

## CITY OF ALCOA MUNICIPAL CODE

### **CHAPTER 4 FIREWORKS**

#### **SECTION**

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**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.

**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.

**7-403. Sales restricted.** It shall be unlawful to sell, or offer for sale, 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 within the corporate limits of the City of Alcoa, except that, in compliance with the provisions of this Municipal code and the provisions of Tennessee Code Annotated Title 68, Chapter 104, Sections 101 through 116, the sale of fireworks as defined by section 7-401 shall be lawful.

**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.

**7-405. City fireworks permit required; permit application; permit required for**

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### **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 seven (7) 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) 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) (a) Applicants registering their business with the Tennessee Department of Revenue listing the City of Alcoa as the principal situs address for the purpose of collection and distribution of local sales tax and obtaining a City Business License pursuant to Alcoa Municipal Code Title 5, chapter 2, are required to purchase a City fireworks permit in the amount of \$500.00 for each location.

(b) Applicants may otherwise obtain a Transient Vendor License pursuant to the provisions of Alcoa Municipal Code Title 9, Chapter 5 and purchase a City fireworks permit in the amount of \$4,000.00 for each location.

(5) City fireworks permits shall not be transferable.

**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.

**7-407. [Deleted].**

**7-408. [Deleted].**

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**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.

**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 25th until July 4th of each 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) 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.

(7) 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.

(8) 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.

(9) It shall be unlawful to sell, offer for sale, furnish, or give any fireworks to minors under the age of eighteen (18) years. Permit holders are required to inspect a valid state or federal government issued photo identification to verify the purchaser is eighteen (18) years of age or older. It shall also be unlawful to sell fireworks to any intoxicated person.

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

(11) 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.

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(12) Permittees are required to display at each location and at every point of sale within that location a sign, with letters not less than two (2) inches high, with the following words:

CITY OF ALCOA  
LEGAL HOURS OF USE  
JULY 3 11:00 AM – 11:00 PM  
JULY 4 11:00 AM - 11:00 PM

**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.

**7-412. Use restricted.** It shall be unlawful to use 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 within the corporate limits of the City of Alcoa, except that, in compliance with the provisions of this Municipal code below and the provisions of Tennessee Code Annotated Title 68, Chapter 104, Sections 101 through 116, the use of fireworks as defined by section 7-401 shall be lawful:

(1) 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 of any given year.

(2) 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.

(3) It shall be unlawful to explode or ignite fireworks on public property and within 20 feet of any public right of way.

(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, building, other public or private property. 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.

(7) It shall be unlawful for minors under the age of eighteen (18) years to be in possession of or to use or explode fireworks except under the direct supervision of an adult eighteen (18) years of age or older. No parent, guardian or other adult person who has been delegated the care and custody of such minor under the age of eighteen, shall knowingly permit such minor to violate the provisions of this section.

**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.

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**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.

**7-415. Penalty for violation.** (1) 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 the general penalty provision of this municipal code.

(a) At the expense of the owner or holder, the building official, his designee, or any officer of the law shall seize, take, remove, or cause to be removed all fireworks, stocks of fireworks, combustibles, or explosives being used, held, stored, or offered for sale in violation of this chapter.

(b) The City of Alcoa Planning and Codes Department may refuse to issue another city fireworks permit to any permit holder convicted of a misdemeanor under this chapter for up to two (2) years following such conviction. Each subsequent day that a violation continues by a permit holder unabated shall constitute a separate offense.

**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.