall be designated as a "fire inspector." The fire chief or his designee, or fire inspector shall be authorized to inspect all property within the city and any future area that shall be annexed to the city. The fire chief or his designee and the fire inspector shall be authorized to issue summons, citations, written notices and take any action required to remove or abate any situation that poses an immediate threat to life and/or property. The fire inspector shall be authorized to issue written notices for code violations. The authority having jurisdiction shall be authorized to require the submittal of drawings and specifications for review and approval; and insure all life safety conditions are satisfactory prior to authorizing the issuance of a certificate of completion or occupancy. The authority having jurisdiction shall be authorized to grant an extension of up to thirty (30) days time limit to correct violations upon proof and receipt of written request not less than three (3) days prior to expiration of notice. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-305. Board of adjustments and appeals.** The City of La Vergne Construction Board of Adjustments and Appeals shall hear any filed appeal and the established laws, ordinances, and rules regarding such board shall govern. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-306. Modifications.** The fire chief or his designee may recommend to the board of mayor and aldermen modifications of the provisions of the NFPA 101, Life Safety 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 modifications when granted or allowed shall be contained in an amendment to this code or a resolution of the board of mayor and aldermen. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-307. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the NFPA 101, Life Safety Code hereby 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. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-308. Penalties.** (1) Any person violating any of the provisions of this chapter, the NFPA 101, Life Safety Code or the conditions of any permit issued hereunder, shall be served by the authority having jurisdiction with a summons, citation or written notice stating the nature of the violation, and providing up to thirty (30) working days time limit for the satisfactory correction thereof.

(2) The offender shall, within the time period stated in such notice, permanently cease all violations as prescribed by the fire official. Any permit issued hereunder shall be void until such time as the violation is corrected.

(3) Any person who shall continue any violation beyond the time provided for in § 7-308(1), shall be guilty of a misdemeanor and such violation may be punishable by a penalty not to exceed five hundred dollars (\$500.00).

(4) Any person violating any of the provisions of this chapter shall become liable to the city for expense, loss or damage occasioned by the city personnel or equipment by reason of such violation. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**309. Definitions.** (1) Wherever the word "jurisdiction" is used in the NFPA 101, Life Safety Code, it shall be held to mean the City of La Vergne, Tennessee.

(2) Wherever the term "authority having jurisdiction" is used in the NFPA 101, Life Safety Code, it refers to the fire chief or his designee, or fire inspector.

(3) "Person" is any individual, partnership, firm, corporation, company, association, joint stock company, trust, estate, political subdivision, an agency, authority, commission, or department of the United States, or of the State of Tennessee, or any other legal entity, or their legal representative, agent, or assigns. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

## CHAPTER 4

### BLASTING REGULATIONS

#### SECTION

- 7-401. Blasting code adopted.
- 7-402. Permit required.
- 7-403. Blasting permit fees.
- 7-404. Amendment to storage requirements of NFPA 495.
- 7-405. Amendment to hours of blasting.
- 7-406. Blasting code available in recorder's office.
- 7-407. Violations.

**7-401. Blasting code adopted.** Pursuant to the authority granted by Tennessee Code Annotated, and for the purpose of regulating the use and storage of blasting materials the National Fire Protection Association section 495, 1996 edition and the State of Tennessee Blasting Standards Act of 1975, as recorded in the document, "Tennessee Blasting Laws Annotated" 1995 edition, issued by the Division of Fire Protection, Department of Commerce and Insurance, are hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the blasting code. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-402. Permit required.** A permit must be applied for and approved prior to the bringing of explosives or explosive materials onto a job site. If any rules or regulations of the adopted code are violated the fire official may at his discretion revoke such permit. The permit will be issued by the city's fire official's office, and will be good only for the site issued and is not transferable. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-403. Blasting permit fees.** The blasting permit fee will be one hundred dollars (\$100.00) per permit. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-404. Amendment to storage requirements of NFPA 495.** NFPA 495 is hereby amended to read: No overnight storage of any blasting materials will be allowed within the corporate limits of the City of La Vergne. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-405. Amendment to hours of blasting.** NFPA 495 is hereby amended to read: If blasting other than between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, blaster must receive written permission from the

fire official's office of the City of La Vergne. All persons blasting inside the corporate limits of the City of La Vergne must give at least a four (4) hour notice prior to blasting to the fire official's office of the City of La Vergne. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-406. Blasting code available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the blasting code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-407. Violations.** It shall be unlawful for any person, company, group or corporation to violate or fail to comply with any provision of the blasting code as herein adopted by reference and modified. (Ord. #2006-05, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

## CHAPTER 5

### FIRE DEPARTMENT FALSE ALARMS

#### SECTION

- 7-501. Purpose and intent.
- 7-502. Definitions.
- 7-503. False alarms prohibited.
- 7-504. False alarms--fines--notifications.
- 7-505. No liability of city.
- 7-506. Severability.

**7-501. Purpose and intent.** The ordinance codified in this chapter is adopted for the purpose of reducing the number of false fire alarms to which the fire department is expected to respond. (Ord. #2006-5, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-502. Definitions.** (1) "Alarm company " means the business by any person, firm, partnership, corporation, association, organization, company, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed in or on any building, structure or facility.

(2) "Alarm agent" means any person employed by, working for, representing, or subcontracted by an alarm company.

(3) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire to which the fire department is expected to respond.

(4) "Alarm user" means a person(s), firm, partnership, corporation, association, organization, company, or other entity in control of a premise where an alarm system located.

(5) "Audible alarm" means an alarm system or device that generates an audible sound.

(6) "Calendar year" means a twelve (12) month period beginning January 1st and ending December 31st every year.

(7) " Central alarm station" means a system in which the operation of electrical protection circuits and devices are signaled automatically to, recorded at, or maintained and serviced from a place of business having trained alarm operators in attendance at all times.

(8) "City" means the City of La Vergne, Tennessee.

(9) "False alarm" means activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm user or alarm user's employee, whether or not the exact cause of the alarm activation is determined, or any other activation or transmission of any

alarm signal where no fire exists. Severe weather, power outages, transmission line malfunctions, acts of God, malicious acts of persons not under the control of the alarm user, or any other cause clearly beyond the control of the alarm user will be considered in determining if an alarm activation was false and whether or not any occurrence, fine, warning or other punitive action will be taken against the alarm user as provided for by this chapter.

(10) "Fire chief" means the Fire Chief for the City of La Vergne or his designee.

(11) "Fire department" means the City of La Vergne, Tennessee Municipal Fire Department.

(12) "Notice" means written notice given by personal service upon the addressee, or given by the United States Postal Office, postage paid, to the addressee's last known mailing address.

(13) "Permittee" means any person, firm, partnership, corporation, association, organization, company, or other entity issued an alarm permit by the city.

(14) "Person" means a natural person, or a firm, partnership, corporation, association, organization, company, or other entity.

(15) "Protected premises" means any building, structure, or facility where an alarm system is installed to signal the occurrence of any fire to which the fire department is expected to respond. (Ord. #2006-5, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-503. False alarms prohibited.** It is unlawful for any person to knowingly activate an alarm system for the purpose of summoning the fire department except if such person knows or suspects that there is an actual fire on the protected premises. (Ord. #2006-5, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-504. False alarms--fines--notifications.** (1) Any alarm user permittee who has more than three (3) false alarms within a calendar year at a single location will be assessed a fifty dollar (\$50.00) fine per false alarm plus a three hundred dollar (\$300.00) fee per fire department apparatus, police department vehicle that responds to the false alarm.

(2) The fifty dollar (\$50.00) fine plus the three hundred dollar (\$300.00) fee per police department vehicle shall be paid to the City of La Vergne within thirty (30) days from the date of the invoice requesting payment of the fine and fees.

(3) The three hundred dollar (\$300.00) fee per fire department apparatus shall be paid to the fire department within thirty (30) days from the date of the invoice requesting payment of the fees.

(4) The fire chief or his designee shall notify the alarm user, in writing, of each instance where the fire department has recorded a false alarm. The alarm user shall have the opportunity within fourteen (14) days from the date

of mailing or personal delivery to submit a report or meet with the fire chief or his designee for the purpose of showing cause as to whether circumstances exist to warrant voiding the false alarm recordation. The fire chief or his designee shall review the alarm user's report and/or meet with the alarm user and issue a written finding to the alarm user as to whether or not the false alarm record will be voided. The finding of the fire chief or his designee shall be final. (Ord. #2006-5, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-505. No liability of city.** The city assumes no liability for any defects in the operation of any alarm system or signal line system, for any failure or neglect of any person associated with the installation, operation or maintenance of any alarm system, for any failure or neglect of any alarm user, for the transmission or receipt of alarm signals or any failure or neglect to respond upon receipt of an alarm from any source. (Ord. #2006-5, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-506. Severability.** If any provision, clause, sentence, paragraph, section, or part of this chapter or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter in the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section or part thereof not been included. (Ord. #2006-5, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

## CHAPTER 6

### FIREWORKS

#### SECTION

- 7-601. Purpose.
- 7-602. Definition of terms.
- 7-603. Permit required.
- 7-604. Permit fee.
- 7-605. Privilege licenses required.
- 7-606. Permissible types of fireworks.
- 7-607. Conditions for sale and use permissible items.
- 7-608. Retail sale of permissible items--time limitations--exceptions.
- 7-609. Public displays--permits--regulation.
- 7-610. Regulations governing storing, locating or display of fireworks.
- 7-611. Unlawful acts in the sale, handling or private use of fireworks.
- 7-612. Seizure and destruction of fireworks.
- 7-613. Penalty for violation.
- 7-614. Exceptions to application.
- 7-615. Permissible dates and times of discharge.
- 7-616. Discharge on other dates.
- 7-617. Discharge on city property prohibited.
- 7-618. Compliance with applicable laws and standards required.
- 7-619. Removal of debris required.
- 7-620. Violations related to discharge.

**7-601. Purpose.** The purpose of this chapter is to provide an ordinance for regulation of the manufacture, sale, display and use of certain fireworks for both private and public display within the corporate limits of the City of La Vergne, Tennessee setting certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (Ord. #2006-5, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-602. Definition of terms.** As used in this chapter, the following terms shall have the meaning ascribed to them herein in accordance with Tennessee Code Annotated, § 68-104-101, unless clearly indicated otherwise.

(1) "Distributor" means 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 retailer, wholesaler, or any person who receives, brings, or imports any fireworks of any kind, in any manner into the City of La Vergne, except to a holder of a manufacturer's, distributor's or wholesaler's permit issued by the state fire marshal and the La Vergne City Administrator or his designee.

(2) "D.O.T. Class C Common/1.4G fireworks" means all articles of fireworks as are now or hereafter classified as "D.O.T. Class C Common/1.4G fireworks" in the regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles.

(3) "Manufacturer" means any person engaged in the making, manufacture or construction of fireworks of any kind within the City of La Vergne.

(4) "Permit" means the written authority of the city administrator or his designee issued under the authority of this chapter.

(5) "Person" means, any individual, firm, partnership or corporation.

(6) "Retailer" means any person engaged in the business of making retail sales of firework at specified times during the year as provided herein.

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

(8) "Special fireworks" means all articles of fireworks that are classified as Class B/1.3G explosives in the regulation of the United States Department of Transportation and includes all articles other than those classified as Class C. (Ord. #2006-5, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-603. Permit required.** Any person, corporation or business entity desiring to sell fireworks as defined in Tennessee Code Annotated, § 68-104-108 shall first secure and obtain any and all necessary permits and comply with any and all rules and regulations set forth in Tennessee Code Annotated, § 68-104-101 and all following code sections pertaining to fireworks thereafter stated including all provisions through Tennessee Code Annotated, § 68-104-116 to the extent the same are not in conflict with the further provisions of this chapter. (Ord. #2006-5, April 2006, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-604. Permit fee.** The fee for the permit provided in § 7-603 of this chapter shall be established by the La Vergne Zoning Ordinance article VIII, section 8.040, and the permit shall be valid for the duration as defined in the La Vergne Zoning Ordinance article IV, section 4.030, paragraph F. (Ord. #2009-4, June 2009, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-605. Privilege licenses required.** The issuance of permits provided for herein shall not replace or relieve any person of state, county or municipal privilege licenses as now or hereafter provided by law. Permittees shall comply with the City of La Vergne Fireworks Permit requirements on file with the fire

official. (Ord. #2006-5, April 2006, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-606. Permissible types of fireworks.** It is unlawful for any individual, firm, partnership or corporation to possess, sell or use within the City of La Vergne, or ship into the City of La Vergne, except as provided in this chapter, any pyrotechnics commonly known as "fireworks" other than the following permissible items:

(1) Those items now or hereafter classified as D.O.T. Class 5 Common/1.4G 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. (Ord. #2006-5, April 2006, April 2006, as replaced by Ord. #2012-14, Aug. 2012, and Ord. #2013-22, Jan. 2014)

**7-607. Conditions for sale and use permissible items.** No permissible articles of common fireworks, shall be sold, offered for sale, or possessed within the City of La Vergne, or used within the city, unless it is properly named and labeled to conform to the nomenclature of allowed fireworks and unless it is certified an "common fireworks" on all shipping cases and by imprinting on the article or retail container "D.O.T. Class C Common/1.4G fireworks," such imprint 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 1123 and 1126), and the International Fire Code, all in full force and effect within the city. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-608. Retail sale of permissible items--time limitations--exceptions.** Permissible articles of fireworks may be sold at retail to residents of the City of La Vergne and used within the City of La Vergne from June 20th through July 5th, and December 20th through January 2nd of each year only, except that "fireworks" does not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five one-hundredths (25/100) 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 one-hundredths (25/100) grains of explosive compounds, cone, bottle, tube, and other type serpentine pop-off novelties, model rockets, wire sparklers, containing not over one hundred (100) grams of composition per item (sparklers containing chlorate or perchlorate sales may not exceed five (5) grams of composition per item),

emergency flares, matches, trick matches, and cigarette loads, the sale and use of which shall be permitted at all times. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-609. Public displays--permits--regulation.** 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 display only and which are otherwise prohibited for sale and use within the City of La Vergne shall include display shells designed to be fired from mortars and display set pieces of fireworks classed by the regulation of the United States Department of Transportation as "Class B Special/1.3G 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 received written approval from the fire chief or his designee, police chief, and the city administrator, or their designees, and applied for and received a permit for such displays issued by the state fire marshal. Applicants for permits for such public displays shall be made in writing and shall show that the proposed display is to be so located and supervised that it is not hazardous to property and that it shall not endanger human lives. Possession of special fireworks for re-sale to holders of a permit for public fireworks displays shall be confined to holders of a distributors permit only. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-610. 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 one hundred feet (100') 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 vanishes 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 purchaser, 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. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-611. Unlawful acts in the sale, handling or private use of fireworks.** (1) It is unlawful to:

(a) Offer for retail sale or to sell any fireworks to children under the age of sixteen (16) years or to any intoxicated or irresponsible person. Sales to minors shall be made in accordance with the state law;

(b) 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, or within five hundred feet (500') of a gasoline retailer or wholesale storage facility;

(c) 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.

(2) All items of fireworks which exceed the limits of D.O.T. Class C Common/1.4G fireworks as to explosive composition, such items being commonly referred to as "illegal ground salutes" designed to produce an audible effect, are expressly prohibited from shipment into, manufacture, possession, sale or use within the City of La Vergne for any purpose. This subsection shall not effect display fireworks authorized by this chapter.

(3) Fail to comply with the city's zoning ordinance relative to minimum front building line set back requirements set forth in the city's zoning ordinance. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-612. Seizure and destruction of fireworks.** (1) The La Vergne City Administrator, or designee, may seize as contraband any fireworks other than "Class C common fireworks" or "special fireworks" for public displays, which are sold, displayed, used or purchased in violation of this chapter.

(2) Before any seized fireworks may be destroyed:

(a) If the owner of such seized fireworks is known, the city administrator or his designee shall give notice by registered mail or personal service to such owner, of the city's intention to destroy such seized materials. Such notice shall inform the owner of the owner's right to a hearing. Upon the request of the owner, the city administrator or his

designee shall conduct an appropriate contested case hearing concerning such destruction of fireworks in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, title 4, chapter 5.

(b) If the identity of the owner of any seized fireworks is not known to the city, the city administrator or his designee shall cause to be published, in a newspaper of general circulation in the county wherein the seizure was made, notice of such seizure, and of the city's intention to destroy such fireworks. The notice shall be published once each week for three (3) consecutive weeks and if no person claims ownership of the fireworks within ten (10) days of the date of the last publication, the fire official may proceed to destroy the fireworks. If the owner does claim the fireworks within the time specified, a hearing as set out in this subsection shall be held. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-613. 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 not exceeding state authorized maximum limits. In addition, the City of La Vergne may refuse to issue another permit to the holder of a permit so convicted for a period not to exceed three (3) years. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-614. Exceptions to application.** 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, of the State of Tennessee 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, providing the purchaser first secures a written permit to purchase and use fireworks for agricultural purposes only from the state fire marshal, and after approval of the county agricultural agent of the county in which the fireworks are to be used and the 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. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the City of La Vergne. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-615. Permissible dates and times of discharge.** The discharge of common fireworks within the corporate limits of the City of La Vergne shall be restricted to the following dates and times:

June 21 through July 7	9:00 A.M. until 10:00 P.M.
December 19 through January 3	9:00 A.M. until 10:00 P.M.

Notwithstanding the foregoing, the dates of July 4 and December 31 of each year, the discharge of common fireworks will be restricted to the hours of 9:00 A.M. and 1:00 A.M. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-616. Discharge on other dates and times prohibited; special permits.** (1) The discharge of all common fireworks within the corporate limits of the City of La Vergne on times and dates not authorized by this chapter are strictly prohibited.

(2) Requests for special permits to discharge common fireworks within the corporate limits of the City of La Vergne during times and dates not authorized by this chapter may be submitted for consideration to the city administrator or his designee. All requests must be submitted no less than five (5) days prior to the scheduled event. The special authorization required shall be reviewed based upon, but not limited to, the following criteria:

- (a) The risk to public health and safety;
- (b) Any financial obligations incurred by the city to provide adequate protection from possible hazards;
- (c) The location of the event;
- (d) Any possible disturbance of the peace violations in the City of La Vergne;
- (e) Whether the display will serve the common good of the citizens of the City of La Vergne.
- (f) There are no more than two (2) requests from each residential address in La Vergne within a one (1) year time frame.

(3) Any and all requests which fail to serve the general good of the community may be denied at the discretion of the city administrator based upon recommendations from the fire chief or his designee. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-617. Discharge on city property prohibited.** No fireworks shall be discharged or carried onto property of the City of La Vergne, including, without limitation, any or all of the city's public parks; provided, however, that the provisions of this section shall not apply to events sponsored by the City of La Vergne. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-618. Compliance with applicable law and standards required.** Any and all discharges of fireworks within the corporate limits of the City of La Vergne must comply with Tennessee Code Annotated, § 68-104-211, and NFPA 1123, and the most recently adopted version of the International Fire

Code by the City of La Vergne. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**7-619. Removal of debris required.** Any parties or individuals who discharge fireworks within the corporate limits of the City of La Vergne either for public display or personal use must clear any debris from public roadways or rights-of-way after the discharge of the fireworks. If any such debris is not removed, such parties or individuals may be cited under § 16-107 of the La Vergne Municipal Code and/or Tennessee Code Annotated, § 39-14-502. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

**6-620. Violations related to discharge.** It shall be unlawful and a misdemeanor for any person to ignite, discharge, use or explode any common fireworks within the corporate limits of the City of La Vergne except in accordance with the provisions of this chapter. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2012-14, Aug. 2012, and replaced by Ord. #2013-22, Jan. 2014)

## CHAPTER 7

### LA VERGNE FIRE DEPARTMENT VOLUNTEER DIVISION

#### SECTION

- 7-701. Establishment, creation and management.
- 7-702. Qualifications.
- 7-703. Authority.
- 7-704. Uniforms.
- 7-705. Workers' compensation and liability insurance.

**7-701. Establishment, creation and management.** There is hereby created within the City of La Vergne in the fire department, a volunteer fire division. Each member shall be appointed by the fire chief of the department and shall serve as long as in good standing or a submission of resignation is submitted to the fire chief. The assistant fire chief of operations shall oversee this division. The division of volunteer firefighters may also be also be managed by an appointed captain if applicable. This division shall augment and aid the full time force of the City of La Vergne Fire Department. (as added by Ord. #2014-09, June 2014)

**7-702. Qualifications.** The same qualifications shall apply to the volunteer division as to entry level qualifications for firefighter positions as stated in the job description that is on file in the human resources department of the City of La Vergne. (as added by Ord. #2014-09, June 2014)

**7-703. Authority.** All volunteer division personnel shall be give the same power to act in the capacity of a firefighter position with the only exception as volunteer personnel will not be able to operate a fire suppression apparatus, staff or support vehicle until the age of twenty-one (21) is achieved. This is a requirement by the City of La Vergne's liability insurance carrier. (as added by Ord. #2014-09, June 2014)

**7-704. Uniforms.** The assistant chief of operations of the City of La Vergne Fire Department shall establish the uniform ensemble for the volunteer division with prudent use of budgetary means to secure. All volunteer personnel shall be issued personal protective clothing (turnout gear) to conform with department policy and NFPA requirements and shall maintain according to policy. All uniforms and turnout gear shall be returned to the City of La Vergne upon exit from the volunteer division. (as added by Ord. #2014-09, June 2014)

**7-705. Workers' compensation and liability insurance.** The City of La Vergne shall provide for coverage for each member of the volunteer division while in the performance of official duties. No emergency responses or any

installed emergency visual or audible equipment or devices on personally owned vehicles shall be authorized by the City of La Vergne or the any member of the City of La Vergne Fire Department. All personnel must have in place a minimum of three hundred thousand dollars (\$300,000.00) liability insurance coverage on personally owned vehicles used for response inside the corporate limits of the City of La Vergne. (as added by Ord. #2014-09, June 2014)