

ORDINANCE 26-06

AN ORDINANCE TO AMEND TITLE 7, FIRE PROTECTION AND FIREWORKS, CHAPTERS 1, 4, AND 6, AND TITLE 12, BUILDING, UTILITY, ETC. CODES, CHAPTERS 1 AND 5, NOLENSVILLE MUNICIPAL CODE

WHEREAS, Title 7, Town of Nolensville Municipal Code provides for fire protection standards and requirements and Title 12, Town of Nolensville Municipal Code, provides for the regulation of building construction and building maintenance within the Town limits; and

WHEREAS, the Board of Commissioners desires to amend Title 7, Chapter 1, Fire Code, to establish requirements for operational permits and associated fees; and

WHEREAS, the Board of Commissioners desires to amend Title 7, Chapter 4, to establish a commercial fire alarm construction permit fee for non-residential structures constructed within the Town of Nolensville; and

WHEREAS, the Board of Commissioners desires to amend Title 7, Chapter 6, Open Burning, to include regulations for operational requirements and permits; and

WHEREAS, the Board of Commissioners desires to amend Title 12, Chapter 1, Section 12-101, Building Code Adopted, regarding critical operation facilities, and Section 12-102, Permit Fees, to add an application fee for an appeal of a decision of the building official in the enforcement of the various international codes; and

WHEREAS, the Board of Commissioners desires to amend Title 12, Chapter 5, Section 12-503, to provide for a requirement for a financial surety for public infrastructure for the construction of pools.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NOLENSVILLE, TENNESSEE, AS FOLLOWS:

SECTION 1. That Title 7, Chapter 1, Fire Code, *Nolensville Municipal Code*, is hereby amended to add the following:

7-103. -- Required operational permits.

The Fire Marshal is authorized to issue operational permits as set forth in Sections 105.6.1 through 1-5.6.50, *International Fire Code*, latest edition.

7-104. -- Permit fees.

Fees charged for operational permits shall be as provided by ordinance of the Board of Commissioners, a copy of which is on file in the recorder's office and available for use and inspection by the public. Any person commencing without first obtaining an approved operational permit shall be subject to a payment of double (2X) the required operational fee.

SECTION 2. That Title 7, Chapter 4, *Nolensville Municipal Code*, is hereby amended to add the following:

7-404. – Commercial fire alarm construction permit required.

A commercial fire alarm construction permit for new construction for the installation of or modification to in-building, two-way emergency responder communication coverage systems and related equipment is required as specified in the *International Fire Code*, latest edition.

7-405. – Permit fees.

Fees charged for commercial fire alarm construction permits shall be as provided by ordinance of the Board of Commissioners, a copy of which is on file in the recorder's office and available for use and inspection by the public. Any person commencing work without first obtaining an approved commercial fire alarm construction permit shall be subject to a payment of double (2X) the required commercial fire alarm construction permit fee.

SECTION 3. That Title 7, Chapter 6, Open Burning, *Nolensville Municipal Code*, is hereby repealed in its entirety and replaced with Exhibit "A", Operational Requirements and Permits, attached hereto.

SECTION 4. That Title 12, Chapter 1, Section 12-101, Building Code Adopted, *Nolensville Municipal Code*, is hereby amended to add the following:

- (13) Section 423.4 Critical emergency operations, is amended to read: In areas where the shelter design wind speed for tornados in accordance with Figure 304.2(1) of ICC 500 is 250 mph, 911 call stations, emergency operation centers and fire, rescue, ambulance and police stations shall comply with Table 1604.5 as a *Risk Category IV structure* and shall be provided with a *storm shelter* constructed in accordance with ICC 500, with the exception of Section 702.3 Minimum Number Water Closets and Lavatories that is deleted in its entirety.

SECTION 5. That Title 12, Chapter 1, Section 12-102, Permit Fees, *Nolensville Municipal Code*, is hereby repealed in its entirety and replaced with the following:

12-102. Permit fees.

Fees charged for building permits shall be as provided by ordinance of the Board of Commissioners, a copy of which is on file in the recorder's office and available for use and inspection by the public. Residential and non-residential plans review performed by the Town of Nolensville (except single-family residential) shall be charged a fee

equivalent to fifty percent (50%) of the building permit fee. Single-family residential plan review performed by the Town of Nolensville shall be charged a fee equivalent to twenty percent (20%) of the building permit fee. Any person commencing work without first obtaining an approved building permit shall be subject to a payment of double (2X) the required building permit fee. An application fee for appeal of a decision of the building official to the Board of Construction Appeals pertaining to International Building, Plumbing, Mechanical, Gas, Energy Conservation, Residential, Existing Building, Property Maintenance, and Swimming and Spa Codes, as provided in Appendix B, Section B101, of the *International Building Code*, latest editions, shall be as provided by ordinance of the Board of Commissioners, a copy of which is on file in the recorder's office and available for use and inspection by the public.

SECTION 6. That Title 12, Chapter 5, Section 12-503, Swimming Pool Code, *Nolensville Municipal Code*, is hereby repealed in its entirety and replaced with the following:

12-503. Public Infrastructure Surety Requirement for Swimming Pool Permit.

- (1) The contractor shall be required to post with the Town a continuous non-revocable Letter of Credit in a form acceptable to the Town in the amount of five thousand dollars (\$5,000.00) per lot or swimming pool permit prior to issuance of a swimming pool permit. This requirement shall apply to all situations which require the issuance of a swimming pool permit. This Letter of Credit will be used to ensure correction and satisfactory repair to any damage caused to the road, curb and gutter, sidewalk, walking trails, stormwater drainage system, and/or other installed public infrastructure improvements such as headwalls, pipes and driveways as well as re-vegetation within the public right-of-way. Proper documentation shall be in place for a lot prior to issuance of a swimming pool permit, including photographs documenting condition of public improvements prior to permit issuance and shall be re-verified prior to the issuance of a certificate of occupancy upon completion of the pool. The contractor shall be responsible for erosion prevention and sediment control and keeping roads free of mud, dirt and debris relative to the specific lot. The Letter of Credit shall be released upon satisfactory repair of all damaged public infrastructure as determined by Town Engineer or designee and satisfaction of all requirements for issuance of a certificate of occupancy.

- (2) As an alternative for those contractors who would find it more convenient to post a one-time Letter of Credit to cover multiple swimming pool permits, a continuous, non-revocable Letter of Credit in the amount of twenty-five thousand dollars (\$25,000) may be posted to cover up to five (5) outstanding swimming pool permits at any time. Should a contractor wish to exceed five (5) swimming pool permits (for which no certificate of occupancy has been issued), then additional permits would require a Letter of Credit on an individual basis (five thousand dollars (\$5,000.00) each), or by the posting of an additional twenty-five thousand dollars (\$25,000.00)

Letter of Credit. Similar requirements apply to swimming pool permits in excess of ten (10), and all five (5) unit increments thereafter. This Letter of Credit will be released when the last pool structure they intended to build, and for which they received a swimming pool permit, has satisfactorily completed all required repairs to public infrastructure as may be required and receives its certificate of occupancy.

This ordinance shall become effective after its passage and adoption, the public welfare demanding it.

Approved by the Board of Commissioners

Halie Gallik, Mayor

First Reading

Public Hearing

Second Reading

Attest:

Montique Luster, Town Recorder

Approved by:

Gino Marchetti, Jr., Town Attorney

EXHIBIT "A"

Title 7, Chapter 6, Operational Requirements and Permits

7-601. - Open burning.

No person shall cause, suffer, allow, or permit open burning within the entire Town limits of the Town of Nolensville except as set forth in §7-602 hereinbelow.

7-602. – Exceptions to open burning.

- (1) Non-commercial fires used for cooking of food including barbeques and outdoors fireplaces.
- (2) Commercial incinerators.
- (3) Commercial barbeque fireplace or cooker.
- (4) Non-commercial fires used for ceremonial or recreation purposes including bonfires and cookouts.
- (5) Fires set at the direction and under the supervision of responsible fire control persons for training purposes or directed at the prevention, elimination, or reduction of fire hazards.
- (6) Demolition of structures may be conducted by open burning provided that there is unilaterally issued state or local building codes order to demolish the structure by open burning because of a structural failure or potential structural failure. Such orders will be recognized only where there is no other safe way to demolish the structure and responsible fire control personnel are on-site at all times until the fire is extinguished.
- (7) 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.
- (8) The Fire Chief and the Fire Marshal have the authority to allow open burning where there is no other practical, safe, and/or lawful method of disposal.
- (9) Warming fires during construction or demolition of buildings and other warming fires as approved by the Fire Marshal.
- (10) Disposal of "wood waste" but only as approved by the Fire Chief or Fire Inspector.
- (11) The Fire Chief or the Fire Marshal shall have the authority to permit or prohibit open burning not specifically addressed herein.
- (12) Open burning allowed under the above provisions shall meet all of the provisions and requirements of the fire code as adopted by the Town of Nolensville, and must be permitted under the conditions approved by the Nolensville Fire Department, unless otherwise stated.

For the purposes of this chapter, the Fire Chief and Fire Marshal shall be those persons specified in the fire code of the Town of Nolensville, Tennessee.

7-603. – Fire watch requirement.

This section establishes the requirements for a Fire Watch when the Nolensville Fire Chief or designee determines whether a building or premises present a hazard to life or property. This includes, but is not limited to, public events, situations resulting from a fire, other emergencies, or when fire protection equipment (such as sprinklers or alarms) is inoperable more than 4 hours within a 24-hour period, defective, or taken out of service.

(1) Fire watch permit required.

- (a) No person shall maintain a building with compromised fire protection systems without first obtaining a Fire Watch Permit.
- (b) The owner or manager must apply for a permit immediately within one (1) business day upon the failure of any life safety system.
- (c) The Fire Chief or designee shall specify the number of Fire Watch personnel required and the specific duties to be performed under the permit in accordance with requirements of International Fire Code, latest edition, and other adopted standards.
- (d) All costs associated with the Fire Watch, including permit fees, wages, and associated expenses paid directly to the fire watch personnel, shall be the responsibility of the building owner.
- (e) The owner or manager shall maintain a Fire Watch Logbook on the premises, which must be available for inspection by the Town of Nolensville at all times.

(2) Authority to enforce fire watch.

- (a) The Fire Chief may require a Fire Watch whenever deemed necessary to assure minimum fire and life safety.
- (b) If the owner fails to provide required personnel, the Fire Chief has the authority to assign uniformed department members to the premises at the owner's expense until private personnel are provided.
- (c) The fire watch must be maintained until the Fire Chief determines the hazardous condition is satisfactorily mitigated or fire protection systems are fully restored to service.
- (d) Before a Fire Watch may be terminated, the owner or manager or their designee must verify and document that all requirements and conditions have been satisfactorily met.

7-604. – Pyrotechnic public displays.

(1) Definitions.

- (a) Public display of fireworks: The discharge, firing, or ignition of pyrotechnic manual or automatic displays for public and private entertainment.
- (b) Pyrotechnic special effects materials: A chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation.

(c) Exclusion: This chapter does not regulate the *Sale of Fireworks*, which is governed by a separate municipal code.

(2) Scope and purpose.

This section applies to all public or private displays of fireworks, pyrotechnics, or special effects where the Chief determines the activity presents a hazard to life or property.

(3) Permit required.

No person shall fire or discharge any pyrotechnic display without a permit, as such activities are determined to present a hazard to life or property.

- (a) Fire Chief's authority: The Fire Chief or designee has the authority to require a permit and specific safety measures whenever deemed necessary to assure minimum fire/life safety standards.
- (b) Personnel standards: The Fire Chief has the authority to specify the number of safety personnel required to monitor the display and the specific duties they are to perform.

(4) Operational safety and instruction.

The permit holder ("Lead Technician") is responsible for the safety of the site and shall instruct all assigned safety personnel on the following:

- (a) Notification: The exact procedure for notifying the Nolensville Fire & Rescue Department in the event of an emergency.
- (b) Secured area: The specific boundaries of the launch site and the fallout zone to be patrolled.
- (c) Crowd control: The method for alerting spectators and the established evacuation procedure.
- (d) Communication: When two or more safety personnel are required, two-way radios or other communication devices shall be used to facilitate communication.

(5) Post-display fire watch.

- (a) Mandatory patrol: Following the conclusion of the display, assigned personnel shall patrol the fallout zone at least once every hour.
- (b) Record keeping: A written record of these patrol rounds and any significant information (such as the discovery of "duds" or spot fires) shall be recorded in an on-site logbook.
- (c) Duration of watch: Personnel must remain on duty until the Fire Chief determines the area is safe from hazard and all materials are rendered inert.

(6) Logbook required.

The permit holder shall provide and maintain a logbook on the premises during the event in a form and content as required by the Fire Chief and must be available for immediate inspection by the Town of Nolensville at any time during or after the event.

7-605. - Violations and penalty.

Violations of this chapter shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.