

ORDINANCE NO. 2018-43

**AN ORDINANCE REPEALING CITY CODE 7-105, FIREWORKS REGULATED, AND REPLACING IT WITH A NEW CHAPTER IN TITLE 7 PERMITTING THE RETAIL SALE AND DISCHARGE OF FIREWORKS IN THE CITY UNDER LIMITED CIRCUMSTANCES.**

**WHEREAS**, the City Council of the City of Maryville, Tennessee, has decided to allow the retail sale and discharge of fireworks within the corporate limits of the City of Maryville with certain limitations, and

**WHEREAS**, previously fireworks had been prohibited from being ignited or sold in the City of Maryville at any time, and

**WHEREAS**, the City's regulation of fireworks found in City Code 7-105 needs to be amended to reflect the change in the City Code to allow the retail sale and discharge of fireworks in certain times of the year.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE**, as follows:

**Section 1.** The following is adopted as a new Chapter in Title 7 of the City Code, and City Code 7-105 is hereby repealed:

**FIREWORKS**

Section -001, Manufacture Prohibited. It shall be unlawful for any person, firm, partnership, or corporation to manufacture within the corporate limits of Maryville, Tennessee, pyrotechnics, commonly known as fireworks, of any kind or description.

Section -002, Storage, Sale and Use Restricted. It shall be unlawful for any person, firm, partnership, or corporation to store for resale or sell in the corporate limits of Maryville, Tennessee, any pyrotechnics, commonly known as fireworks, except those fireworks classified as permissible fireworks in T.C.A. §68-104-108. The storage for resale and retail sale of fireworks shall be subject to the following restrictions:

1. The storage for resale and retail sale of fireworks is permitted only on lots zoned to allow retail sales located adjoining U. S. Highway 321 or U. S. Highway 411 in the City of Maryville.
2. Any person, firm, partnership, or corporation desiring to store and sell at retail fireworks within the corporate limits of the City of Maryville shall make application for a permit to do so on forms provided for that purpose by the City Recorder. The application shall be accompanied by a non-refundable fee of \$250.00. No permit shall be issued for any person under eighteen years of age. All permits shall be for the calendar year and any fraction thereof except permits will not expire until January 2<sup>nd</sup> of the following year. The application shall include the name of the person making the application; the firm, partnership or corporation he represents; the business address of both the applicant and the partnership, firm or corporation he represents; the address and description of the premises where the storage and sale of fireworks is contemplated; sales tax numbers and any other information the City Recorder deems pertinent to aid in the investigation

of the application. The City Recorder shall refer the applicant to the Fire Chief or his designee who shall interview the applicant if desired and inspect the premises on which the storage and sale of fireworks is contemplated and make whatever additional investigation of the applicant or premises he deems appropriate to ensure that the premises and its operation by the applicant will not constitute a fire, explosion, or similar safety hazard. If the Fire Chief approves the application, the City Recorder shall issue a permit. The permit shall not be transferable to any other person, firm, partnership, corporation or premise.

3. No fireworks shall be sold from an automobile or any other vehicle. No fireworks shall be sold through a drive-thru window. Fireworks must not be thrown into any vehicle when lit nor thrown from any vehicle at any time.
4. Placing, storing, locating or displaying fireworks in any window where the sun may shine through glass onto the fireworks is prohibited.
5. The presence of lighted cigars, cigarettes or pipes within ten (10) feet of where fireworks are offered for sale or are stored is declared unlawful and prohibited.
6. All places where fireworks are stored or sold, there must be posted the words "Fireworks. No smoking" in letters not less than four (4) inches high.
7. No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers. Fireworks may not be sold anywhere where any resin, turpentine, gasoline or other flammable substance is used, stored or sold.
8. It shall be unlawful to offer for retail sale or to sell any fireworks to children under ten (10) years of age or to any intoxicated person.
9. It shall be unlawful to explode or ignite fireworks within 600 feet of any church, hospital, or public school. It shall be unlawful to explode or ignite fireworks within 200 feet of where fireworks are stored, sold or offered for sale.
10. Fireworks may be sold each year exclusively from June 20-July 5 and from December 10-January 2.

Section -003, Use of Fireworks Restricted. It shall be unlawful for any person to fire, set off, shoot, discharge or otherwise explode any fireworks within the corporate limits of the City of Maryville except as follows:

1. Fireworks may be fired, set off, shot, discharged or exploded on a seasonal basis from June 20-July 5 and from December 10-January 2 and at no other time.
2. Fireworks may only be fired, set off, shot, discharged or exploded on those dates listed above from 11:00 a.m. to 11:00 p.m. except that fireworks may be fired up until 1:00 a.m. on New Year's Day.
3. Igniting and firing or exploding fireworks must be done entirely on private property unless otherwise permitted herein.
4. Use of fireworks on all public streets, roadways, alleys, sidewalks, parks, parking lots, and public property within the City of Maryville is prohibited.

Section -004, Special Displays; Permit Required. Nothing in this Chapter shall be construed as applying to the shipping, sale, possession and use of fireworks for public displays by holder of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the State Fire Marshal. Public displays shall be performed only under competent supervision and after the persons or organizations making such displays have applied for and received a permit first for such display issued by the State Fire Marshal. Applications to the City Recorder for a permit for such public displays shall be made in writing at least ten (10) days in advance of the proposed display. The application shall show

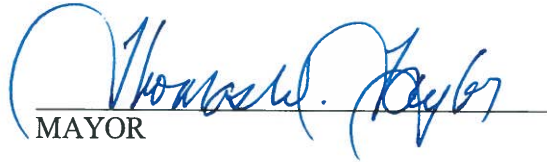
that proposed display is to be located and supervised so it is not to be hazardous to property and shall not endanger human lives. The application must be approved by both the Fire Chief and Police Chief of the City of Maryville before being issued by the City Recorder. Permits shall be for a time and location limited on the permit and are not transferable. Such public display permits shall cost \$250.00.

Section -005, Penalty for Violation. An individual violating any of the provisions of this Chapter shall be guilty of a misdemeanor punishable pursuant to the General Penalty Clause of this Code. Further, the Fire Chief or any police officer may seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered for sale, stored, held or used in violation of this Chapter.

Section -006, Exceptions. Nothing in this Chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation. This Chapter shall further not apply to the military of the United States or any peace officers. Further, this Chapter shall not be read to prohibit the sale or use of blank cartridges for ceremonial, theatrical or athletic events. Sale or use of fireworks solely for agricultural purposes is permitted where approved by the State Fire Marshal.

**Section 2.** This ordinance shall be effective upon final passage, the public welfare requiring it.


Adopted this the 4<sup>th</sup> day of December, 2018.

  
MAYOR

ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading this 6<sup>th</sup> day of November, Sherri Phillips, 2018.  
City Recorder

Passed 2<sup>nd</sup> reading this 4<sup>th</sup> day of December, Sherri Phillips, 2018.  
City Recorder