

ARTICLE VI. FIREWORKS¹

Sec. . 12-100. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved means acceptable to the code official or authority having jurisdiction.

DOT Class C common fireworks means all articles of fireworks as are now or hereafter classified as DOT Class C common fireworks in the regulations of the United States Department of Transportation.

Permit means the written authority of the Fire Marshal issued under the authority of this article.

Retailer means any person engaged in the business of making retail sales of fireworks.

Sale means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer thereof 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 means the appropriate fireworks permit issued by the state fire marshal under the authority of T.C.A. § 68-104-101 et seq.

(Ord. No. 2012-01, § 1, 1-23-2012)

Sec. .12-101. Penalty for violations.

All individuals that violate any provision of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$50.00 plus costs. Each rule violation or transaction shall be considered a separate violation. Employers of fireworks vendors and permit holders shall also be guilty of violations by persons in their employment and persons under their supervision.

(Ord. No. 2012-01, § 1, 1-23-2012)

Sec. . 12-102. Permits, regulations; fees.

- (a) It shall be unlawful for any person to sell, offer for sale, ship, or cause to be shipped, into the city any item of fireworks without first having secured a state fire marshal permit, and a permit issued by the city, which permit shall not issue without the applicants first providing satisfactory proof of obtaining a sales tax number for each location at which fireworks sales will be had and they will provide proof that annual sales tax returns have been filed for each location located inside the city within 15 days of filing sales tax returns.
- (b) Permits are not transferable.

¹Editor's note(s)-Ord. No. 2012-01, § 1, adopted Jan. 23, 2012, repealed the former Art. VI, §§ 10-185-10-194, and enacted a new Art. VI as set out herein. The former Art. VI pertained to similar subject matter and derived from Code 1997, §§ 5-6-101-5-6-110; Ord. No. 2002-17, adopted June 10, 2002; Ord. No. 2002-26, §§ 5-6-101-5-6-110, adopted Aug. 26, 2002.

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- (c) A permit shall be valid only from June 20th through July 4th for the Fourth of July season or December 20th through December 31st for the New Year's Eve season. It shall be unlawful to sell fireworks in the city except June 20th through July 4th and December 20th through December 31st. Hours of operation for retail sales are from 8:00 am till 10:00 pm.

(d)

It shall be unlawful to discharge or use fireworks except for the following dates and times: Fourth of July: July 2nd, 3rd, and 4th from 5pm to 10pm.

New Year's Eve: December 29th and 30th from 5pm to 10pm and December 31st from 5pm to 1am January 1st.

It shall be unlawful to discharge or use fireworks during a burn ban declared by the Fire Marshal or his/her designee.

- (e) The city shall charge a fee of \$1.00 per square foot, minimum of \$1,500.00 for any temporary tent for the issuance of each semiannual permit provided for in this section. No single tent shall exceed 4,000 square foot, and must adhere to all setback requirements as noted within this ordinance.

The city will limit the amount of fireworks tent permits for any single season to one per 1.5 square miles of incorporated city limits. Additionally, the city will not issue more than 2 tent permits per owner/vendor.

Application for a permit to sell fireworks in the city shall be submitted to the Fire Marshal within the following timeframe: Fourth of July: CoMJ Fireworks permit holder within the past 12 months – March 1 to May 31.

New fireworks permit applicant – April 1 to May 31.

New Year's Eve: CoMJ Fireworks permit holder within the past 12 months – September 1 to November 30.

New fireworks permit applicant – October 1 to November 30

- (f) An application must be filed for each location and shall contain the following:

- (1) Name, address, and telephone number of applicant. The applicant must be the natural person who will be responsible for sales. The applicant's name or company name shall also be the same as the name on the state fire marshal permit. Names of all partners or persons sharing more than ten percent of the profit shall be disclosed on the application. The applicant shall be liable for all violations of this article by persons under their supervision. The application must also contain the names and contact numbers of the tent operators.
- (2) A copy of the state fire marshal permit.
- (3) Evidence that general liability insurance has been obtained by applicant naming the City of Mt. Juliet, Tennessee as additional insured for at least \$1,000,000.00 for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury and property damage liability combined.
- (4) The location where the applicant will conduct the business of selling fireworks, and must include permission of the property owner or copy of the lease.
- (5) Cleanup deposits of \$750.00 per location shall be paid by applicant, which shall be refunded after the fireworks post-season inspection, or used by the city to clean up the retail fireworks site, if needed. All fireworks must be removed from the site and the entire site must be cleaned of boxes, garbage, and debris within 48 hours following the expiration of the permit. The tent must be removed within 10 business days following the expiration of the permit, or the cleanup deposit will be forfeited. All debris including cardboard boxes, etc., shall be stored in an enclosed structure for the duration of the sales period.
- (6) A copy of the tent flame retardant letter on all tents must be provided.
- (7) Evidence of working fire extinguishers, which must be easily accessible and in plain view. All tents must have a minimum of two 10 lb. ABC fire extinguishers and one water-based fire extinguisher on site.

(Supp. No. 12)

(8) Site plan including:

- a. Dimension of the lot;
- b. Dimension and location of tent;
- c. Location of adjacent structures;
- d. Location of parking and number of spaces provided.

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- (9) Assurance of a 20-foot setback from extreme outer edge of the lane of travel to the tent or signage. To be measured from the edge of the tent side or overhang of the top, not to include ropes, tie-downs or other appendages used to secure tents.
 - (10) Temporary event permit and signage application as approved by the Planning & Zoning department, in accordance with Land Development code 3-106.
 - (G) Generators must be kept a minimum of 20 feet away from the extreme outer edge of the tent.
 - (H) No overnight sleeping or accommodations are allowed within the firework tents.
 - (I) All tents must be a minimum of 200 feet from any fuel dispensing location if unimpeded, and a minimum of 100 feet from any fuel dispensing location if impediments are present. Allowances based on impediments are to be determined by the Fire Marshal or his/her designee..
 - (J) All charcoal grills, gas grills, open flame burners or fire pits, are strictly prohibited.
 - (K) No parking within 20 feet of the extreme outer edge of the tent.
 - (L) During non-business hours, all fireworks must be secured in locked storage or security for the tent and site must be provided.
 - (M) Tents meeting the current adopted International Building Code, International Fire code and 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.

(Ord. No. 2012-01, § 1, 1-23-2012)

Sec..12-103. Permit revocation.

The Fire Marshal or code official shall be authorized to revoke any permit upon failure to correct any of the following conditions within 24 hours after notification:

- (1) In the event that the permittee or the permittee's operator violates any lawful rule, regulation, or order of the Fire Marshal or codes director of the city.
- (2) In the event that the permittee's application contains any false or untrue statements.
- (3) In the event the permittee fails to timely file and/or pay any report, tax, fee, fine or charge.
- (4) In the event the permittee or the permittee's operator violates this article or statute.
- (5) In the event the permittee or the permittee's operator incurs multiple city or state offenses, the city may not grant approval for said company to operate at any location within the corporate city limits and possibly withhold approval not to exceed two years from fireworks' season in which violation occurred.
- (6) In the event of an infraction, the City reserves the right to issue a minimum fine of \$50 per infraction.

(Ord. No. 2012-01, § 1, 1-23-2012)

Sec.. 12-104. Permissible fireworks.

It is unlawful for any individual to possess, sell, or use within the city, or ship into the city, except as provided in this article, any pyrotechnics commonly known as fireworks other than the following permissible items:

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- (1) Those items now or hereafter classified as DOT Class C common 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.

(Ord. No. 2012-01, § 1, 1-23-2012)

Sec. 12-105.Sale of fireworks.

Fireworks and related legal accessories may be sold within the city within the dates and timeframes listed in 12-102 All signs must comply with Article 11, Sign Regulations, of the city zoning ordinance.

At the point of sales, a display shall be visible and a handout shall be provided to each person purchasing fireworks stating the following;

"City of Mt. Juliet Laws and Regulations Regarding the Use or Discharge of Fireworks

Permissible dates and times to use or discharge fireworks:

- Fourth of July: July 2nd, 3rd, and 4th from 5pm to 10pm.
- New Year's Eve: December 29th and 30th from 5pm to 10pm and December 31st from 5pm to 1am January 1st.

Fireworks Use and Discharge Regulations:

- It shall be unlawful to explode or ignite fireworks within 600 feet of any church, hospital, funeral home, public or private school, or within 200 feet of where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of persons.
- It shall be unlawful for a user of fireworks to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. Fireworks shall not be launched or fired onto the property of persons who have not given permission.
- It shall be unlawful for fireworks to be used at times, places, or in any manner, which adversely affects other persons.
- It shall be unlawful for fireworks to be used or discharged at any time except for the permissible times listed above.

Violations may result in fines or criminal charges. Additionally, the unlawful use or discharge of fireworks may result in the violating party be liable for injuries to persons and/or damage to property."

(Ord. No. 2012-01, § 1, 1-23-2012)

Sec. 12-106.Unlawful sale and use of fireworks.

- (a) It shall be unlawful to offer for sale or to sell any fireworks to children under the age of 18 years.
Advisory signs shall be posted in plain view regarding minimum age to purchase fireworks.
- (b) It shall be unlawful to offer for sale or to sell any fireworks to any intoxicated or seemingly irresponsible person.

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- (c) It shall be unlawful to explode or ignite fireworks within 600 feet of any church, hospital, funeral home, public or private school, or within 200 feet of where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of persons.
 - (d) It shall be unlawful for a user of fireworks to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. Fireworks shall not be launched or fired onto the property of persons who have not given permission.
 - (e) It shall be unlawful for fireworks to be used at times, places, or in any manner, which adversely affects other persons.

(Ord. No. 2012-01, § 1, 1-23-2012)

Sec. 12-107. Storing, locating, and structures.

No person shall smoke within 50 feet of an area where fireworks are sold. No person selling fireworks shall permit the presence of lighted cigars, cigarettes, or pipes within 50 feet of 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. A workable fire extinguisher must be present at each retail fireworks site. Fireworks sold at retail shall only be sold from an approved structure only selling fireworks and accessories for use of fireworks, and shall be no closer than 40 feet to any other structure.

(Ord. No. 2012-01, § 1, 1-23-2012)

Sec.. 12-108. Limitations on structures.

Approved tents may be used for the retail sale of fireworks. As a minimum, two unobstructed exits, consistent with local Fire Codes, shall be provided and maintained at all times during operations. Fireworks may not be stored in a permanent building unless the building is constructed of nonflammable materials such as metal or concrete block. Tents shall be separated by 50 feet.

(Ord. No. 2012-01, § 1, 1-23-2012)

Sec.12-109. Parking for retail fireworks sales site.

The site for a temporary fireworks retailer shall be improved to provide off-street customer parking as follows: one customer parking space per 100 square feet of tent area, with a minimum of 12 spaces, in addition to employee parking. In addition, the retail fireworks site must provide for an on-site turnaround area so that backing of vehicles onto the street will not be necessary. The site for a permanent fireworks retail sales facility shall conform to the Mt. Juliet Zoning Ordinance pertaining to all parking regulations.

(Ord. No. 2012-01, § 1, 1-23-2012)

Sec. 12-110. Firework displays or shows.

Any organized firework display being promoted by or for a neighborhood, Home Owners Association or individual, that will be utilizing residential grade fireworks, will need to notify the Fire Marshal's office with the Mt. Juliet Fire Department a minimum of two weeks in advance. The organizer will need to provide the Fire Marshal with a site plan showing the location of the discharge area, the fallout zone and the designated area for spectators.

For residential shows utilizing commercial grade fireworks or Commercial Firework Displays, the organizer will need to obtain and provide the information required in the Commercial Grade Fireworks Display packet to the Fire Marshal's office a minimum of four weeks in advance.

All firework displays and shows are only allowed for the following holidays and time frames - Memorial Day (last weekend in May, Friday through actual Monday holiday), Fourth of July (June 28th -July 5th) and New Year's Eve (December 26th through January 1st).

Secs. 10-196-10-211. Reserved.

Sec. 16-31. Fireworks.

It shall be unlawful to:

- (1) Sell fireworks in the city except June 20 through July 4 and December 20 through December 31;
- (2) Discharge or use fireworks except for July 2,3, and 4 from 5pm to 10pm and December 29, and 30 from 5pm to 10pm and December 31 from 5pm to 1 am January 1. Also, except for properly permitted fireworks display shows.
- (3) Smoke within 50 feet of any place where fireworks are sold;
- (4) Sell fireworks without a proper permit from the City of Mt. Juliet.
- (5) Sell fireworks to a person under 18 years of age;
- (6) Give fireworks to a person under 18 years of age,provided, however, this provision shall not apply to a parent who supervises the use of fireworks by his child. (Code 1997, § 10-2-111; Ord. No. 97-15, 5-12-1997)