

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire district described.

7-101. Fire district described. The fire district shall be all property within the city limits. (1995 Code, § 7-101, modified)

¹Municipal code reference
Fires in streets, etc.: § 16-112.

CHAPTER 2

FIRE CODE¹

[RESERVED FOR FUTURE USE]

¹For fire code provisions enforced in the City of McKenzie, see Tennessee Code Annotated and Tennessee state regulations.

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. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city council. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the mayor shall appoint and the city council shall approve. (1995 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. (1995 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. (1995 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

¹Municipal code reference

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

to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1995 Code, § 7-304)

7-305. Tenure and compensation of members. The chief and all firemen shall hold office so long as their conduct and efficiency are satisfactory to the mayor.

All personnel of the fire department shall receive such compensation for their services as the city council may from time to time prescribe. (1995 Code, § 7-305)

7-306. Chief responsible for training. The chief of the fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1995 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1995 Code, § 7-307)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Equipment to be used only within corporate limits generally.

7-401. 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 with the following exceptions:

(1) Mutual aid, as determined by the fire chief;
(2) Extraction of automobile accident victims in emergency situations;
and

(3) Properties covered by a rural fire contract executed by the city.
(1995 Code, § 7-401, modified)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Manufacture prohibited.
- 7-502. Storage, use and sale restricted.
- 7-503. Use of fireworks restricted.
- 7-504. Special displays; permits required.
- 7-505. Penalty for violation.
- 7-506. Use by railroads, etc.
- 7-507. Exceptions.

7-501. Manufacture prohibited. It shall be unlawful for any person, firm, partnership, or corporation, to manufacture within the corporate limits of McKenzie, Tennessee, pyrotechnics, commonly known as fireworks, of any kind or description. (1995 Code, § 7-501)

7-502. Storage, use and sale restricted. It shall be unlawful for any person, firm, partnership, or corporation, to store or sell in, or ship into the corporate limits of McKenzie any pyrotechnics, commonly known as fireworks, except those fireworks classed as permissible fireworks in Tennessee Code Annotated, § 68-104-108. The storage and sale of permissible fireworks shall be subject to the following restrictions:

(1) The storage and sale of permissible fireworks is permitted only within the B-1, B-2, and B-3 districts, as shown on the Zoning Map of McKenzie, Tennessee, and shall be subject to all conditions and restrictions contained in the Zoning Ordinance of McKenzie, Tennessee.

(2) Any person, firm, partnership, or corporation desiring to store and sell fireworks within the corporate limits of McKenzie shall make application for a permit to do so on a form provided for that purpose. The application shall be accompanied by a non-refundable fee of two hundred and fifty dollars (\$250.00). No permit shall be issued to a person under eighteen (18) years of age. All permits shall be for the calendar year or any fraction thereof, and shall expire on December 31. A grace period of two (2) days shall be allowed each holder of a permit.

The application shall include the name of the person making application, the firm, partnership, or corporation he represents, the business address of both the applicant and the partnership, firm or corporation he represents, the address and description of the premises where the storage and sale of fireworks is contemplated, sales tax numbers and any other information the city clerk deems pertinent to aid in the investigation of the application.

The city clerk shall refer the applicant to the fire inspector who shall interview the applicant and inspect the premises in which the storage and sale

of fireworks is contemplated and make whatever additional investigation of the applicant or premises he deems appropriate to insure the premises and its operation by the applicant will not constitute a fire, explosion or similar safety hazard. The fire inspector shall make a written report of his investigation to the city clerk within seventy-two (72) hours which shall indicate whether the application is approved or denied and shall clearly state the reasons for denial, if applicable. The report may also indicate a qualified approval based on authority which the fire inspector shall have to impose reasonable restrictions on the applicant and/or premises.

If the fire inspector approves the application the city clerk shall issue a permit. If the fire inspector approval is qualified, the restrictions and conditions imposed by the inspector upon the applicant and/or premises shall be stated in writing in the permit. The permit shall not be transferable to any other person, firm, partnership, corporation or premise.

Any applicant denied a permit or whose permit contains conditions and restrictions shall have the right of appeal to the board of mayor and council within fourteen (14) days after denial or the issuance of the permit containing conditions and restrictions by giving the city clerk written notice of appeal. Pending appeal by said permit holder whose permit contains conditions and restrictions the permit holder shall abide by any and all conditions and restrictions contained in the permit.

(3) Notwithstanding anything in this code to the contrary, no fireworks shall be sold from an automobile or any other vehicle.

(4) Placing, storing, location, or displaying of fireworks in any window where the sun may shine through the glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within ten feet (10') of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted with the words "fireworks--no smoking" in letters not less than four inches (4") high. No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in original, unbroken containers, nor where resin, turpentine, gasoline, or other flammable substance which may generate inflammable vapors is used, stored, or sold.

(5) It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, public school, or within two hundred feet (200') of where fireworks are stored, sold or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people.

(6) Permissible fireworks may only be sold on a seasonal basis from June 26 through July 5, and from December 30, through January 1. (1995 Code, § 7-502, as amended by Ord. #535, Nov. 2020 ***Ch1_02-11-21***)

7-503. Use of fireworks restricted. It shall be unlawful for any person to fire, set off, shoot or discharge, or otherwise explode any fireworks within the corporate limits of McKenzie, except that it is permissible for persons to fire, set off, shoot, discharge or otherwise explode fireworks at their residences providing that:

(1) The igniting and final firing or exploding is done within the property lines of the person doing the firing;

(2) Such firing is not objectionable to or does not create a nuisance insofar as other residences of the neighborhood are concerned; and

(3) The fireworks may only be fired, set off, shot, discharged or exploded on a seasonable basis from June 26 through July 5 and from December 13 through January 1. The fireworks can be shot until 10:00 P.M., except for December 31st when they shall be allowed until 1:00 A.M.

Streets, roadways, and alleys maintained by the State of Tennessee or the City of McKenzie and sidewalks adjacent to the property from which fireworks are being exploded or fired are to be construed as outside the property lines of the person exploding fireworks, it being the intent of this chapter to prohibit the use of fireworks on all public streets, roadways, alleys and sidewalks within the City of McKenzie. (1995 Code, § 7-503, as amended by Ord. #535, Nov. 2020 ***Ch1_02-11-21***)

7-504. Special displays; permits required. 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 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 displays only and which are otherwise prohibited for sale and use within the state shall include display shells designed to be fired from motors and display set pieces of fireworks classified by the regulations of interstate commerce commission as "Class B special fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such display issued by the state fire marshal. Applications for such permits for such public displays shall be made in writing at least ten (10) days in advance of the proposed display, and the application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives. The application shall so state and shall bear the signed approval of the chief supervisory officials of the fire and police departments of

the City of McKenzie. Permits issued shall be limited to the time specified therein, and shall not be transferable. Possession of special fireworks for resale to holders of a permit for a public fireworks display shall be confined to holders of a distributors permit only. (1995 Code, § 7-504)

7-505. Penalty for violation. Any individual violating any provision of this chapter shall be guilty of a misdemeanor punishable pursuant to Tennessee Code Annotated, § 68-104-114.

The fire inspector of the City of McKenzie is further authorized to seize any contraband and destroy fireworks which do not comply with the provisions defining allowable fireworks contained in this chapter pursuant to the provisions of Tennessee Code Annotated, § 69-104-115. (1995 Code, § 7-505)

7-506. Use by railroads, etc. Nothing contained herein shall be construed as prohibiting the railroads or other transportation agencies from the use of fireworks for signal purposes or illumination. (1995 Code, § 7-506)

7-507. Exceptions. 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 classed of public or private transportation or of illuminating devices for photographic use, nor applying to the military or naval forces of the United States or of this state 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 only from the state fire marshal, after approval of the county agricultural agency of the county in which said fireworks are to be used and said fireworks must be at all times kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable. (1995 Code, § 7-507)