

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Definition.
- 7-402. Manufacture prohibited.
- 7-403. Sales restricted.
- 7-404. Permit from state fire marshal required.
- 7-405. City fireworks permit required; permit application; permit required for each location; permit fee; permit not transferable; expiration of permit.
- 7-406. Permit revocation.
- 7-407. Business license required for each site; zoning compliance required.
- 7-408. Separate sales tax number required.
- 7-409. Certificate of insurance required.
- 7-410. Standards for sale and storage of fireworks.
- 7-411. Parking for retail fireworks sales sites.
- 7-412. Use restricted.
- 7-413. Public display; permit required.
- 7-414. Exceptions.
- 7-415. Penalty for violation.
- 7-416. Transitory vendor requirements.

7-401. Definition. Fireworks means and shall include D.O.T. Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104. (as deleted by Ord. #01-025, Nov. 2001, renumbered by Ord. #12-282, May 2012, and replaced by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-402. Manufacture prohibited. No person or entity shall manufacture any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including fireworks, within the corporate limits of the City of Alcoa. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-403. Sales restricted. It shall be unlawful to sell, or offer for sale, fireworks, within the corporate limits of the City of Alcoa except in compliance with the provisions of this Municipal Code and the provisions of Tennessee Code Annotated, Title 68, Chapter 104, Sections 101 through 116. Only seasonal sales of fireworks shall be permitted within the corporate limits of the City of Alcoa. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-404. Permit from state fire marshal required. It shall be unlawful to sell, offer for sale, ship, or cause to be shipped into the City of Alcoa any item of fireworks, without a permit from the State Fire Marshal, in compliance with Tennessee Code Annotated, Title 68, Chapter 104, Sections 101 through 116, inclusive. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-405. City fireworks permit required; permit application; permit required for each location; permit fee; permit not transferable; expiration of permit. (1) It shall be unlawful to sell, offer for sale, ship, or cause to be shipped into the City of Alcoa any item of fireworks without a city fireworks permit issued by the City of Alcoa Planning and Codes Department.

(2) An application for a city fireworks permit shall be completed and submitted to the planning and codes department no later than five (5) working days prior to the date the applicant desires to begin making sales. The application shall contain and include the following information:

(a) Name, address and telephone number of applicant. The applicant's name shall also be the same as the name on the state fire marshal permit.

(b) Location where the sale of fireworks is proposed.

(c) Site plan, which shall include the dimensions of the structure used for the sale of fireworks and customer parking.

(d) A copy of the state fire marshal permit as required under § 7-404 of this chapter.

(e) Confirmation of business license for site and zoning code compliance as required under § 7-407 of this chapter.

(f) Documentation of separate sales tax number as required by § 7-408 of this chapter.

(g) Documentation of certificate of insurance as required under § 7-409 of this chapter.

(3) A separate city fireworks permit is required for each location at which fireworks will be sold.

(4) The fee for the city fireworks permit shall be one thousand dollars (\$1,000.00) unless the applicant obtains a license for the operation of a business within the city limits of Alcoa pursuant to the City of Alcoa Municipal Code § 5-202, in which case the fee for a city fireworks permit shall be one hundred fifty dollars (\$150.00).

(5) City fireworks permits shall not be transferable. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*, and amended by Ord. #19-491, Dec. 2019 *Ch15_12-10-19*)

7-406. Permit revocation. The Alcoa Planning and Codes Department shall be authorized to revoke any city fireworks permit upon failure to correct any of the following conditions within twenty-four (24) hours after written notice given by the planning and codes department:

(1) The permittee or the permittee's operator violates any lawful rule, regulation, or order of the Alcoa Planning and Codes Department.

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

(3) The permittee fails to timely file and/or pay any report, tax, fee, fine or charge.

(4) The permittee or the permittee's operator violates any provisions of this chapter or of Tennessee Code Annotated, title 68, chapter 104, sections 101 through 116. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-407. Business license required for each site; zoning compliance required. The Alcoa Planning and Codes Department shall issue no permit for the sale of fireworks unless the applicant has first obtained a Tennessee Business License from the Alcoa City Recorder for each site at which fireworks will be sold and is in compliance with all applicable zoning requirements. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*, and amended by Ord. #19-491, Dec. 2019 *Ch15_12-10-19*)

7-408. Separate sales tax number required. A separate sales tax number shall be required for each site at which fireworks will be sold. The Alcoa Planning and Codes Department shall issue no permit for the sale of fireworks unless the applicant has first provided documentation that a separate sales tax number has been obtained for the site of the proposed sale of fireworks. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-409. Certificate of insurance required. The Alcoa Planning and Codes Department shall not issue a permit for the sale of fireworks unless the applicant has first provided a current certificate of insurance with a minimum of two million dollars (\$2,000,000) in product liability and one million dollars (\$1,000,000) in general liability with the City of Alcoa being named as an additional insured on the general liability insurance policy. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-410. Standards sale and storage of fireworks. The following standards shall apply to the sale of fireworks within the corporate limits of the City of Alcoa:

(1) Sales of fireworks shall only be permitted from June 20th until July 5th and from December 10th until January 2nd of any given year.

(2) Sales of fireworks shall be conducted in compliance with the provisions of the City of Alcoa Municipal Zoning Code.

(3) Fireworks may not be stored, sold, or offered for sale in or from a permanent building. All tents or similar temporary structures used for the storage or sale of fireworks shall be composed entirely with fire retardant materials, meet the current adopted International Building Code, International

Fire Code, and the Life Safety Code (NFPA 101), and shall be located on a paved surface and in no event may be erected or placed on a grass or gravel area.

(4) All tents or similar temporary structures used for the storage or sale of fireworks shall provide an emergency exit remote from the point of entrance. Tents shall be enclosed on no more than two (2) sides during times that customers are present.

(5) The site utilized for the sale of fireworks shall be a minimum of two hundred feet (200') from any fuel source and no farther than five hundred feet (500') from an operable fire hydrant.

(6) The sale of fireworks shall be restricted to D.O.T. Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104.

(7) No person shall smoke within a structure where fireworks are stored or sold or within fifty feet (50') of an area where fireworks are sold. No person selling fireworks shall permit the presence of lighted cigars, cigarettes, or pipes within a structure where fireworks are sold or within fifty feet (50') of where fireworks are offered for sale. At all places where fireworks are stored or sold, there shall be posted at each entrance signs with the words "Fireworks - No Smoking" in letters not less than four inches (4") high.

(8) A minimum of two (2) ten pound (10 lb.) ABC fire extinguishers, inspected at tagged, shall be present at each site where fireworks are stored or sold.

(9) It shall be unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age or to any intoxicated person.

(10) Fireworks are not permitted to be stored in residential districts, except for personal use.

(11) All unsold product must be removed within five (5) days of the sales period set forth in this chapter.

(12) 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 suitable fixture or guard. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-411. Parking for retail fireworks sales site. The site for a fireworks retailer shall provide at least ten (10) paved parking places for off-street customer parking. 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. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-412. Use restricted. The following restrictions shall apply for the use of fireworks within the corporate limits of the City of Alcoa:

(1) The use of fireworks shall be restricted to D. O. T. Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104.

(2) It shall be unlawful to use or explode any fireworks within the corporate limits of the City of Alcoa except on July 3rd and July 4th and on December 31st and January 1st of any given year.

(3) It shall be unlawful to use or explode fireworks within the corporate limits of the City of Alcoa earlier than 11:00 A.M. or later than 11:00 P.M., with the exception of New Year's Day on which the time shall be no later than 1:00 A.M.

(4) It shall be unlawful to explode or ignite fireworks on or onto another person's property unless permission is obtained from the owner or occupant of said property.

(5) It shall be unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, funeral home, public or private school, or within two-hundred feet (200') of where fireworks are stored, sold, or offered for sale.

(6) It shall be unlawful to ignite or discharge fireworks from or within a motor vehicle. It shall be unlawful for any person 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. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*, and amended by Ord. #19-491, Dec. 2019 *Ch15_12-10-19*)

7-413. Public display; permit required. Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public display by holders of a permit for public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-414. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, the sale or use of blank cartridges for a show or theater, the use of fireworks for military operations, or for public displays of fireworks meeting the requirements of the fire prevention code. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-415. Penalty for violation. The violation of any part of this chapter is hereby declared to be a misdemeanor and upon conviction of any person for such violation, that person is to be fined according to general penalty provision of this municipal code. Each subsequent day that any violation continues unabated shall constitute a separate offense. In addition, the planning and codes department may refuse to issue another city fireworks permit to the holder of a permit so convicted for a period not to exceed two (2) years. At the expense of the owner, the building official or his/her designee shall seize, take, remove or cause to be removed all stocks or fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-416. Transitory vendor requirements. To the extent that it does not directly conflict with this chapter, all fireworks vendors must also comply with the transitory vendor requirements in chapter 5 of title 9 of this municipal code. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)