

TITLE 7: FIRE PROTECTION AND FIREWORKS

Chapter

- 1. FIRE CODE**
- 2. GENERAL PROVISIONS**
- 3. FIRE DEPARTMENT**
- 4. FIREWORKS**
- 5. OPEN BURNING**

CHAPTER 1: FIRE CODE

Section

- 7-101 Fire code adopted
- 7-102 Enforcement
- 7-103 Modifications
- 7-104 Gasoline trucks
- 7-105 Violations

Cross-references:

- Emergency vehicles, see Title 15, Chapter 2*
- Fires in streets, see ' 16-112*
- Illegal use of fire hydrants, see ' 18-110*
- Private fire lines, see ' 18-107*

' 7-101 FIRE CODE ADOPTED.

The International Fire Code, 2012 edition, and modifications thereto, is hereby adopted and incorporated by reference as part of this municipal code, and is hereinafter referred to as the Fire Code. (2007 Code, ' 7-101) (Ord. 14-02, passed - -)

' 7-102 ENFORCEMENT.

The Fire Code shall be enforced by the building official or his or her designee. He or she shall have the same powers as the State Fire Marshal if he or she is a certified Tennessee fire inspector. (2007 Code, ' 7-102) (Ord. 04-46, passed 12- -2004)

' 7-103 MODIFICATIONS.

- (1) Section 101.1 Title. Add ATown of Smyrna, TN@ in place of A[name of jurisdiction]@.
 - (2) Section 1008.1.9.4 Bolt locks. Exceptions #3 and 4. Add AM@ after AF@.
 - (3) Appendix A, B, C, and D are adopted.
- (2007 Code, ' 7-103) (Ord. 14-02, passed - -)

' 7-104 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.

(2007 Code, ' 7-104)

' 7-105 VIOLATIONS.

It shall be unlawful for any person to violate any of the provisions of this chapter or the Fire Prevention 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 Town Council or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the town code shall not be held to prevent the enforced removal of prohibited conditions. Each day a violation is allowed to continue shall constitute a separate offense.

(2007Code, ' 7-105)

CHAPTER 2: GENERAL PROVISIONS

Section

- 7-201 Fire limits described
- 7-202 Required access for fire apparatus

' 7-201 FIRE LIMITS DESCRIBED.

The corporate fire limits shall be as follows: the present town limits of the town, and as said town limits are later extended by annexation.

(2007 Code, ' 7-201)

' 7-202 REQUIRED ACCESS FOR FIRE APPARATUS.

(1) For all buildings covered by T.C.A. " 68-120-101 et seq., required access for fire apparatus shall be provided in accordance with Appendix D of the International Fire Code, 2006 edition, adopted herein.

(2) The designation, use, and maintenance of fire lanes on private property shall be accomplished as specified by the building official.

(3) It shall be unlawful for any person to park motor vehicles on, or otherwise obstruct, any fire lane.

(4) The only exception shall be when any combination or private fire protection facilities, including, but not limited to, fire-resistive roofs, fire separation walls, space separation, and automatic fire extinguishing systems, are provided and approved by the building official as an acceptable alternate, this section shall not apply.

(2007 Code, ' 7-202)

CHAPTER 3: FIRE DEPARTMENT

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 Chief to be assistant to state officer
- 7-307 Destruction of property
- 7-308 Police authority of firefighters

Statutory reference:

Special privileges with respect to traffic, see Title 15

' **7-301 ESTABLISHMENT, EQUIPMENT, AND MEMBERSHIP.**

There is hereby established a Fire Department to be supported and equipped from appropriations by the Town Council. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The Fire Department shall be composed of a Chief and any such staff as the Town Council shall authorize.

(Ord. 02-04, passed 2- -2004)

' **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; and

(6) To perform such rescue work as its equipment and/or training of its personnel makes practicable.

(Ord. 02-04, passed 2- -2004)

' 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.

(Ord. 02-04, passed 2- -2004)

' 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 or she shall submit a written report on such matters to the Town Manager as the Town Manager requires. The Town Manager shall submit a report on those matters to the Town Council as it may require.

(Ord. 02-04, passed 2- -2004)

' 7-305 CHIEF RESPONSIBLE FOR TRAINING AND MAINTENANCE.

The Chief of the Fire Department shall be fully responsible for the training of the firefighters and maintenance of all property and equipment of the Fire Department.

(Ord. 02-04, passed 2- -2004)

' 7-306 CHIEF TO BE ASSISTANT TO STATE OFFICER.

Pursuant to requirements of T.C.A. ' 68-102-108, the Chief of the Fire Department is designated as an assistant to the State Commissioner of Commerce and Insurance and Banking and is subject to all the duties and obligations imposed by T.C.A. Title 68, Chapter 102, and shall be subject to the directions of the Fire Prevention Commissioner in the execution of the provisions thereof.

(Ord. 02-04, passed 2- -2004)

' 7-307 DESTRUCTION OF PROPERTY.

During the progress of any fire, firefighters may remove or destroy any property when reasonably necessary to prevent the further spread of the fire.

(Ord. 02-04, passed 2- -2004)

' 7-308 POLICE AUTHORITY OF FIREFIGHTERS.

Pursuant to T.C.A. ' 55-8-108, firefighters shall have the same powers and authority as police officers of the town while going to, attending, and returning from a fire alarm.
(Ord. 02-04, passed 2- -2004)

CHAPTER 4: FIREWORKS

Section

- 7-401 Purpose
- 7-402 Definitions
- 7-403 Permit required
- 7-404 Permit fee
- 7-405 Privilege licenses required
- 7-406 Permissible types of fireworks
- 7-407 Conditions for sale and use permissible items
- 7-408 Retail sale of permissible items; time limitations; exceptions
- 7-409 Public displays; permits; regulation
- 7-410 Regulations governing storing, locating, or display of fireworks
- 7-411 Unlawful acts in the sale, handling, or private use of fireworks
- 7-412 Seizure and destruction of fireworks
- 7-413 Penalty for violation
- 7-414 Exceptions to application
- 7-415 Permissible dates and times of discharge
- 7-416 Discharge on other dates and times prohibited; special permits
- 7-417 Discharge on town property prohibited
- 7-418 Compliance with applicable laws and standards required
- 7-419 Removal of debris required
- 7-420 Violations related to discharge

Cross-reference:

Business and solicitors, see Title 9

Fire Code, see Title 7, Chapter 1

Open burning, see Title 7, Chapter 5

' 7-401 PURPOSE.

The purpose of this chapter is to provide for regulation of the manufacture, sale, display, and use of certain fireworks for both private and public display within the corporate limits of the town, setting certain guidelines which shall provide for the general safety and welfare of the citizens thereof.

(2007 Code, ' 7-401)

' 7-402 DEFINITIONS.

As used in this chapter, the following terms shall have the meaning ascribed to them herein in accordance with T.C.A. ' 68-104-101, unless clearly indicated otherwise.

DISTRIBUTOR. 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 town, except to a holder of a manufacturer=s, distributor=s, or wholesaler=s permit issued by the State Fire Marshal and the Town Manager.

D.O.T. CLASS C COMMON/1.4G FIREWORKS. 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.

MANUFACTURER. Any person engaged in the making, manufacture, or construction of fireworks of any kind within the town.

PERMIT. The written authority of the Town Manager issued under the authority of this chapter.

PERSON. Any individual, firm, partnership, or corporation.

RETAILER. Any person engaged in the business of making retail sales of firework at specified times during the year as provided herein.

SALE. 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, copartnership, or one or more individuals.

SPECIAL FIREWORKS. 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.

(2007 Code, ' 7-402)

' 7-403 PERMIT REQUIRED.

Any person, corporation, or business entity desiring to sell fireworks, as defined in T.C.A. ' 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 T.C.A. ' 68-104-101 and all following code sections pertaining to fireworks thereafter stated including all provisions through T.C.A. ' 68-104-116 to the extent the same are not in conflict with the further provisions of this chapter.

(2007 Code, ' 7-403)

' 7-404 PERMIT FEE.

The permit fee for the permit provided for in ' 7-403 shall be established by a fee schedule adopted as a part of the budget ordinance, and the permit shall be valid for 30 days. However, the Town Council may, in its discretion, waive the permit fee for any non-profit organization requesting the permit.

(2007 Code, ' 7-404)

' 7-405 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 town fireworks permit requirements on file with the Town Clerk.

(2007 Code, ' 7-405)

' 7-406 PERMISSIBLE TYPES OF FIREWORKS.

It is unlawful for any individual, firm, partnership, or corporation to possess, sell, or use within the town, or ship into the town, except as provided in this chapter, any pyrotechnics commonly known as Afireworks@ 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.

(2007 Code, ' 7-406) Penalty, see ' 7-413

' 7-407 CONDITIONS FOR SALE AND USE PERMISSIBLE ITEMS.

No permissible articles of common fireworks shall be sold, offered for sale, or possessed within the town, or used within the town, unless it is properly named and labeled to conform to the nomenclature of allowed fireworks and unless it is certified as Acommon fireworks@ on all shipping cases and by imprinting on the article or retail container AD.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 state=s Fire Marshal=s 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 town.

(2007 Code, ' 7-407)

' 7-408 RETAIL SALE OF PERMISSIBLE ITEMS; TIME LIMITATIONS; EXCEPTIONS.

Permissible articles of fireworks may be sold at retail to residents of the town from June 20 through July 5, and December 20 through January 2 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 grains or less of explosive compounds are used, provided they are so constructed that the hand can not come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five one-hundredths grains of explosive compounds, cone, bottle, tube, and other type serpentine pop-off novelties, model rockets, wire sparklers, containing not over 100 grams of composition per item (sparklers containing chlorate or perchlorate sales may not exceed five 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.

(2007 Code, ' 7-408) (Ord. 13-14, passed 9- -2013)

' 7-409 PUBLIC DISPLAYS; PERMITS; REGULATION.

(1) 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 town 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 AClass 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.

(2) 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, Police Chief, and the Town Manager, 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. Applicants for a permit for public display of fireworks, not using common fireworks, shall submit with the application a non-refundable application fee established in the fee schedule adopted as part of the budget ordinance.

(2007 Code, ' 7-409)

' 7-410 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 100 feet of where the fireworks are offered for sale is hereby declared unlawful and

prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "Fireworks - no smoking" in letters not less than four inches high. No fireworks shall be sold at retail at any location where paints, oils, or varnishes are for sale or use, unless such paints, oils, or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline, or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property.

(2) All firework devices that are readily accessible to handling by consumers or 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 50 feet from any gasoline dispensing pump.

(4) As permits are temporary for a period not to exceed 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 years.

(2007 Code, ' 7-410) (Ord. 14-15, passed 4- -2014) Penalty, see ' 7-413

' 7-411 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 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 600 feet of any church, hospital, asylum, public school or within 500 feet of where fireworks are stored, sold, or offered for sale, or within 500 feet of a gasoline retailer or wholesale storage facility; or

(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 town for any purpose. This subsection shall not effect display fireworks authorized by this chapter.

(3) Fail to comply with the town=s zoning ordinance relative to minimum front building line set back requirements set forth in the town=s zoning ordinance regarding set back requirements for buildings selling fireworks or similar buildings.

(2007 Code, ' 7-411) Penalty, see ' 7-413

' 7-412 SEIZURE AND DESTRUCTION OF FIREWORKS.

(1) The Smyrna Town Manager, or designee, may seize as contraband any fireworks other than AClass C Common fireworks@ or Aspecial 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 Town Manager shall give notice by registered mail or personal service to such owner, of the Fire Chief=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 Town Manager shall conduct an appropriate contested case hearing concerning such destruction of fireworks in accordance with the Uniform Administrative Procedures Act, compiled in T.C.A. Title 4, Chapter 5; or

(b) If the identity of the owner of any seized fireworks is not known to the Town Manager, the Town Manager 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 Fire Chief=s intention to destroy such fireworks. The notice shall be published once each week for three consecutive weeks and if no person claims ownership of the fireworks within ten days of the date of the last publication, the Fire Chief 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.

(2007 Code, ' 7-412)

' 7-413 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 town may refuse to issue another permit to the holder of a permit so convicted for a period not to exceed three years.

(2007 Code, ' 7-413)

' 7-414 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 town.

(2007 Code, ' 7-414)

' 7-415 PERMISSIBLE DATES AND TIMES OF DISCHARGE.

The discharge of common fireworks within the corporate limits of the town shall be restricted to the following dates and times:

<i>Date</i>	<i>Times</i>
July 3	9:00 a.m. until 10:00 p.m.
July 4	9:00 a.m. until 1:00 a.m.
July 5	9:00 a.m. until 10:00 p.m.
December 31	9:00 a.m. until 1:00 a.m. on January 1
January 1	9:00 a.m. until 10:00 p.m.
January 2	9:00 a.m. until 10:00 p.m.

(Ord. 13-14, passed 9- -2013; Ord. 17-40, passed 9-12-2017)

' 7-416 DISCHARGE ON OTHER DATES AND TIMES PROHIBITED; SPECIAL PERMITS.

(1) The discharge of all common fireworks within the corporate limits of the town 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 town during times and dates not authorized by this chapter may be submitted for consideration to the Fire Chief, the Chief of Police, and the Town Manager. All requests must be submitted no less than 15 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 town to provide adequate protection from

possible hazards;

- (c) The location of the event;
- (d) Any possible disturbance of the peace violations in the town; and
- (e) Whether the display will serve the common good of the citizens of the town.

(3) Any and all requests which fail to serve the general good of the community may be denied at the discretion of the Town Manager based upon recommendations from the Fire Chief or the Chief of Police.

(4) Requests for special permits to discharge common fireworks as provided in this section shall be accompanied by a non-refundable application fee established in the fee schedule adopted as part of the budget ordinance.

(2007 Code, ' 7-416) (Ord. 02-35, passed 9- -2002)

' 7-417 DISCHARGE ON TOWN PROPERTY PROHIBITED.

No fireworks shall be discharged or carried onto property of the town, including, without limitation, any or all of the town=s public parks; provided, however, that the provisions of this section shall not apply to events sponsored by the town.

(2007 Code, ' 7-417) (Ord. 02-35, passed 9- -2002) Penalty, see ' 7-413

' 7-418 COMPLIANCE WITH APPLICABLE LAWS AND STANDARDS REQUIRED.

Any and all discharges of fireworks within the corporate limits of the town must comply with T.C.A. ' 68-104-211, and NFPA 1123, and the most recently adopted version of the International Fire Code by the town.

(2007 Code, ' 7-418) (Ord. 02-35, passed 9- -2002)

' 7-419 REMOVAL OF DEBRIS REQUIRED.

Any parties or individuals who discharge fireworks within the corporate limits of the town 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 this code and/or T.C.A. ' 39-14-502.

(2007 Code, ' 7-419) (Ord. 02-35, passed 9- -2002) Penalty, see ' 7-413

' 7-420 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 town except in accordance with the provisions of this chapter. Each day a violation is allowed to continue shall constitute a separate offense.

(2007 Code, ' 7-420) (Ord. 02-35, passed 9- -2002) Penalty, see ' 7-413

CHAPTER 5: OPEN BURNING

Section

- 7-501 Purpose
- 7-502 Permit required
- 7-503 Permit application
- 7-504 Authority to suspend permit/burning
- 7-505 Compliance with chapter
- 7-506 Exemptions
- 7-507 Unauthorized burning prohibited
- 7-508 Violation and penalty

Cross-reference:

Fire Code, see Title 7, Chapter 1

Fire Department, see Title 7, Chapter 3

Property maintenance, see Title 13

' 7-501 PURPOSE.

The purpose of this chapter is to prevent fires that may be hazardous to life and property, eliminate potentially dangerous accumulations of combustible materials, and to assist the city in eliminating unlawful, unnecessary, and indiscriminate burning.

(2007 Code, ' 7-501)

' 7-502 PERMIT REQUIRED.

(1) No open burning shall be permitted within the town without a permit, except as provided in ' 7-506.

(2) A permit may be issued at no charge pursuant to this chapter for the destruction of leaves, grass, and other natural vegetation which has been cut and stacked, or raked, as a result of residential, commercial, industrial, or institutional yard clean-up.

(3) All such permits shall be available for inspection throughout the period of time the permit is issued and the open burning is in progress.

(2007 Code, ' 7-502) Penalty, see ' 7-508

' 7-503 PERMIT APPLICATION.

To obtain a permit required by this chapter, the applicant shall contact the town's Fire Department to request a permit. The Fire Department may issue an open burning permit in its discretion considering fire safety hazards.

(2007 Code, ' 7-503)

' 7-504 AUTHORITY TO SUSPEND PERMIT/BURNING.

(1) Regardless of any established permit period, the Fire Chief or his or her designee shall have the authority to forbid, restrict, or suspend any and all burning or cancel any permit upon determining that weather or other conditions are unfavorable or hazardous for outdoor fires.

(2) The Fire Chief or his or her designee in granting or denying such permission, shall take into consideration the atmospheric conditions, the site of the proposed burning in relation to proximate structures, the availability of fire suppression equipment at the site, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous.

(2007 Code, ' 7-504)

' 7-505 COMPLIANCE WITH CHAPTER.

(1) The person to whom the permit is issued shall be the person responsible for any consequences of action for any damages, injuries, or claims resulting from such burning or for responsibility of obtaining any other permit that may be required.

(2) A garden hose and water supply or other fire extinguishing equipment must be on hand and a competent person in constant attendance until all fire has been extinguished.

(3) The location of the fire shall not be less than 50 feet from any structure and adequate provision shall be made to prevent fire from spreading within 50 feet of any structure.

(2007 Code, ' 7-505)

' 7-506 EXEMPTIONS.

The following type of outdoor fires are exempt from the permit process:

- (1) Contained cooking fires;
- (2) Fire in outdoor fire pits or fireplaces;
- (3) Open fires for the training and instruction of firefighting personnel; and
- (4) Heating on construction projects, provided the burning is in a suitable metal container.

(2007 Code, ' 7-506)

' 7-507 UNAUTHORIZED BURNING PROHIBITED.

The open burning of any garbage, trash, rubbish, construction debris, waste material, or any other type of combustible material by any person, firm, or corporation is hereby prohibited, except as provided in this chapter.

(2007 Code, ' 7-507) Penalty, see ' 7-508

' 7-508 VIOLATION AND PENALTY.

The violation of any provision of this chapter is punishable under the general penalty provision of this municipal code. Each day a violation is allowed to continue shall constitute a separate offense.

(2007 Code, ' 7-508)

