

**TITLE 7****FIRE PROTECTION AND FIREWORKS**<sup>1</sup>**CHAPTER**

1. FIRE CODE.
2. GENERAL PROVISIONS.
3. FIRE DEPARTMENT.
4. FIREWORKS.
5. OPEN BURNING.
6. AUTOMATIC SPRINKLERS.

**CHAPTER 1****FIRE CODE****SECTION**

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

**7-101. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501--6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,<sup>2</sup> 2006 edition, is hereby adopted and incorporated by reference as a part of this municipal code, and is hereinafter referred to as the fire code. (Ord. #04-46, Dec. 2004, modified)

**7-102. Enforcement.** The fire code shall be enforced by the building official or his/her designee. He shall have the same powers as the state fire marshal if he is a certified Tennessee fire inspector. (Ord. #04-46, Dec. 2004, modified)

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<sup>1</sup>Municipal code references

Emergency vehicles: title 15, chapter 2.

Fires in streets: § 16-112.

Illegal use of fire hydrants: § 18-110.

Private fire lines: § 18-107.

<sup>2</sup>Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**7-103. Modifications.** The fire code is adopted with the following exceptions:

(1) Chapter 2, § 202 definitions. Group I-4, child care facility, the exception is deleted.

(2) Chapter 9, §903.2.7 group R, add "Exception, Group R-3 one and two family dwellings shall not be required to install an automatic fire sprinkler system except where special conditions exist as determined by the authority having jurisdiction.

(3) Chapter 9, § 907.2.2 group B. Change the occupant load from 500 or more persons to 200 or more persons.

(4) Adopt appendices A, B, C, and D.

(5) Chapter 33, § 3308.11 retail display and sale. The first sentence of this section is deleted. (Ord. #05-04, Feb. 2005, modified)

**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. (1991 Code, § 7-205)

**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. (1991Code, § 7-207, modified)

## 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 of Smyrna, and as said town limits are later extended by annexation. (1991 Code, § 7-701)

**7-202. Required access for fire apparatus.** (1) For all buildings covered by Tennessee Code Annotated, § 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. (1991 Code, § 7-102, modified)

## CHAPTER 3

### FIRE DEPARTMENT<sup>1</sup>

#### 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.

**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, Feb. 2002, modified)

**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;
- (6) To perform such rescue work as its equipment and/or training of its personnel makes practicable. (Ord #02-04, Feb. 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, Feb. 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/she shall submit a written report on such matters to the town manager as the town manager requires. The town manager

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<sup>1</sup>Municipal code reference

Special privileges with respect to traffic: title 15.

shall submit a report on those matters to the town council as they may require. (Ord #02-04, Feb. 2004, modified)

**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, Feb. 2004)

**7-306. 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 banking and is subject to all the duties and obligations imposed by chapter 102 of title 68 of said Tennessee Code Annotated, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (Ord #02-04, Feb. 2004, modified)

**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, Feb. 2004)

**7-308. Police authority of firefighters.** Pursuant to Tennessee Code Annotated, § 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, Feb. 2004, modified)

## CHAPTER 4

### FIREWORKS

#### SECTION

- 7-401. Purpose.
- 7-402. Definition of terms.
- 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.
- 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.

**7-401. 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 Town of Smyrna, Tennessee setting certain guidelines which shall provide for the general safety and welfare of the citizens thereof.

**7-402. Definitions.** 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 Town of Smyrna, except to a holder of a manufacturer's, distributor's or wholesaler's permit issued by the State Fire Marshal and the Smyrna Town Manager.

(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 Town of Smyrna.

(4) "Permit" means the written authority of the town manager 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.

**7-403. 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. (1991 Code, § 7-401, modified)

**7-404. Permit fee.** The permit fee for the permit provided for in § 7-403 of this chapter shall be established by a fee schedule adopted as a part of the budget ordinance, and the permit shall be valid for thirty (30) days. However, the town council may in its discretion waive the permit fee for any non-profit organization requesting the permit.

**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 of Smyrna Fireworks Permit requirements on file with the town clerk.

**7-406. Permissible types of fireworks.** It is unlawful for any individual, firm, partnership or corporation to possess, sell or use within the Town of Smyrna, or ship into the Town of Smyrna, 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.

**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 of Smyrna, 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 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 town.

**7-408. Retail sale of permissible items - time limitations - exceptions.** Permissible articles of fireworks may be sold at retail to residents of the Town of Smyrna and used within the Town of Smyrna from June 20<sup>th</sup> through July 5<sup>th</sup>, and December 20<sup>th</sup> through January 2<sup>nd</sup> 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.

**7-409. 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 Town of Smyrna 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, 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.

**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 one hundred (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 (4) inches 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 (300) feet 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.

**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 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 (600) feet of any church, hospital, asylum, public school or within five hundred (500) feet of where fireworks are stored, sold or offered for sale, or within five hundred (500) feet 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 Town of Smyrna 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.

**7-412. Seizure and destruction of fireworks.** (1) The Smyrna Town Manager, 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 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 Tennessee Code Annotated, title 4, chapter 5.

(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 (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 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.

**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 of Smyrna may refuse to issue another permit to the holder of a permit so convicted for a period not to exceed three (3) years.

**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 of Smyrna.

**7-415. Permissible dates and times of discharge.** The discharge of common fireworks within the corporate limits of the Town of Smyrna shall be restricted to the following dates and times:

July 3 through July 5	9:00 A.M. until 10:00 P.M.
December 31 through January 2	9:00 A.M. until 10:00 P.M.

Notwithstanding the foregoing, the dates of July 4 through December 31 of each year, the discharge of common fireworks will be restricted between the hours of 9:00 A.M. and 1:00 A.M. (Ord. #02-35, Sept. 2002, modified)

**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 of Smyrna 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 of Smyrna 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 of Smyrna;
- (e) Whether the display will serve the common good of the citizens of the Town of Smyrna.

(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. (Ord. #02-35, Sept. 2002, modified)

**7-417. Discharge on town property prohibited.** No fireworks shall be discharged or carried onto property of the Town of Smyrna, including, without limitation, any or all of the town's public parks; provided, however, that the provisions of this section shall not apply event sponsored by the Town of Smyrna. (Ord. #02-35, Sept. 2002)

**7-418. Compliance with applicable law and standards required.** Any and all discharges of fireworks within the corporate limits of the Town of Smyrna 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 Town of Smyrna. (Ord. #02-35 Sept. 2002, modified)

**7-419. Removal of debris required.** Any parties or individuals who discharge fireworks within the corporate limits of the Town of Smyrna 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 Smyrna Municipal Code and/or Tennessee Code Annotated, § 39-14-502, (Ord. #02-35, Sept. 2002)

**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 of Smyrna except in accordance with the provisions of this chapter. Each day a violation is allowed

to continue shall constitute a separate offense. (Ord. #02-35, Sept. 2002, modified)

## CHAPTER 5

### OPEN BURNING

#### SECTION

- 7-501. Purpose.
- 7-502. Permit required, etc.
- 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.

**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.

**7-502. Permit required, etc.** (1) No open burning shall be permitted within the Town of Smyrna 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.

**7-503. Permit application.** To obtain a permit required by this chapter, the applicant shall contact the Town of Smyrna Fire Department to request a permit. The fire department may issue an open burning permit in its discretion considering fire safety hazards.

**7-504. Authority to suspend permit/burning.** (1) Regardless of any established permit period, the fire chief or his 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 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.

**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 fifty (50) feet from any structure and adequate provision shall be made to prevent fire from spreading within fifty (50) feet of any structure.

**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 fire fighting personnel;
- (4) Heating on construction projects, provided the burning is in a suitable metal container.

**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.

**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.

## CHAPTER 6

### AUTOMATIC SPRINKLERS

#### SECTION

- 7-601. Automatic fire sprinkler systems required.
- 7-602. Terms defined.
- 7-603. Buildings requiring sprinkler systems.
- 7-604. Standard of construction and installation.
- 7-605. Maintenance of system required.
- 7-606. Inspection.
- 7-607. Miscellaneous provisions.
- 7-608. Parking structures; car washes.
- 7-609. Enforcement.

**7-601. Automatic fire sprinkler systems required.** Automatic fire sprinkler systems shall be installed and maintained in operable condition in the buildings and at the locations specified in this chapter. Such systems shall be installed in each building that shall be built or for which a building permit is issued more than ninety days after the effective date of the ordinance comprising this chapter.

**7-602. Terms defined.** Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the following meaning:

(1) "Automatic fire extinguishing system" shall mean an approved system of devices and equipment that automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire.

(2) "Automatic fire sprinkler system" shall mean an integrated system of piping connected to a water supply, with listed sprinklers that automatically initiate water discharge over a fire area. Where required, the sprinkler systems shall also include a control valve and a device for actuating an alarm when the system operates.

(3) "Building" shall mean any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered as a separate building. The term "building" shall also include any garage, out building or other accessory building used for any commercial or industrial purpose. For dwellings only, "building" shall not include any detached accessory structure containing no life hazards upon review and written justification and approval by the fire codes inspector and the building official. The term "building" as used in this chapter shall not include "dwellings" as defined in § 7-602(4) or "manufactured homes" as defined in § 7-602(11).



(4) "Dwelling" shall mean any building that contains not more than one- or two- dwelling units intended to be used, rented, leased, let, or hired out to be occupied or that are occupied for habitation purposes.

(5) "Dwelling unit" shall mean one or more rooms arranged for the use of one or more individuals living together, as in a single housekeeping unit, that normally have cooking, living, sanitary, and sleeping facilities.

(6) "Existing building" shall mean any structure erected prior to the adoption of this ordinance or any structure for which a permit has been issued no more than ninety days after the effective date of this ordinance.

(7) "Fire chief" shall mean the fire chief of the Smyrna Fire Department.

(8) "Fire department connection" shall mean a hose connection at grade level or street level for use by the fire department only for the purposes of supplying water to standpipes and/or sprinkler systems.

(9) "Fire code enforcement official" shall mean the code enforcement official appointed by the town manager or his designee to enforce the fire codes of the Town of Smyrna.

(10) "Gross floor area" shall mean the area within the inside perimeter of the exterior walls with no deductions for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of area open and unobstructed to the sky.

(11) "Manufactured home" shall mean a structure, transportable in one or more sections, that in the traveling mode is eight body feet or more in width and forty body feet or more in length or, where erected on-site is three hundred twenty (320) square feet or more, and that is build on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation where connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained there.

(12) "New building" shall mean any structure for which a building permit is issued more than ninety (90) days after the adoption of this code. The term "new building" as used in this chapter shall not include "dwellings" as defined in § 7-602(4) or "manufactured homes" as defined in § 7-602(11). The term "new building" as used in this chapter shall not include buildings in which there are only Group B occupancies as defined in Section 304.1 of the International Building Code if such building is less than 10,000 square feet and not otherwise physically connected to another building.

(13) "Retrofit" shall mean the mandatory installation of an automatic fire sprinkler system in a structure that exists at the time of adoption of this ordinance.

(14) "Renovated buildings" shall mean construction to the building that is greater than fifty percent (50%) of the estimated cost of reconstructing the entire structure or where more than fifty percent (50%) of the gross square footage has been substantially altered.

**7-603. Buildings requiring sprinkler systems.** (1) All new buildings shall be provided with an automatic fire sprinkler system regardless of the gross floor area, except as may otherwise be provided herein.

(2) Renovated buildings for which a permit is issued more than ninety (90) days after the effective date of the ordinance comprising this chapter shall be retrofitted and provided with an automatic fire sprinkler system.

(3) Any addition to an existing building which addition is over five hundred (500) square feet, or any addition which brings the building area to fifteen hundred (1500) square feet or more shall cause the entire building to conform to the requirements for new buildings.

(4) The provisions of this section shall not apply to one- and two-family dwellings or to manufactured homes. The provisions of this section shall not apply to buildings in which there are only Group B occupancies as defined in Section 304.1 of the International Building Code if such building is less than 10,000 square feet and not otherwise physically connected to another building.

**7-604. Standard of construction and installation.** Automatic fire sprinkler systems required by this ordinance and automatic fire sprinkler systems voluntarily implemented shall be designed and installed in accordance with the most recently adopted version of the International Building Code and the International Fire Code and in accordance with the scope and purpose of the latest edition of the following standards as published by the National Fire Protection Association for the applicable occupancy:

(1) NFPA 13, Standard of the Installation of Sprinkler Systems.

(2) NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.

(3) NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.

Where the provisions of this chapter conflict with the above, the most stringent as to the chapter and the standards shall apply. Where any provision of the automatic sprinkler ordinance contained in this chapter conflict with any provision of the International Code Council codes adopted by the town council or any standards applied herein, the most stringent provision and standards shall apply.

**7-605. Maintenance of system required.** Occupied or unoccupied buildings or portions thereof having a sprinkler system in place, whether or not such system is required by this chapter, shall maintain all sprinklers and standpipe systems and all component parts in workable condition at all times, and it shall be unlawful for any owner or occupant or agent of either to reduce the effectiveness of the protection those systems provide. This section does not prevent the owner or occupant of a building from temporarily reducing or discontinuing the protection when necessary in order to conduct testing, repairs, alterations, or additions to the system, provided that the testing, repairs,

alterations, or additions are done in such a way as to avoid the creation of a safety hazard, and provided that the fire department and the fire codes enforcement official have been notified that the work will be done, informed of the time the system will be shut down and then notified when the system is put back on line.

**7-606. Inspection.** (1) The fire codes official for the town shall provide an initial inspection of the automatic fire suppression system or automatic sprinkler system for structures meeting the criteria for this chapter. This inspection shall not guarantee proper installation of said system, but will insure that the system exists.

(2) All automatic sprinkler systems and automatic fire extinguishing systems, and appurtenances thereto, shall be installed, tested, inspected, and maintained in accordance with the National Fire Protection Association Standards and the most recently adopted codes of the International Code Council. A certificate or other proof of proper installation shall be provided to the town by a registered fire sprinkler system contractor as defined in and provided for in Tennessee Code Annotated, §62-32-101, et seq. prior to the issuance of a certificate of occupancy, including any temporary certificate of occupancy.

(3) All buildings containing an approved automatic sprinkler system or automatic fire extinguishing system, with the exception of one- and two-family dwellings, shall be inspected and tested annually by a qualified sprinkler technician. A written copy of the yearly inspection and test report shall be forwarded to the fire codes official office. Buildings, with the exception of one- and two-family dwellings, shall be subject to random inspection by the fire codes enforcement official in order to verify the existence of the system and to verify that the system is on line.

**7-607. Miscellaneous provisions.** (1) Where an automatic fire sprinkler system is determined to increase the hazard to the property or occupants to be protected, other automatic fire extinguishing systems appropriate for the hazard shall be designed, installed, tested, inspected, and maintained in accordance with National Fire Protection Association standards. Such systems must be inspected and approved after installation by the fire codes official and a certificate or other proof of proper installation shall be provided to the town by a registered fire sprinkler system contractor as defined in and provided for in Tennessee Code Annotated, §62-32-101, et seq., prior to the issuance of a certificate of occupancy, including any temporary certificate of occupancy.

(2) Automatic fire sprinkler systems in dwellings must be a looped flow through design. Final pressure in the system in dwellings must be at least seven psi at the sprinkler head. Minimum size of sprinkler lines in dwellings

shall be three fourths ( $\frac{3}{4}$ ) of an inch and in no event shall be smaller than the minimum size line required for a looped flow through system.

(3) Every new fire department connection for an automatic fire sprinkler system shall be located a minimum of thirty (30) feet from the building. All fire department connections for automatic fire sprinkler systems shall be equipped with an approved fire department connection plug or locking cap. Fire department connections on existing buildings shall be equipped with an approved fire department connection plug or locking cap within one year of the date of the adoption of this ordinance. It shall be unlawful to tamper with or otherwise damage, block, or disable the fire department connection plug or locking cap.

(4) With the exception of one- and two-family dwellings, a fire hydrant shall be located not more than one hundred (100) feet from the fire department connection to the sprinkler system.

(5) Where building fire alarm facilities are not provided in one- or two-family dwellings, all control valves must be placed in a locked cabinet with an approved locking device. Actuation of the extinguishing system shall require at least one building alarm to sound within the facility. Alarms shall be installed in accordance with NFPA 72.

(6) With the exception of one- and two-family dwellings, an approved automatic sprinkler system shall include an evacuation alarm which will sound and be audible throughout the entire building when the sprinkler system is activated. An internal fire alarm system may be utilized to meet this requirement, provided it is interconnected to activation of the sprinkler system.

(7) It shall be unlawful and a violation of this chapter to disable, damage, or otherwise tamper with tamper alarms related to any automatic fire extinguishing system.

(8) A key box shall be provided outside the main entrance to any non-residential building regulated hereunder, containing a key to allow access to all fire department areas, except duplexes and multi-family dwellings which shall only provide access to fire department control valves. The key box shall be a standard brand and shall be approved by the fire codes official and fire chief for the Town of Smyrna. The key box shall be installed on all new construction. Key boxes, approved in accordance with this section, shall be placed on existing buildings within one year of the date of the adoption of the ordinance comprising this chapter. The location of the key box shall be standardized and shall be placed as specified by agreement of the fire codes enforcement official and the fire chief. Each key box installation location shall be approved by the fire codes official and fire chief for the town. Access to the key box shall not be blocked. It shall be unlawful and a violation of this chapter to disable, damage, or otherwise tamper with such key boxes.

**7-608. Parking structures; car washes.** (1) Parking structures are exempt from the provisions of this chapter unless:

(a) The parking structure is defined as closed within the most recently adopted version of the International Building Code definitions and thereby requires mechanical ventilation;

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

(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 (250) feet from any point.

(2) Open bay car washes are exempt from the provisions of this chapter.

**7-609. Enforcement.** Any person, firm, or corporation being the owner or having control or use of any building or premises that violates any of the provisions of this chapter, shall be guilty of a civil offense and shall be fined the maximum authorized penalty under state law for each offense. Each day such violation is permitted to exist after notification shall constitute a separate offense.

When any violation of any provision of this chapter shall be found to exist, the building official, upon recommendation and agreement by the fire chief, the fire codes official, and the town manager for the Town of Smyrna, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, that may be appropriate or necessary to enforce the provisions of this chapter in the name of the town, including but not limited to the issuance of a "stop work" order to aid in the enforcement of any of the provisions of this chapter or the issuance of a citation to municipal court.