

**ORDINANCE 23-02**

**AN ORDINANCE TO AMEND TITLE 7, FIRE PROTECTION AND FIREWORKS, OF THE CITY OF SPRING HILL CODE OF ORDINANCES**

**WHEREAS**, the Board of Alderman of the City of Spring Hill, pursuant to its Charter and general law of the State of Tennessee, enacted and adopted a Code of Ordinances, and

**WHEREAS**, Title 7 addresses the Fire Protection, Fireworks, Hazardous Materials, Lithium-Ion Batteries, and Fire Watch program; and

**WHEREAS**, the Fire Department's mission is to provide fire and life safety services; and

**WHEREAS**, updates to Title 7 were necessary to address current and future fire and life safety situations, as shown in exhibit A attached hereto, and


**WHEREAS**, adopting the amendments to Title 7 along with either Fire Work Option A, B or C will supersede all previous versions.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee that Title 7 of the City of Spring Hill, Code of Ordinances is adopted with a revision date of March 6, 2023 including Option \_\_\_ presented for Fire Work use..


**Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, this 6th day of March 6, 2023.**

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

  
\_\_\_\_\_  
Jim Hagaman, Mayor

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Patrick Carter, City Attorney

Passed on First Reading: February 21, 2023

Passed on Second Reading: March 6, 2023



**REQUEST:** *Approval of Ordinance 23-02*  
**SUBMITTED BY:** Graig Temple, Fire Chief  
**DATE:** February 28, 2023  
**RE:** Revisions to Title 7, Code of Ordinances (rev.)

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**PURPOSE:**

To approve the 2023 revisions of Title 7, Code of Ordinances: Fire Protection, Fireworks, Hazardous Materials, Lithium-Ion Batteries and Fire Watch Program as well as selecting Fire Work Option A, B or C for adoption in the overall Code.

**BACKGROUND:**

Title 7, Code of Ordinances, often referred to as the "Fire Code", is a working document that outlines fire and life safety standards that may otherwise not be addressed in other city codes or ordinances. The purpose of Title 7 is to provide guidance, best practices, industry standards and regulation when necessary, to promote, provide, direct, and ensure fire and life safety practices are being implemented throughout the City of Spring Hill.

Revisions were necessary in Title 7 due to several sections and sub-sections containing outdated material, references that were no longer valid, and an evolving city whose growth and expansion create the possibilities for increased fire and life safety hazards that can be addressed in the latest revisions.

This version will supersede all previous versions of Title 7, Code of Ordinances.

**FINANCIAL IMPACT:**

Revisions to Title 7 Code of Ordinances will not burden the city with additional costs.

**STAFF RECOMMENDATION:**

Staff recommends approval of Ordinance 23-02, and selecting either Fire Work Option A, B or C for inclusion into Ordinance and to enact all additions, revisions, and updates to the previous Title 7 Code of Ordinances. The 2023 Title 7, Code of Ordinances will be the current enforceable edition of this document.

# **TITLE 7: FIRE PROTECTION, FIREWORKS, HAZARDOUS MATERIALS, LITHIUM-ION BATTERIES AND FIRE WATCH**

Chapter

1. FIRE DISTRICT
2. FIRE CODE
3. FIRE DEPARTMENT
4. FIRE SERVICE OUTSIDE CITY LIMITS
5. CONSTRUCTION FIRES
6. OPEN BURNING
7. FIREWORKS
8. HAZARDOUS MATERIALS
9. LITHIUM-ION BATTERIES
10. FIRE WATCH

## **CHAPTER 1: FIRE DISTRICT**

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Section

7-101 Fire District

### **§ 7-101 FIRE DISTRICT**

The City of Spring Hill Fire Department provides for an all-hazards emergency response encompassing fire, rescue, and emergency medical services within the City of Spring Hill, Tennessee; and provides mutual aid and automatic aid to surrounding cities and counties through both pre-established and state-wide mutual aid agreements. (2011 Code, § 7-101 ; 2023 Code, § 7-101); (Ord. 23-02, passed 3-6-2023)

## **CHAPTER 2: FIRE CODE**

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Section

7-201 Definitions  
7-202 Codes adopted  
7-203 Enforcement  
7-204 Penalties  
7-205 Modifications  
7-206 Application  
7-207 Equal Applicability

## Spring Hill, TN Code of Ordinances

7-208	Fire Sprinklers
7-209	Storage of explosives, flammable liquids, and the like
7-210	Petroleum Delivery Vehicles
7-211	Variances
7-212	Violations
7-213	Fire Inspection Reporting Online

### **§ 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 Spring Hill, Tennessee.(2)Wherever the term fire code 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 marshal or fire inspector.(3)Wherever the term department of fire prevention is used in the International Fire Code, it refers to the Spring Hill Fire Department Fire Prevention Division.(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. (2023 Code, § 7-201); (Ord. 23-02, passed 3-6-2023)

### **§ 7-202 CODES ADOPTED.**

(A) (1) Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 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 Spring Hill, the 2018 edition of the International Fire Code, including Appendix D, as prepared by the International Code Council, Inc., is hereby adopted by reference and included herein as part of this Code.

(2)The International Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.(2)Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502(c), the fire chief or his designee shall adopt administrative regulations to incorporate subsequent amendments

to the International Fire Code, 2018 edition, as published by the International Code Council, including its referenced standards in chapter 80, incorporating National Fire Protection Association amendments. These amendments shall be identified by the fire chief as to date and source and shall take effect as provided in Tennessee Code Annotated, § 6-54-502, unless disapproved by resolution of the board of mayor and alderman. Administrative regulations adopting amendments to the International Fire Code, 2018 edition will be placed on file at the city recorder's office when they are published by the fire chief, and at least 15 days before their effective date.

(B) Pursuant to the requirement of Tenn. Code Ann. § 6-54-502, one copy of these codes (and any amendments thereto) has been filed with the City Recorder and is available for public use and inspection.

(2011 Code, § 7-201);(2023 Code § 7-202) (Ord. 09-14, passed 4- -2009; Ord. 09-25, passed 8- -2009; Ord. 13-19, passed 10-21-2013; Ord. 20-16, passed 9-21-2020); (Ord. 23-02, passed 3-6-2023)

**Note:** Copies of the International Fire Code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

### **§ 7-203 ENFORCEMENT.**

The International Fire Code herein adopted by reference shall be enforced by the fire chief of the city, or his duly authorized representative known as fire marshal. Any other persons so authorized by the fire chief or fire marshal to make inspections shall be designated as a "fire inspector." The fire chief, fire marshal, or fire inspector shall be authorized to inspect all property within the city and any future area that shall be annexed to the city. If in the opinion of the fire chief or fire marshal or their designees, after appropriate inspection, any work inspected under the terms of this section fails to comply with the law, and notice is given, and any reinspection of the same work is required, then a fee as specified in appendix A, comprehensive fees and penalties, per reinspection may be assessed against and collected. No portion of the work shall continue without first paying the reinspection fee. Authority to enforce traffic and parking rules and regulations relating to fire safety shall be shared equally by the fire chief, fire marshal or their designees and the police chief.

The fire chief and the fire marshal 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 30 days' time limit to correct violations upon proof and receipt of written request not less than three days prior to expiration of notice

(2011 Code, § 7-202);(2023 Code, § 7-203); (Ord. 23-02, passed 3-6-2023)

**§ 7-204 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 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 subsection 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 as specified in appendix A, comprehensive fees and penalties.(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 as specified in appendix A, comprehensive fees, and penalties. (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.

(2023 Code § 7-204); (Ord. 23-02, passed 3-6-2023)

**§ 7-205 MODIFICATIONS.**

(A) When reference is made to the duties of certain officials named therein, including the Building Official, that the Building Inspector of the city shall be deemed the responsible official insofar as enforcing the provisions of said codes are concerned.

(B) (1) Wherever the fire prevention codes refer to the "Chief Appointing Authority" or the "Chief Administrator", it shall be deemed to be a reference to the "Board of Mayor and Aldermen" or the "City Administrator".

(2) When the terms "Building Official" or "Director of Public Works" are named, they shall, for the purposes of the Fire Prevention Code, mean the "Building Inspector" of the city or such person as the Board of Mayor and Aldermen has appointed and designated to administer and enforce the provisions of the Fire Prevention Code.

(2011 Code, § 7-203); (2023 Code§ 7-205); (Ord. 23-02, passed 3-6-2023)

**§ 7-206 APPLICATION**

The provisions of the codes adopted by reference in section 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.

(2023 Code, § 7-206); (Ord. 23-02, passed 3-6-2023)

### § 7-207 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.

(2023 Code, § 7-207); (Ord. 23-02, passed 3-6-2023)

### § 7-208 FIRE SPRINKLERS

(A) (1) An automatic fire sprinkler system shall be installed throughout all new or remodeled buildings under the following conditions:

- (a) All multi-family residential structures and all residential structures having a zero-foot building setback line; and
- (b) All commercial buildings of 10,000 gross square feet or larger.

(2) Automatic fire sprinkler systems required by this Code shall be designed and installed in accordance with the scope and purpose of the latest edition of the following standards, as published by the National Fire Protection Association:

- (a) NFPA 13, Standard for the Installation of Sprinkler Systems; and
- (b) NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including four stories in height.

(3) In existing buildings which are substantially remodeled or rehabilitated, an automatic fire sprinkler system shall be required if the subsequent building meets any of the conditions for new buildings in subsection (B)(1) above of this structure.

**SUBSTANTIALLY REMODELED OR REHABILITATED** means any structural alteration or restoration of a building for which cost, or value exceeds 50% of the current replacement cost of the particular building, or where more than 50% of the gross square footage has been structurally altered, such building shall conform to the requirements for new buildings.

(4) Any addition to an existing commercial building, which brings the area to 10,000 gross square feet, or more, shall cause the entire building to conform to the requirements for new buildings or, otherwise, the addition shall be separated from the existing building by a four-hour fire wall with opening protectives in accordance with the International Building Code.

(5) Where automatic fire sprinkler systems are determined to increase the hazard to the property or occupants to be protected, other automatic fire extinguishing

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systems appropriate for the hazard shall be designed, installed, tested, inspected and maintained in accordance with the national fire protection standards.

(6) An automatic fire sprinkler system or automatic fire extinguishing system provided as a requirement of this Code, or otherwise installed shall be supervised in accordance with the Fire Code, Building Code and NFPA 101 Life Safety Code. Automatic fire sprinkler systems shall be equipped with an audible alarm located on the address side of the building exterior as approved by the Fire Chief.

(7) Every new fire department connection for an automatic sprinkler system shall be located on the address side of the building not more than 100 feet from the fire hydrant riser connected to an approved water supply. Fire Department connections shall be provided with a locking cap or caps of type approved by the Fire Chief.

(8) Occupancies shall be classified in accordance with provisions of the International Building Code, 2018 edition.

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

(10) For all fire sprinkler line taps that are used solely for the fire sprinkler and installed by the owner or developer with no cost to the city, there shall be a meter fee charge equivalent to the tap size and a corresponding system development charge based upon tap size as provided in § 18-108(A).

(11) For any fire sprinkler tap size that is installed by the city, the owner shall pay a meter and tap fee equivalent to the tap size and a corresponding system development charge based upon the tap size as provided in § 18-108(A).

(2011 Code, § 7-205) (2023 Code, § 7-208) (Ord. 03-03, passed 2- -2003; Ord. 03-40, passed 1- -2004; Ord. 11-11, passed 10-17-2011; Ord. 19-32, passed 10-21-2019; Ord. 20-16, passed 9-21-2020); (Ord. 23-02, passed 3-6-2023)

### **§ 7-209 STORAGE OF EXPLOSIVES, FLAMMABLE LIQUIDS AND THE LIKE.**

(A) (1) Any limits referred to in the Fire Code, in which storage of explosive materials is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code of ordinances.

(2) Any limits referred to in the Fire Code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code of ordinances.

(3) Any limits referred to in the Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code of ordinances.

(4) Any limits referred to in the Fire Code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire limits as set out in § 7-101 of this code of ordinances.

(2023 Code, § 7-209); (Ord. 23-02, passed 3-6-2023)



**§ 7-210 PETROLEUM DELIVERY VEHICLES.**

A. No person shall operate or park any petroleum delivery vehicle within any residential area at any time, except for the purpose of and while actually engaged in the expeditious delivery of gasoline.

B. A petroleum delivery vehicle is defined as any vehicle that carries over 200 gallons of gasoline, diesel fuel, kerosene, or any other combustible liquid fuels that can be offloaded for the purpose of retail sale.

(2011 Code, § 7-206); (2023 Code § 7-210); (Ord. 23-02, passed 3-6-2023)

**§ 7-211 VARIANCES.**

The Fire Chief and/or Fire Marshal may recommend to the Board of Mayor and Aldermen variances from the provisions of the 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 variances when granted or allowed shall be contained in a resolution of the Board of Mayor and Aldermen.

(2011 Code, § 7-207); (2023 Code, § 7-211); (Ord. 23-02, passed 3-6-2023)

**§ 7-212 VIOLATIONS.**

It shall be unlawful for any person to violate or fail to comply with any of the provisions of this chapter or the latest adopted version of the International Building Code, International Fire Code or NFPA Life Safety Code herein adopted by reference and modified.

(2011 Code, § 7-208) (2023 Code, § 7-212); (Ord. 04-05, passed 5-2004); (Ord. 23-02, passed 3-6-2023)

**§ 7-213 FIRE INSPECTION REPORTING ONLINE.**

Fire Protection System inspections and maintenance shall be submitted electronically and made accessible to the City of Spring Hill Fire Department Fire Marshal's Office via an online format.

(Ord. 23-02, passed 3-6-2023)

## **CHAPTER 3: FIRE DEPARTMENT**

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Section

7-301	Establishment
7-302	Objectives
7-303	Organization, rules, and regulations
7-304	Records and reports
7-305	Fire Department training
7-306	Chief to be assistant to state officer
7-307	Office of the Fire Marshal

### **§ 7-301 ESTABLISHMENT.**

There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen and from other contributions. All apparatus, equipment, and supplies of the fire department shall be purchased with the approval of the fire chief in accordance with municipal purchasing requirements and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the board of mayor and aldermen, and such number of subordinate officers and firefighters as may be recommended by the fire chief and funded in the annual budget ordinance.

The board of mayor and aldermen shall provide for the operations of the fire department in its annual budget. Any funds raised by any individual or group may be accepted by the board of mayor and aldermen and may be used for purposes designated by the respective contributors. All equipment, materials, supplies, etc. purchased with contributed funds shall become the property of the City of Spring Hill. The board of mayor and aldermen may reject any gift or contribution it deems not to be in the best interest of the City of Spring Hill.

(2011 Code, § 7-301); (2023 Code, § 7-301); (Ord. 23-02, passed 3-6-2023)

### **§ 7-302 OBJECTIVES.**

The Fire Department shall have as its objectives:

- (A) To prevent uncontrolled fires from starting;
- (B) To prevent the loss of life and property because of fires;
- (C) To confine fires to their places of origin;
- (D) To extinguish uncontrolled fire
- (E) To prevent loss of life from asphyxiation or drowning;
- (F) To perform such rescue work as its equipment and/or the training of its personnel makes practicable;
- (G) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable.
- (H) To provide code enforcement and building inspections as directed by the city within adopted codes and ordinances;

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- (I) To protect the health and safety of the citizens from the transportation, storage, or manufacture of hazardous materials to the extent possible;
- (J) To work with the water department to insure that adequate water supplies for fire protection as available; and
- (K) To provide public fire education materials and information to the citizens in order that they may protect themselves from harm.

(2011 Code, § 7-302); (2023 Code § 7-302); (Ord. 23-02, passed 2-20-2023); (Ord. 23-02, passed 3-6-2023)

### **§ 7-303 ORGANIZATION, RULES AND REGULATIONS.**

The Chief of the Fire Department shall set up the organizational structure of the Department, make personnel assignments and promotions, and shall formulate and enforce such standard operating guidelines, policies and/or procedures as shall be necessary for the orderly and efficient operation of the Fire Department.

(2011 Code, § 7-303; 2023 Code § 7-303); (Ord. 23-02, passed 3-6-2023)

### **§ 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 Mayor and Board of Alderman once each month and, at the end of the year, a detailed annual report shall be made.

(2011 Code, § 7-304); (2023 Code § 7-304); (Ord. 23-02, passed 3-6-2023)

### **§ 7-305 FIRE DEPARTMENT TRAINING.**

The Chief of the fire department shall be fully responsible for the training of the firefighters and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of mayor and aldermen. Each firefighter and/or officer shall receive no less than 40 hours of in-service firefighter training annually. Career firefighters shall be trained in accordance with the standards of the Tennessee Commission on Firefighter Standards and Education.

(2011 Code, § 7-306); (2023 Code, § 7-305); (Ord. 23-02, passed 3-6-2023)

### **§ 7-306 CHIEF TO BE ASSISTANT TO STATE OFFICER.**

Pursuant to requirements of Tenn. Code Ann. § 68-102-108, the Chief of the Fire Department is designated as an assistant to the state's Commissioner of Commerce and Insurance and is subject to all the duties and obligations imposed by Tenn. Code

Ann. Title 68, Ch. 102, and shall be subject to the directions of the Commissioner in the execution of the provisions thereof.

(2011 Code, § 7-307)(2023 Code, § 7-306); (Ord. 23-02, passed 3-6-2023)

### **§ 7-307 OFFICE OF THE FIRE MARSHAL**

(A) There is hereby established the office of fire marshal. The fire marshal shall be a classified employee within the personnel system of the city. The fire marshal shall be a member of the fire department and shall be supervised by the fire chief. The fire marshal shall be a full-time salaried position. (B) General Qualifications of the fire marshal shall include experience as a firefighter, building inspector, or fire official, and shall have such other experience and qualifications as may be established by the department. (C) The fire marshal shall have duties and responsibilities to include the following: (1)To conduct technical inspections throughout the city to discover and eliminate potential fire and safety hazards in schools, businesses, hospitals, manufacturing plants and facilities and other institutions.(2)To notify the safety director of all hazardous materials violations.(3)To conduct and oversee construction plan review for fire code compliance.(4)To conduct or initiate all necessary inspections related to the issuance of certificates of use and occupancy.(5)To recommend codes improvements and ordinances relevant to the protection of life and property.(6)To review fire sprinkler plans and conduct sprinkler inspections.(7)To perform spot inspections of assembly occupancies such as stadiums, churches, theaters, bars, taverns, and restaurants.(8)To enforce violations of the fire code. (9) to make recommendation to the Fire Chief of the size of the subordinate workforce required to meet the needs of the Office of Fire Marshal. (9)To have such other duties, not inconsistent herewith, as may be necessary to carrying out of the above duties and as may be assigned by the board, the city administrator, or the fire chief.

(2023 Code § 7-307); (2023 Code §7-307); (Ord. 23-02, passed 3-6-2023)

## **CHAPTER 4: FIRE SERVICE OUTSIDE CITY LIMITS**

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Section

7-401 Jurisdictional Fire Apparatus Use

### **§ 7-401 JURISDICTIONAL FIRE APPARATUS USE**

Personnel and/or equipment of the City of Spring Hill Fire Department may be used for fighting any fire outside the town limits if:

(1)In the opinion of the fire chief, the fire is in such hazardous proximity to property owned or located within the town as to endanger the town property;(2)The board of mayor and aldermen has developed policies for providing emergency services outside of the town limits or entered into a contract or mutual aid agreement pursuant to the authority of The Local Government Emergency Assistance Act of 1987, as amended,

codified in Tennessee Code Annotated, § 58-2-601 et seq.,(b)Tennessee Code Annotated, § 12-9-101 et seq., or(c)Tennessee Code Annotated, § 6-54-601.

(2011 Code, § 7-401) (2023 Code §7-401); (Ord. 23-02 ; passed 3-6-2023)

## **CHAPTER 5: CONSTRUCTION FIRES**

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### Section

7-501	Construction waste fires
7-502	Prohibition of pollutants
7-503	Actions by the city

### **§ 7-501 CONSTRUCTION WASTE FIRES.**

(A) No construction materials will be disposed of by burning within the City of Spring Hill. (B) The prime contractor, also known as the general contractor, for the site of the building construction shall be responsible for the acts of all his or her employees, sub-contractors, vendors or others using his or her site to start fires.

(2011 Code, § 7-502) (2023 Code § 7-501); (Ord. 23-02, passed 3-6-2023)

### **§ 7-502 PROHIBITION OF POLLUTANTS.**

No roofing, waste oil/fuel, plastics, oil-based products, paints, insulation, or any other construction material emitting airborne pollutants shall be burned within the city limits of Spring Hill.

(2011 Code, § 7-503); (2023 Code § 7-502); (Ord. 23-02, passed 3-6-2023)

### **§ 7-503 ACTIONS BY THE CITY.**

(A) Any fire on a construction site resulting in a fire response by the city's Fire Department, shall result in a service fee charged to the prime contractor upon whose site the fire is found. The service fee shall be added to the Fire Department's budget.

(B) The Fire Chief shall keep a record of time, place and facts related to any construction site fire response and shall notify the city's Building Inspector and the appropriate contractors by regular mail of his or her findings.

(C) A certificate of occupancy for the built construction shall be withheld by the city's Building Inspector until the service fee is paid, and there will be no further building permits issued to the named contractor until the service fee is paid to the city.

(2011 Code, § 7-504); (2023 Code § 7-503); (Ord. 23-02, passed 3-6-2023)

**§ 7-504 LAND CLEARING FIRES**

Land clearing fires are strictly prohibited. This includes the burning of stumps, heavy timber, and forest floor materials i.e., duff.

(2023 Code § 7-504); (2023 Code §7-504); (Ord. 23-02, passed 3-6-2023)

**CHAPTER 6: OPEN BURNING**

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Section

- 7-601 General
- 7-602 Homeowners
- 7-603 Special Circumstances

**§ 7-601 GENERAL.**

(A) No person shall cause, suffer, allow, or permit open burning within the entire city limits of the City of Spring Hill, TN except as set in following sections:

- (1) Commercial barbeque fireplace.
- (2) 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.
- (3) 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.

(B) Routine demolition of structures via supervised open burning by responsible fire control persons will not be considered fire training or elimination of fire hazard. Demolition of structures may be conducted by open burning provided that there is unilaterally issued state of local building codes order to demolish the structure by open burning because of its structural failure. Such orders shall be recognized only where there is no other safe way to demolish the structure.

(C) Warming barrels shall be allowed at building construction sites during cold weather. Barrel must be at least 25 feet from a structure or combustible material.

(2023 Code, § 7-601) (Ord. 20-02, passed 5-18-2020); (Ord. 23-02, passed 3-6-2023)

**§ 7-602 HOMEOWNERS**

(A) Homeowners are not allowed to burn combustible materials or residential waste or construction debris. Homeowners are permitted to have fire/BBQ pits as long as the fire/BBQ pit is 25 feet from a structure or other combustible material, this includes non-commercial fires used for cooking of food including BBQ and outdoor fireplaces.

(B) The burning of yard debris i.e., grass clippings and leaves is prohibited.

(2011 Code, § 7-602); (2023 Code, § 7-602); (Ord. 20-02, passed 5-18-2020); (Ord. 23-02, passed 3-6-2023)

**§ 7-603 SPECIAL CIRCUMSTANCES**

- (A) Following a natural disaster, the Fire Marshal and/or Fire Chief may authorize open burning of class A wood materials, brush and yard debris in an effort to mitigate materials in order to speed up recovery efforts.
- (B) Property owners that own more than 5 acres of land that is zoned other than residential, may conduct property maintenance burns twice annually by permit; between October 1 and May 30 and during daylight hours of sunrise to sunset. Property Owners will adhere to the following items;
- (C) The Property Owner will acknowledge in the burn permit application that the property owner assumes full responsibility and liability for any damages incurred by their open burning;
- (D) Brush pile is a minimum of 500 feet from a residential neighborhood, unless approval is granted by the Fire Marshal or Fire Chief for a reduced distance;
- (E) The brush pile is a minimum of 200 feet from any forest, tree line, or combustible structure;
- (F) The brush pile contains only brush, limbs, or wood items that were collected on the identified property and not trucked in or transferred from another location.
- (G) There will be no property maintenance burns when winds exceed 10 miles per hour.
- (H) Property Owners will abide by any and all published State of Tennessee, County-wide or City declared burn bans.
- (I) Property Owners (or designated person) must remain on site with adequate fire extinguishing equipment until the fire is extinguished and no longer smoldering.
- (J) Property Owners may request Fire Department Stand-by assistance during a Property Maintenance burns at the designated rate as listed in the City of Spring Hill Fee Schedule.

(2023 Code §7-603); (2023 Code § 7-603); (Ord. 23-02, passed 3-6-2023)

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**CHAPTER 7: EXPLOSIVES AND FIREWORKS**

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Section

- 7-701 Definitions
- 7-702 Use restrictions and permits
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7-705	Storing and structures
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**§ 7-701 DEFINITIONS.**

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DISTRIBUTOR.** Any person engaged in the business of selling of fireworks to any other person engaged in the business of reselling fireworks either as a wholesaler or retailer, or any person who receives, brings, or imports any fireworks of any kind, in any manner into the City of Spring Hill.

**FIREWORKS.** Any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of:

- (a) All articles of fireworks classified as 1.4G or referred to as "Consumer Fireworks", or as "Class C Common Fireworks".
- (b) Theatrical or novelty, classified as 1.4S; or
- (c) Display fireworks, classified as 1.3G, as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulation, 49 CFR, Parts 171-180.
- (d) Exceptions:
  - 1. Toy caps for use in toy pistols, toy canes, or toy guns, and novelties and trick noisemakers manufactured in accordance with DOT regulations, 49 CFR 173.100(p), and packed and shipped according to those regulations;
  - 2. Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models; and
  - 3. Propelling or expelling charges consisting of a mixture of sulfur, charcoal, saltpeter are not considered as designed to produce audible effects.

**MOBILE RETAILER.** A vendor operating from motor vehicle, trailer, bicycle or motorcycle.

**PERMIT.** The written authority of the City of Spring Hill issued under the authority of this section.

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

**RETAILER.** Any person engaged in the business of making retail sales of fireworks to the general public.

**SALE.** An exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one or more individuals.



**STATE FIRE MARSHAL PERMIT.** The appropriate fireworks permit issued by the Tennessee Fire Marshal under the authority of Tenn. Code Ann. § 68-104-101 *et seq.*

(B) Singular works and plural words used in the singular include the plural and the plural as singular.

(Ord. 18-28A, passed 12-17-2018); (2023 Code §7-701); (Ord. 23-02, passed 3-6-2023)

### **§ 7-702 USE RESTRICTIONS AND PERMITS.**

(A) (1) The Fire Marshal of the city may adopt reasonable rules and regulations for the granting of permits for supervised displays of fireworks by fair associations, amusement parks and other organizations or groups of individuals. Such permits may be granted upon application to the Fire Marshal and the filing of a bond in the amount of \$1,000 by the applicant. Every such display shall be handled by a competent operator licensed or certified as to competency by the Fire Marshal and shall be of such composition and character, and so located, discharged or fired as, in the opinion of the Fire Marshal, shall not be hazardous to property or endanger any person or persons.

(2) It is unlawful for any person to sell or to offer for sale in the City of Spring Hill any item of fireworks without first having secured a State Fire Marshal Permit and a permit issued by the City of Spring Hill.

(3) A person applying for a retail fireworks sales site permit with the City of Spring Hill must disclose the location where the applicant will conduct the business of selling fireworks and the dates for which the right to do business is desired.

(4) A permit (to sell fireworks to the general public) is valid only from June 25 through July 5 or December 23 through January 1.

(5) The permit fee for fireworks retail permit is listed in the City of Spring Hill Fee Schedule. In addition to the permit fee, the applicant must pay cleanup deposit per location, which shall be refunded after the fireworks permit has expired or used by the city to clean up the retail fireworks site if needed.

(6) A permit to sell fireworks in the City of Spring Hill must be obtained at least two weeks prior to the date on which the applicant begins making sales. Each application shall contain the following:

(a) The application must include the name, address and telephone number of applicant.

(b) The applicant must be the natural person who will operate or be responsible for sales.

(c) The applicant's name must be the same as the name on the State Fire Marshal permit.

(d) The applicant is liable for all violations of this chapter by persons under his/her supervision.

(e) The applicant must submit a letter or contract signed by the property owner (or authorized agent of the property owner) that provides written permission by the property owner to the applicant to conduct retail fireworks sales on the property.

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(7) A copy of the State Fire Marshal Permit. (For a state permit to be obtained by a retailer, the Mayor must sign on behalf of the retailer an application for fireworks permit that the state requires before a state permit is issued to a retailer for a specific location).

(8) A person that applies for a retail fireworks permit must show proof that a state sales tax number has been obtained for sales tax purposes.

(9) A permit to sell fireworks in the City of Spring Hill will require the issuance of a temporary use permit in accordance with § 8.4 of the City of Spring Hill Unified Development Code. The applicant must provide a site plan that includes the dimension of the lot, size and location of the temporary structure, setback of the structure from the right-of-way, location of other structures in the area that are occupied, location and number of parking spaces, location of any nearby residences, and location of the nearest fuel outlets.

(10) Mobile vendors are not permitted.

(11) Distributors are not permitted.

(12) Signage for a retail fireworks location must comply with the City of Spring Hill Unified Development Code. Flashing signs are not permitted.

(13) The application for a retail fireworks location must contain evidence that general liability insurance has been obtained by applicant naming the City of Spring Hill as additional insured for at least \$2,000,000 for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage liability combined.

(14) After the application has been submitted and approved, a city Codes Inspector and/or Fire Inspector shall inspect the site for compliance with applicable codes and ordinances.

(15) After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display is lawful for that purpose only.

(16) No person shall manufacture any fireworks within the corporate limits of the City of Spring Hill.

(17) No permit granted hereunder shall be transferable.

(18) Religious ceremonial events must be requested in writing to the Fire Marshal at least seven (7) days prior to the event. The Fire Marshal and/or Fire Chief will review the location of the requested display, the fireworks to be used, and duration of the event. A written acknowledgement will be provided to the requesting entity along with any changes, modifications, or recommendations for public safety.

(B) The discharge of fireworks within the city limits shall be limited to the following days and times:

(1) July 4, beginning at 12:00 noon and ending at 11:00 p.m.;

(2) Christmas Eve, beginning at 12:00 noon and ending at 11:00 p.m.;

(3) New Year's Eve, beginning at 12:00 noon and ending at 12:30 a.m.;

(4) Religious Ceremonial events ending at 11:00 p.m., following review and approval of location from the Fire Chief or Fire Marshal.

(2011 Code, § 7-701); (2023 Code § 7-702); (Ord. 02-25, passed 10- -2002; Ord. 18-28A, passed 12-17-2018); (Ord. 23-02, passed 3-6-2023)

**§ 7-703 PERMIT REVOCATION.**

(A) The city Codes Director and/or Fire Marshal may revoke any permit upon failure of retailer to correct any of the following conditions within 24 hours after written notice is issued to the retailer.

(1) When the permit or the permittee's operator violates any lawful rule, regulation, or order of the city Codes Director and/or Fire Marshal.

(2) When the permittee's application contains any false or untrue statements.

(3) When the permittee fails to timely file any report or pay any tax, fee, fine or charge.

(4) When the permittee or the permittee's operator violates any fireworks ordinance or statute.

(B) When any activities of the permittee constitute a distinct hazard to life or property, the city Codes Director or Fire Marshal, or both, may revoke the permit immediately.

(2023 Code, § 7-703) (Ord. 18-28A, passed 12-17-2018); (Ord. 23-02, passed 3-6-2023)

**§ 7-704 PERMISSIBLE FIREWORKS.**

(A) It is unlawful for any individual, firm, partnership or corporation to sell or use within the City of Spring Hill, except as provided in this chapter, any "fireworks" as defined in § 7-701 (A)(1), other than the following:

(1) Those items classified by the U.S. Department of Transportation as 1.4G Consumer 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.

(1) Any display using 1.3G display fireworks must be under the control of a licensed pyrotechnics technician.

(Ord. 18-28A, passed 12-17-2018); (2023 Code § 7-704); (Ord. 23-02, passed 3-6-2023)

**§ 7-705 STORING AND STRUCTURES.**

No person may smoke within a structure where fireworks are sold. No person selling fireworks may permit the presence of lighted cigars, cigarettes, or pipes within a structure where fireworks are offered for sale. 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. An inspected and currently tagged fire extinguisher with a minimum 2A rating and one pressurized water type fire extinguisher must be present at

each retail fireworks site. Fireworks sold at retail may be sold only from a freestanding structure. Fireworks must be stored at least ten feet away from windows and other areas where the sun may shine through. Fireworks are not permitted to be stored in residential districts, except for personal use.

(Ord. 18-28A, passed 12-17-2018); (2023 Code §7-705); (Ord. 23-02, passed 3-6-2023)

#### **§ 7-706 LIMITATIONS ON STRUCTURES.**

Tents meeting the current adopted International Building Code and the Life Safety Code (NFPA 101) may be used for the retail sale of fireworks. Ground fault interrupter protection must be used for power cords that supply power to tents and other outdoor structures. Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by a suitable fixture or guard. No structure from which fireworks are sold may exceed 3,200 square feet. Fireworks may not be stored in a permanent building unless the building has a sprinkler system and is constructed of non-flammable materials such as metal or concrete block.

(Ord. 18-28A, passed 12-17-2018); (2023 Code §7-706); (Ord. 23-02, passed 3-6-2023)

#### **§ 7-707 LOCATION OF FIREWORKS RETAIL SALES SITE.**

(A) Fireworks retail sales site are not permitted in any residential district as defined in the City of Spring Hill Unified Development Code.

(B) Retail fireworks sales site are only permitted in C-4, General Commercial District and C-5, Regional Commercial District as defined in the City of Spring Hill Unified Development Code and illustrated on the Official Zoning Map of the City of Spring Hill; provided, however fireworks retail sales structures must not be located closer than 500 linear feet to any occupied residence or Residential District, public or private educational facility, public building, or hospital, and must not be located closer than 1,000 linear feet to a fuel (gasoline, diesel, kerosene, or propane) outlet or storage facility.

(C) Any site for a fireworks retailer must be located so that all parts of the structure and fireworks inventory on the site are no closer than 50 feet to a property line or right-of-way.

(D) Fireworks sales are not allowed on any property where there is an existing retail business use in which a single business operates from a building in excess of 10,000 square feet.

(E) The parcel in which a fireworks retail use is proposed shall be a minimum of 2,500 feet from other similar uses. This distance shall be measured in a straight line from structure to structure. If two retailers are applying for permits for the first time at locations within 2,500 feet of each other for the same fireworks season, priority shall be given to the retailer who obtained a city permit at the earliest day and time prior to the

permit period. In addition, priority shall be given to the retailer who obtained a permit the previous summer fireworks season at the same location.

(F) The location of the fireworks retail sales site and structure must be verified by the Planning Department prior to the issuance of a permit by the City of Spring Hill.

(G) There shall be no more than a total of four retail fireworks sales permits issued by the City of Spring Hill for retail sales of fireworks during each period as described in § 7-702 (A)(4). Priority will be first come, first serve provided, however, after the first year (2019), priority shall be given to the retailer that obtains a retail sales permit for the previous summer season at the same location.

(Ord. 18-28A, passed 12-17-2018); (2023 Code §7-707); (Ord. 23-02, passed 3-6-2023)

### **§ 7-708 PARKING REQUIREMENT FOR RETAIL FIREWORKS SALES SITE.**

The site for a fireworks retailer shall be improved to provide at least 12 graveled or paved parking places for off street and right-of-way customer parking compliant with ADA requirements. In addition, the retail fireworks site must provide for an on-site turn-around area so that backing of vehicles onto the street will not be necessary.

(Ord. 18-28A, passed 12-17-2018); (2023 Code §7-708); (Ord. 23-02, passed 3-6-2023)

### **§ 7-709 UNLAWFUL SALE TO CERTAIN CHILDREN AND OTHER PERSONS; UNLAWFUL USE OF FIREWORKS.**

It is unlawful to offer for sale or to sell any fireworks to children under the age of 16 years of age or to any intoxicated person. It is unlawful to explode or ignite fireworks within 600 feet of any church, assisted living facility, nursing home, hospital, funeral home, public or private school academic structure, or within 200 feet of where fireworks are stored, sold, or offered for sale. It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle. It is unlawful to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons. It is unlawful to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. It is unlawful to launch fireworks onto property of persons who have not given permission. It is unlawful to use fireworks at times, places, or in any manner that endangers other persons. It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the City of Spring Hill Fire Department, except for public (and/or group) displays for which permits have been granted.

(Ord. 18-28A, passed 12-17-2018); (2023 Code §7-709); (Ord. 23-02, passed 3-6-2023)

### **§ 7-710 EXCLUSIONS.**

(A) Nothing in this chapter prohibits:

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(1) The transport of any kind of fireworks through the corporate limits of the city in accordance with the regulations of the United States Department of Transportation covering the transportation or explosives and other dangerous articles by motor, rail and water.

(2) The sale, transportation, handling, or use of industrial pyrotechnic devices or fireworks, such as railroad torpedoes, fuses, automotive, aeronautical, and marine flares and smoke signals.

(3) The sale or use of blank cartridges for theater, for signal or ceremonial purposes in athletics or sporting events, or legal power tools.

(4) The transportation, handling, or use of any pyrotechnic device by the armed forces of the United States.

(5) The use of pyrotechnics in training by the fire service, law enforcement or similar governmental agencies.

(6) The use of fireworks for agricultural purposes under conditions approved by the city Fire Marshal.

(7) Displays of fireworks as provided for in this chapter.

(Ord. 18-28A, passed 12-17-2018); (2023 Code §7-710); (Ord. 23-02, passed 3-6-2023)

### **§ 7-711 AUTHORIZATION TO SEIZE.**

The Fire Marshal, Fire Chief or their Designee shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter. The Fire Marshal shall store and maintain seized fireworks and dispose of them as ordered by a court of competent jurisdiction. Seized fireworks shall in no event be returned to the person from whom seized until all appellate remedies are exhausted. The confiscation and forfeiture of fireworks being an action "in rem", the city shall have the right to appeal an order restoring the seized fireworks to the person from whom seized.

(2011 Code, § 7-702) (2023 Code, § 7-711) (Ord. 02-25, passed 10- -2002); (Ord. 18-28A, passed 12-17-2018); (Ord. 23-02, passed 3-6-2023)

### **§ 7-712 VIOLATION AND PENALTY.**

Any person, firm, partnership or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$150.

(2011 Code, § 7-703); (2023 Code, § 7-712); (Ord. 02-25, passed 10- -2002; Ord. 18-28A, passed 12-17-2018); (Ord. 23-02, passed 3-6-2023)

## **CHAPTER 8: HAZARDOUS MATERIALS**

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Section

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- 7-801 Area in which storage of flammable and combustible liquids in outside above ground tanks is permitted.
- 7-802 Bulk storage of petroleum products restricted; building, businesses restricted.
- 7-803 Bulk storage of liquefied petroleum gases restricted; building, businesses restricted.
- 7-804 Bulk storage of liquefied natural gas restricted; building, businesses restricted.
- 7-805 Compression, storage and dispensing of compressed natural gas restricted; building, businesses restricted
- 7-806 Transportation of explosives and blasting agents
- 7-807 Manufacture and storage of explosives and blasting agents
- 7-808 Routes for vehicles transporting hazardous materials
- 7-809 Transportation of hazardous materials
- 7-810 Hazardous substance; recovery costs
- 7-811 Storage, dispensing, use and handling of hazardous materials, restricted

**§ 7-801 Area in which storage of flammable and combustible liquids in outside above ground tanks is permitted.**

A. Storage of flammable and combustible liquids above ground in commercial and industrial areas is limited to one tank of 1,000 gallons or less capacity per five acres or portion thereof. Usage is limited to onsite nonretail needs. In addition, each processor in the area may have one tank not to exceed 500 gallons for storage of fuel for equipment used to mow grass push snow, etc., or one tank per product per five acres. B. 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.

(2023 Code, § 7-801); (Ord. 23-02, passed 3-6-2023)

**§ 7-802 Bulk storage of petroleum products restricted; building, businesses restricted.**

A. 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. B. Bulk storage of petroleum products allowed under above provisions, shall meet requirements of the fire code and NFPA 30-1993.

(2023 Code, § 7-802); (Ord. 23-02, passed 3-6-2023)

**§ 7-803 Bulk storage of liquefied petroleum gases restricted; building, businesses restricted.**

A. 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. B. Bulk storage of liquefied petroleum gases allowed under above provisions, shall meet requirements of the fire code and NFPA 58 and 59-1992.

(2023 Code, § 7-803); (Ord. 23-02, passed 3-6-2023)

**§ 7-804 Bulk storage of liquefied natural gas restricted; building, businesses restricted.**

A. 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. B. Bulk storage of liquefied petroleum gases allowed under above provisions, shall meet requirements of the fire code and NFPA 59A-1990.

(2023 Code, § 7-804); (Ord. 23-02, passed 3-6-2023)

**§ 7-805 Compression, storage and dispensing of compressed natural gas restricted; building, businesses restricted.**

A. 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. B. 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.

(2023 Code, § 7-805); (Ord. 23-02, passed 3-6-2023)

**§ 7-806 Transportation of explosives and blasting agents.**

A. No person shall operate or park any vehicle carrying explosives and blasting agents within the corporate limits of Spring Hill at any time except while traveling on an established hazardous material route and for the purpose of and while engaged in the expeditious delivery of explosives and blasting agents.

(2023 Code, § 7-806); (Ord. 23-02, passed 3-6-2023)

**§ 7-807 Manufacture and storage of explosives and blasting agents.**

A. Nothing in this chapter shall be construed as applying to:(1)The armed forces of the United States or the State militia;(2)Explosives in forms prescribed by the official United



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States Pharmacopoeia;(3)The sale, possession or use of fireworks;(4)The possession, transportation and use of small arms ammunition;(5)The possession, storage, transportation and use of not more than one pound of black sporting powder, 20 pounds of smokeless powder, and 2,000 small arms primers for hand loading of small arms ammunition for personal use;(6)The possession, storage, transportation, and use of explosives or blasting agents by the United States Bureau of Mines, the Federal Bureau of Investigation, the United States Secret Service, or Police and Fire Departments acting in their official capacities. B. Definitions:(1)Explosive - A chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing, than an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life and limb.(2) Blasting agent - A material or mixture consisting of a fuel and oxidizer intended for blasting, not otherwise classified as an explosive, in which none of the ingredients is classified as explosives, provided that the finished product as mixed and packaged for use or shipment cannot be detonated by means of a No. 8 test blasting cap when unconfined. Materials or mixtures classified as nitrocarbonitrates by the department of transportation regulations shall be included in this definition. C. The manufacture of explosives or blasting agents shall be prohibited within the City of Spring Hill. D. The storage of explosives or blasting agents is prohibited within the City of Spring Hill except for temporary storage for use in connection with approved blasting operations; however, at the end of the day's operations, as established by the fire chief, any remaining explosives or blasting agents shall be safely removed from the corporate limits of the City of Spring Hill. Any onsite magazine shall be locked in the open position. This prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than 500 pounds of explosive material. (5)Businesses located within the City of Spring Hill may store explosives and blasting agents at sites designated subject to review and approval by the fire marshal.(6)No person shall possess, offer for sale, sell, display, or utilize any explosives or blasting agents at any location within the City of Spring Hill not authorized by a permit issued by the fire marshal.(7)The manufacture and storage of explosives and blasting agents under the above provisions shall meet requirements of the fire code and NFPA 495-1992. (2023 Code, § 7-807); (Ord. 23-02, passed 3-6-2023)

### **§ 7-808 Routes for vehicles transporting hazardous materials.**

Routes for vehicles transporting hazardous materials shall be as established by the fire chief, police chief and the public works director. Hazardous Materials Routes will be the State Roads or City Arterial Roads as outlined on City GIS mapping.

(2023 Code, § 7-808); (Ord. 23-02, passed 3-6-2023)

**§ 7-809 Transportation of hazardous materials.**

No person shall operate or park any vehicle carrying hazardous materials within the corporate limits of Spring Hill at any time except while traveling on an established route and for the purpose of and while actual 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 marshal. Businesses located within the city may have vehicle parking sites designated, subject to review and approval by the fire marshal. This article 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.

(2023 Code, § 7-809); (Ord. 23-02, passed 3-6-2023)

**§ 7-810 Hazardous substance; recovery 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 city 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 Spring Hill.(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 Spring Hill, and shall include, but not be limited to, those hazardous substances listed in the "N.F.P.A. Guide on Hazardous Materials", or the E.P.A.'s list of extremely hazardous substances.(d)Person means one 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

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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 Spring Hill or its authorized agents in order to protect the public health, safety or welfare shall be jointly and severally liable to the City of Spring Hill 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 Spring Hill 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 Spring Hill Fire Department or its authorized agents.(3)(a)Any person or persons responsible for causing or allowing an unauthorized discharge of hazardous substances shall reimburse the City of Spring Hill 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 30 days after receipt of an itemized bill for such costs from the City of Spring Hill.(b)Any person or persons responsible for causing or allowing an unauthorized discharge of hazardous substances and who fails to promptly reimburse the City of Spring Hill within the time set forth in subsection (3)(a) hereof, shall be subject to a penalty payment as specified in appendix A, comprehensive fees and penalties, 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.

(2023 Code, §7-810); (Ord. 23-02, passed 3-6-2023)

### **§ 7-811 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.

(2023 Code, § 7-811); (Ord. 23-02, passed 3-6-2023)

## **CHAPTER 9: LITHIUM ION (Li-ion) BATTERY DISPOSAL, CLASSIFICATION, SALE, SECOND USE, STORAGE AND COMMERCIAL CHARGING**

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- 7-901 Disposal, bulk storage, re-manufacturing, and resale of second-use lithium ion batteries.
- 7-902 Lithium-Ion batteries, are considered a hazardous material
- 7-903 Sale of second-use lithium-ion batteries.
- 7-904 It shall be unlawful to assemble or recondition a lithium-ion battery
- 7-905 Commercial storage requirements for the storing or collecting of bulk lithium-ion batteries
- 7-906 Limited indoor storage of lithium-ion batteries
- 7-907 Indoor storage areas NOT meeting “Limited” storage requirements
- 7-908 Outside storage areas
- 7-909 Powered micro mobility devices

### **§ 7-901 Disposal, bulk Storage, re-manufacturing, and resale of second-use lithium ion batteries.**

For purposes of this subchapter, the following terms have the following meanings: Lithium-ion battery. a. The term “lithium-ion battery” means a storage battery in which an electrical current is generated by lithium ions embedded in a carbon graphite or nickel metal-oxide substrate placed in a high-viscosity carbonate mixture or gelled polymer electrolyte. b. Second-use lithium-ion battery. The term “second-use lithium-ion battery” means a lithium-ion battery that has been assembled or reconditioned using cells removed from used batteries. (2023 Code, § 7-901); (Ord. 23-02, passed 3-6-2023)

### **§ 9-902 Lithium-Ion batteries, are considered a hazardous material**

A. per the EPA and are subject to DOT's Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) and should not be disposed of in standard household trash. a. Used batteries should be disposed of at a recycling center or other household hazardous waste collection point b. consumers should tape terminal ends and place batteries in separate plastic bags prior to disposal. (2023 Code, § 7-902); (Ord. 23-02, passed 3-6-2023)

### **§ 7-903 Sale of second-use lithium-ion batteries.**

A. No person shall distribute, sell or offer for sale a second-use lithium-ion battery. b. Penalty. A person who violates subdivision a of this section or any rule promulgated thereunder is liable for a civil penalty as follows: 1. For the first violation, a civil penalty of \$200; and 2. For each subsequent violation issued for the same offense

within two years of the date of a first violation, a civil penalty of not more than \$1,000. c. Each failure to comply with subdivision a of this section with respect to each separate second-use lithium-ion battery constitutes a separate violation. (2023 Code, § 7-903); (Ord. 23-02, passed 3-6-2023)

**§ 7-904 It shall be unlawful to assemble or recondition a lithium-ion battery using cells removed from used storage batteries.**

(2023 Code, § 7-904); (Ord. 23-02, passed 3-6-2023)

**§ 7-905 Commercial storage requirements for the storing or collecting of bulk Lithium-Ion batteries.**

A. Exceptions (1) Batteries installed in the equipment, devices, or vehicles they are designed to power. (2) Batteries packed for use with the equipment, devices, or vehicles they are designed to power. (3) Batteries in original retail packaging that are rated at 300 watt-hours or less for lithium-ion batteries or contact 25 grams or less of lithium metal for lithium metal batteries. (4) Temporary storage of batteries or battery components during the battery manufacturing process prior to completion of final quality control checks. (5) Temporary storage of batteries during the vehicle manufacturing or repair process.

(2023 Code, § 7-905); (Ord. 23-02, passed 3-6-2023)

**§ 7-906 Limited indoor storage of lithium-ion batteries**

A. shall not exceed 15 cubic feet (approx. two 55-gallon drums). A fire safety plan shall be created by the owner/operator of the storage facility, reviewed, and approved by the Fire Marshal's Office, and disseminated to staff working at the facility. Containers must be (1) open-top and noncombustible or approved for battery collection (2) each container and groups of containers may not exceed 7.5 cubic feet. (3) Second container or groups of containers must be separated by not less than 3 feet of open space, or 10 feet of space that contains combustible materials. (4) must be located not less than 5 feet from exits or exit access doors.

(2023 Code, § 7-906); (Ord. 23-02, passed 3-6-2023)

**§ 7-907 Indoor storage areas NOT meeting "Limited" Storage Requirements**

A. Are identified as spaces with indoor storage with more than 15 cubic feet of lithium batteries (1) must secure a permit and have a fire safety plan created, reviewed, and approved by the Fire Marshal's Office and disseminate plan to staff working at the facility and (2) must authorize and conduct a Technical Opinion Report to evaluate level of hazard and protection measures. (3) Indoor storage areas NOT meeting "Limited" storage requirements shall have a minimum 2-hour fire rated barrier or horizontal assembly separating battery storage areas. a. Exceptions (1) prefabricated portable structure building with 2 hour rated fire resistance rated enclosure. (2) If battery storage

is limited to new batteries in packaging that has been demonstrated to and approved by fire code official as sufficient to isolate a fire in packaging. (4) Must be protected with an automatic sprinkler system or approved alternative suppression system. (5) Must be protected with fire detection system using air aspirating smoke detection, radiant energy-sensing fire detection or both. (6) Explosion control plan, if applicable, and in accordance with technical report. (7) If batteries are stored at no more than 30% state of charge, “reduced requirements” apply A. Technical report is not required, b. 2-hour fire rated barriers not required, c. Must have defined procedure to verify battery state of charge (SOC), d. Fire sprinkler system IS required, e. Fire detection system IS required. (2023 Code, § 7-907); (Ord. 23-02, passed 3-6-2023)

### **§ 7-908 Outside storage areas**

(1) separated by not less than 20 feet to buildings, property lines and streets (2) separated by not less than 3 feet to buildings, property lines and streets if protected with free-standing 2 hour fire-resistant rated assembly (3) separated by not less than 3 feet to buildings, property lines and streets if in portable prefabricated building with 2 hour fire-resistant rated enclosure (4) fire detection system is required, including for portable prefabricated buildings (5) storage building shall not exceed 10 feet in height, shall not exceed 900 sq.ft., and shall be separated from other storage areas by 10 feet. (2023 Code, § 7-908); (Ord. 23-02, passed 3-6-2023)

### **§ 7-909 Powered micro mobility devices.**

Include motorized bicycles, motorized scooters and other personal mobility powered devices using lithium batteries. 1. This subsection prohibits use of residential dwellings as a business for charging of commercially owned devices for sale or rent. 2. Requires a Mandatory UL listing for devices, chargers, and batteries. 3. Battery charging areas/rooms a. All charging devices must be plugged directly into an outlet. The use of a power strip to connect multiple separate devices into one wall outlet is prohibited. b. Batteries must maintain minimum separation of 18 inches while charging unless separated by approved fire-resistant material. c. Fire Alarm is required. d. Fire Safety and Evacuation plans are required to be reviewed and approved by the Fire Marshal’s Office.

(2023 Code, § 7-909); (Ord. 23-02, passed 3-6-2023)

## **CHAPTER 10: FIRE WATCH**

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### Section

7-1001 Requirement for Special Event Fire Watch Permit

7-1002 Fire Department Special Event Fire Watch Contract

7-1003 Fire Watch for Unprotected Structures

**§ 7-1001 Requirement for Special Event Fire Watch Permit.**

A permit is required when in the opinion of the fire code official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest, or activity. The owner/agent shall provide one or more fire watch personnel, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted.

Conditions of this permit are as follows:

- A. Must have at least one (1) dedicated person with a relief person. This person must have a means of identifying themselves as an authorized representative of fire loss prevention
- B. This person shall be familiar with the building and physically able to walk constantly
- C. Must have keys to all areas of concern
- D. Be trained to identify the fire hazards
- E. Know how to use a fire extinguisher
- F. Know how to initiate the alarm system
- G. Know how to notify the fire department
- H. Know the evacuation plan
- I. Check all exits and ensure they are clear and assessable
- J. Must do daily reports consisting of person on duty, times of patrol, any occurring events, any deficiencies discovered and the corresponding resolution

(2023 Code, § 7-1001); (Ord. 23-02, passed 3-6-2023)

**§ 7-1002 Fire Department Special Event Fire Watch Contract.**

Should the owner/agent wish to contract with Spring Hill Fire Department for Special Event Fire Watch coverage, notification must be made no sooner than seven (7) days prior to the event. Owner/Agent will be responsible for signing contract and issuing payment for services rendered as per the City of Spring Hill fee schedule.

(2023 Code, § 7-1002); (Ord. 23-02, passed 3-6-2023)

**§ 7-1003 Fire Watch for Unprotected Structures.**

If an occupied building's fire protection system is deemed to be out of service by the fire code official, fire chief or designee the building owner/manager/responsible party will be required to perform a fire watch. Fire Watch requires the following:

- A. Must have at least one (1) dedicated person dedicated to maintaining the Fire Watch until the system is placed back online

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- B. This person shall be familiar with the building and physically able to walk constantly
- C. Be trained to identify the fire hazards
- D. Know how to use a fire extinguisher
- E. Know how to initiate the alarm system
- F. Know how to notify the fire department
- G. Know the evacuation plan
- H. Check all exits and ensure they are clear and assessable
- I. Must document hourly checks with form provided by the Fire Department or available on the city website and submit the form via email, fax or hand deliver to the Fire Marshal's Office within 8 hours of the end of the fire watch after the system is back in service
- J. Failure to provide documentation of maintained fire watch shall result in issuance of a fine established in the City of Spring Hill fee schedule

(2023 Code, § 7-1003); (Ord. 23-02, passed 3-6-2023)