



CITY OF ELIZABETHTON
Department of Finance / City Clerk
Instructions for Obtaining a Fireworks Permit

IMPORTANT – PLEASE READ

In order to obtain a Fireworks Sales Permit, Fireworks Indoor Display Permit, or Fireworks Outdoor Display Permit,

you must complete the following process in its stated order:

- 1) You must obtain a Tennessee State Fireworks Permit from the Department of Commerce and Insurance. Visit <http://www.state.tn.us/commerce/sfm/fpplsect.html>, call 615-741-1322, or fax 615-741-1583 to obtain an application. **YOU CANNOT CONTINUE UNTIL THIS STEP HAS BEEN FULLY COMPLETED.**

- 2) Complete the Fireworks Application below.

- 3) RETAIL SALE PERMIT ONLY (Display Permits skip to step 4) – You must obtain a Business License or a Transient Vendor License.

Business License

Please visit

<http://www.cityofelizabethton.org/government/forms.html>

to download a Business License application.

Transient Vendor License

- Obtain a Transient Vendor License from <http://www.cityofelizabethton.org/government/forms.html>. Complete the *Transient Vendor License*.
- Complete a building inspection. Call to make an appointment with the *Building Inspector* (423-547-6234).
- Complete a fire inspection. Call to make an appointment with the *Fire Marshal* (423-547-6391).

- 4) DISPLAY PERMITS ONLY (Retail Sale Permits skip to step 5) – You must make appointments with both the Elizabethton Police Department (423-542-4141) and the Elizabethton Fire Marshal (423-547-6391) to discuss and review all plans and the location of the display. As plans meet safety requirements, each individual item requiring Police Department or Fire Department approval will be initialed in the blanks by the item respectfully. When all requirements have been met, a designee will then sign the bottom of the application. (Please be sure to take your application with you to BOTH appointments. If you fail to bring your application to either, another appointment will have to be made.)

- 5) RETAIL SALES PERMIT Please bring the completed and executed application to City Hall Finance Dept. (1st Floor) to obtain a business license, along with any payments or paperwork that is required in the application. After you receive the business license, you will then take the application and application fee of \$300.00 to the City Clerk's office (2nd Floor), Suite 200, which is located inside the City Manager's office, in order for the application to be reviewed and approval for issuance of the Fireworks Permit.

- 6) If you have any questions regarding the requirements or the application, please call the City Clerk's office at (423-542-1516).

Signature of Business Owner

City Inspector or Approval Signatures

Signature of Building Inspector

Signature of Electrical Inspector

Signature of Fire Chief or Designee

Signature of City Clerk or Deputy Clerk

PERMIT NO. _____

Revised June, 2008. And May 2011



CITY OF ELIZABETHTON
Municipal Code
TITLE 7 - FIRE PROTECTION & FIREWORKS

CHAPTER 4 - FIREWORKS

SECTION

- 7-401.** Purpose.
- 7-402.** Definitions.
- 7-403.** Permits and fees.
- 7-404.** Permit applications.
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- 7-406.** Standards for Seasonal Retailers of fireworks.
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7-401. Purpose. Nothing in this chapter shall be construed as applying to the manufacturer, storage, sale or use of signals necessary for transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, or of the State of Tennessee or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events. This chapter shall not be construed to affect or relieve any requirements made by the State of Tennessee.

7-402. Definitions. As used in this chapter, unless the context otherwise requires:

“Discharge Site.” The immediate area surrounding the fireworks mortars used for an outdoor fireworks display.

“Distributor.” Any person engaged in the business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a retailer, wholesaler, or a seasonal retailer or any person who receives, brings or imports any fireworks of any kind, in any manner into this or wholesaler’s permit(s). Any sales of fireworks to a retailer shall only be accomplished by a manufacturer or distributor possessing the required applicable permit(s) issued by the state of Tennessee and this municipality.

“Fallout Area.” The area over which aerial shells are fired. The shells burst over the area, and unsafe debris and malfunctioning aerial shells fall into this area. The fallout area is the location where a typical aerial shell dud falls to the ground depending on the wind and the angle or mortar placement.

“Fireworks” shall mean any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation that meets the definition of 1.4 G Fireworks (formerly known as Class C Common Fireworks) or 1.3 G Fireworks (formerly known as Class B Special Fireworks) as set forth herein

Fireworks, 1.4G. (Formerly known as Class C, Common Fireworks.) Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. Such 1.4G fireworks which comply with the construction, chemical composition, and labeling regulations of the DOTn for fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR: Parts 1500 and 1507.

Fireworks, 1.3G. (Formerly known as Class B, Special Fireworks.) Large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration, or detonation. Such 1.3G fireworks include, but are not limited to, firecrackers, containing more than 130 milligrams (2 grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as 1.4G fireworks. Such 1.3G fireworks are also described as Fireworks, UN0335 by the DOTn.

“Novelty Fireworks” shall mean small devices containing limited amounts of pyrotechnic explosive or composition that produce a visible or audible effect. The following devices are classed as Fireworks 1.4G and described as Fireworks UN0336 unless they are classes as 1.4S or not regulated as hazardous materials based on specific test results. These devices that are not limited to the following. Party Popper, Snapper, Snake-Glow Worm, Sparkler, Toy Caps, other devices containing 0.8 grains or less of explosive composition such as cigarette loads, trick matches, and other trick noise makers. Further definition may be found in NFPA 11124, appendix C.

“Fireworks Display”. A presentation of fireworks for a public or private gathering.

“Flame Effect”. The combustion of flammable solids, liquids or gases to produce thermal, physical, visual, or audible phenomena before an audience.

“Inhabited Building”. Any building or structure regularly used in whole or part as a place of human habitation or visitation. The term includes any church, school, store, and any other building or structure where people are accustomed to congregate or assemble.

“Magazine” shall mean a building, structure or container, other than an explosives manufacturing building approved for storage of explosive materials, as follows:

Indoor. A portable structure, such as a box, bin or other container, constructed as required for Type 2, 4 or 5 magazines in accordance with NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55 so as to be fire resistant and theft resistant.

Type 1. A permanent structure, such as a building or igloo, that is bullet resistant, fire resistant, theft resistant, weather resistant, and ventilated in accordance with the requirements of NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55.

Type 2. A portable or mobile structure, such as a box, skid-magazine, trailer, or semi trailer, constructed in accordance with the requirements of NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55 that is fire resistant, theft resistant, weather resistant, and ventilated. If used outdoors, a Type 2 magazine is also bullet resistant.

Type 3. A fire-resistant, theft-resistant, and weather-resistant “day box” or portable structure constructed in accordance with NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55 used for the temporary storage of explosive materials.

Type 4. A permanent, portable or mobile structure such as a building, igloo, box, semi trailer, or other mobile container that is fire resistant, theft resistant and weather resistant and constructed in accordance with NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55.

Type 5. A permanent, portable or mobile structure such as a building, igloo, box, bin, tank, semi trailer, bulk trailer, tank trailer, bulk truck, tank truck, or other mobile container that is theft resistant, which is constructed in accordance with NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55.

“Manufacturer.” Any person engaged in the making, manufacture or construction of fireworks of any kind within this municipality.

“Operator” shall mean the person with overall responsibility for the safety, set-up, and discharge of an outdoor fireworks display, any display before a proximate audience and the use of flame effects before an audience.

“Permit” shall mean the written authority issued by the City of Elizabethton and the state fire marshal as set forth in Tennessee Code Annotated §68-104-102.

“Person” shall mean any individual, firm, partnership, or corporation.

“Proximate Audience.” An audience closer to pyrotechnic devices that permitted by NFPA 1123 *Code for Fireworks Display*.

“Retailer” shall mean any person engaged in making retail sales of fireworks at anytime during the year.

“Sale” shall mean an exchange of articles of fireworks for money or other consideration such as barter, exchange, gift, or offer thereof.

“Seasonal Retailer.” Any person engaged in the business of making retail sales of fireworks within this municipality from June 20 through July 5 and December 10 through January 2 of each year.

“Wholesaler” shall mean any person engaged in the business of making sales of fireworks to seasonal retailers. A wholesaler shall not be permitted to make a sale to a retailer.

7-403. Permits and fees. (A) It shall be unlawful for any person to manufacture, sell, offer of sale, ship or cause to be shipped into the City of Elizabethton any item of fireworks without first having secured applicable permits for public displays or seasonal retail sales from the state fire marshal, as required by Tennessee Code Annotated §68-104-102 and from the City Clerk of the City of Elizabethton.

(B) This provision applies to residents as well as nonresidents of this Municipality. No permit shall be required of a consumer to purchase from a seasonal retailer holding the required permit(s) for purchases within this Municipality.

(C) The decision of the city Fire Official as to what type of permit or permits shall be required of each person under this chapter shall be final. No permit shall be issued to any person under (21) twenty-one years of age. All permits shall be for the calendar year or any fraction thereof and shall expire on December 31. A grace period of (2) two days may be allowed each holder of a permit. No permit provided for herein shall be transferable to another person or location unless such transfer shall be approved by the Fire Official. Permits shall be posted conspicuously at the place for which it was issued.

(D) The City Clerk is authorized and direct to charge for permits issued as follows:

Seasonal Retailer.....	\$300.00
Public Display.....	\$100.00

(E) All fees collected for permits shall constitute expendable receipts of the fire prevention division. The Fire Official is charged with the enforcement of this chapter and may call upon the State Fire Marshal, municipal peace officer or code enforcement official for assistance in the enforcement of such chapter.

(F) The City Clerk shall assign a number to each permit issued and each holder of a permit of any of the following classes shall imprint or affix the same to all orders and invoices issued or used by each manufacturer, distributor or wholesaler.

(G) No person shall deliver, sell or ship fireworks into or within this municipality unless the consignee produces the required permit or evidence that the consignee holds such a permit. No seasonal retailer shall purchase fireworks from another person without first requiring proof that the proper permit required of the seller herein has been obtained and is current and valid.

7-403. Permit applications. (A) The exact mailing address and exact address where fireworks are to be sold must be stated on each application and permit. The Fire Official or designated representative shall inspect the location for each permit before a permit is issued to determine if the location meets the requirements of this chapter and reasonably safety standards for the storage and sale of fireworks. The issuance of the permits herein required does not replace or relieve any person of state or county privilege licenses as provided by law. The Fire Official shall require each applicant for a fireworks permit to exhibit a permit or furnish other definite and satisfactory evidence that a proper permit has been issued to the applicant by the State Fire Marshal and that the permit is current and valid.

(B) Public displays, displays before a proximate audience and flame effects before an audience shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such displays issued by the fire official. Applications for permits for such displays shall be made in writing at least (10) ten days in advance of the proposed display, and the application shall detail location and supervision to the satisfaction of the Fire Official. Any demonstration requested by the Fire Official of pyrotechnics to be used for these displays prior to the event for which a permit is requested shall be considered required at a time and place established by the Fire Official. Permits issued shall be limited to the time specified therein and type(s) of pyrotechnics listed in the application and shall not be transferable.

(C) The Fire Official may revoke any permit issued under the provisions of this chapter upon evidence that the holder has violated any provisions of such chapter, and confiscate any pyrotechnic articles affected by such revocation. Before any permit shall be revoked, the Fire Official shall give notice to the permit holder of the intention to do so, by registered mail or by personal service. Such notice shall inform the permit holder of appropriate right to a formal hearing in compliance with requirements of the Municipal Code. The Fire Official may refuse to issue another permit to the holder of a permit, which has been revoked for cause for a period not to exceed three (3) years.

EXCEPTION:

If, in the opinion of the Fire Official or his designated representative there exists a condition which is considered Immediately Dangerous to Life and Safety, a revocation order may be issued and enforced immediately with notification to be completed as soon as reasonably possible thereafter.

7-405. General Restrictions. The following activities are expressly prohibited by this ordinance:

- (1) Manufacturing facilities of any type of pyrotechnic material within this Municipality are expressly prohibited.
- (2) Distribution facilities of any type of pyrotechnic material within this Municipality is expressly prohibited.
- (3) Year-round Retail sales of fireworks within this Municipality is expressly prohibited.
- (4) Wholesale facilities of any type of pyrotechnic material within this Municipality is expressly prohibited.

7-406. Standards for Seasonal Retailers of Fireworks. All fireworks seasonal retailers shall comply with the following:

1. Building Codes and Fire Prevention Codes adopted by the City of Elizabethton.
2. All state laws regarding the sale of fireworks, including Tennessee Code Annotated §68-104-101 et seq.
3. No sales shall be made to any individual who is intoxicated or under the influence of any illegal mind altering substance.
4. Must have a minimum of two (2) 20 BC rated fire extinguishers in each sales area.
5. Must furnish a current certificate of insurance with a minimum of \$2,000,000 in product liability and \$1,000,000 in general liability with the City of Elizabethton being named as an additional insured on the general liability insurance policy.
6. The holder of a Seasonal retailers permit shall comply with any guidelines as set forth by the Fire Official and specifically shall comply at the time of application with the currently adopted code set of this Municipality.
7. The holder of a Seasonal retailers permit shall be authorized to engage in the retail sale of fireworks of the classification DOTn 1.4G (Formerly Known as Class C, Common Fireworks) only during the times specified for Seasonal Retailer in the definitions section above.
8. Locations for Seasonal retail sales shall be limited to businesses, which have a minimum of 50% of total receipts from the sale of Fireworks.
9. Locations for Seasonal retail sales shall be limited to proper permanent structures or tents, which have the appropriate manufacture certificate for flame resistance. Bus or semi-trailer type conversions, which allow entry of the public for the purpose of retail purchase are prohibited.
10. Locations for Seasonal retail sales of fireworks, which do not allow entry of the public and buyers, and are served by a sales clerk, may be portable trailer type conversions.
11. Locations for Seasonal retail sales of fireworks must be in strict compliance with the electrical code. (4g) Locations for Seasonal retail sales of fireworks shall comply with table 1 of this chapter and NFPA 101 Life Safety Code.
12. Storage of Fireworks 1.4G above 1,000 lbs. Gross product weight on premises engaged in the Seasonal retail sale of this product shall be in outdoor type 4 Magazine minimum and shall be located so as to comply with Table 1 Section 7-409 of this chapter.
13. A sales clerk no less than the age of (18) eighteen must be on duty to serve customers at the time of purchase or delivery.
14. It shall be unlawful to offer for sale or to sell any fireworks to individuals under the age of sixteen (16) years.
15. It shall be unlawful to offer for sale or to sell any fireworks to individuals who present themselves to be intoxicated or otherwise irresponsible.
16. Placing, storing, locating or displaying fireworks in any window where the sun may shine through glass onto the fireworks so displayed shall be prohibited.
17. At all places where fireworks are stored or sold the presence of lighted cigars, cigarettes or pipes shall be prohibited and there must be posted adequate signs with a minimum (6") six inch letters with a contrasting background color with the words (FIREWORKS – NO SMOKING OR OPEN FLAMES WITHIN 50 FT.)

7-407. Standards for Public Display Permits. Applications for and holders of a Public Display Permit to include Displays before a proximate audience and flame effects before an audience shall meet the following requirements:

1. Applications for a Public Display Permit shall bear the approval signature of the Chief of the Fire Department and the Chief of the Police Department.

2. Public Displays shall be authorized for fireworks labeled DOTn 1.3G (formerly known as Special Fireworks) only after the appropriate permit has been issued.
3. Public displays shall comply with the guidelines as set forth by the fire official and specifically shall comply at the time of application with the current edition of NFPA 1123 *Code for Fireworks Display* and NFPA 101 *Life Safety Code*.
4. Pyrotechnic special effect devices shall be authorized to be used on stages before proximate audiences for ceremonial or religious purposes, as part of a demonstration in exhibits, or as part of a performance which complies with the guidelines as set forth by the fire official and use of the pyrotechnic device complies with the current edition at the time of application of NFPA 1126 *Standard for the use of pyrotechnics before a proximate audience* and NFPA 101 *Life Safety Code*.
5. Flame effects before an audience shall be permitted in accordance with the guidelines as set forth by the Fire Official and specifically NFPA 160, *Standard for Flame Effects Before an Audience* and NFPA 101 *Life Safety Code*.
6. Any and all permits required by the state of Tennessee for public displays listed in this section shall be presented to the Fire Official before applications are accepted by this Municipality.

7-408. Standards for Novelty Fireworks. Novelty fireworks as defined in this ordinance may only be sold by the holder of a valid Business License issued by the City of Elizabethton.

7-409. Separation Distance Standards Adopted. (A) The following shall be the minimum distances required under this ordinance:

TABLE 1

QUANTITY OF LOW EXPLOSIVES		TABLE OF SEPARATION DISTANCES FOR LOW EXPLOSIVES			
Pounds Over	Pounds not over	Inhabited buildings	Passenger railways and public highways	Separation of magazines	DISTANCES IN FEET
0	1,000	50	75	50	75
1,000	5,000	115	115	75	115
5,000	10,000	150	150	100	150
10,000	20,000	190	190	125	190
20,000	30,000	215	215	145	215
30,000	40,000	235	235	155	235
40,000	50,000	250	250	165	250
50,000	60,000	260	260	175	260
60,000	70,000	270	270	185	270
70,000	80,000	280	280	190	280
80,000	90,000	295	295	195	295
90,000	100,000	300	300	200	300
100,000	200,000	375	375	250	375
200,000	300,000	450	450	300	450

For SI: 1 foot = 304.8 mm,
1 pound = 0.454 kg.

(B) Pursuant to Section 7-207 of the Elizabethton Municipal Code, the Chief Fire Official may exercise discretion when applying the requirements of this Section when circumstances warrant such deviation and the spirit of the code is observed, public safety secured and substantial justice done. Any person seeking deviation must present an application in writing setting forth the reasons.

7-410. Seizure and Destruction of Fireworks. (A) The Fire Official shall seize as contraband any fireworks which are sold, displaced, used or possessed in violation of this chapter and is authorized to destroy fireworks so seized.

(B) Before any seized fireworks may be destroyed:

- (1) If the owner of seized fireworks is known, the Fire Official shall give notice by registered mail to such owner of the intent to destroy such seized materials. Notice shall inform the owner of the owner's right to appeal.
- (2) If the identity of the owner is not known, the Fire Official shall cause to be published, in a newspaper of general circulation in the country where in the seizure was made, notice of such seizure and the intent to destroy such fireworks. The notice shall be published once each week for a period of three (3) consecutive weeks and if no person claims ownership within then (10) days of the date of the last publication, the Fire Official shall proceed to destroy the fireworks. If the owner does claim the fireworks within the time above specified, a proper hearing shall be held.

7-411. Restrictions Governing the Use of Fireworks. The following restrictions apply to the use of fireworks within the corporate limits of the City of Elizabethton.

1. No fireworks shall be ignited or discharged within 600 feet of any church, hospital, or public school, when such facilities are occupied.
2. No fireworks shall be ignited or discharged between the hours of 11:00 p.m. and 12:00 p.m. except on New Year's Eve when the hours shall be extended to 12:30 a.m. on New Year's Day.
3. Fireworks which exceed the limits of the United States Department of Transportation 1.4G as to explosive content or composition, such items being commonly referred to as "illegal ground salutes", are expressly prohibited from shipment into, possession, sale or use within the corporate limits of the City of Elizabethton.
4. No fireworks shall be ignited or discharged within 200 feet of where fireworks are stored, sold, or offered for sale.
5. No fireworks shall be ignited or discharged in a motor vehicle or thrown from such motor vehicle, nor shall any person place or throw any ignited firework device into or at a motor vehicle, any person, or group of persons.
6. No fireworks shall be ignited or discharged by anyone under the age of fourteen (14) year of age unless under direct adult supervision.
7. No fireworks shall be ignited or discharged by anyone under the influence of alcohol or any mind altering drug.
8. No fireworks shall be discharged or ignited within the corporate limits of the City of Elizabethton except for the period from June 20th until July 5th and December 10th until January 2nd of each year.
9. The Fire Marshall of the City of Elizabethton shall have the authority to issue a Special Permit to the Elizabethton High School or other appropriate individuals and organizations, as necessary, to allow for the discharge of fireworks at a period of time other than June 20th through July 5th and December 10th through January 2nd of each year as set forth in Section (8) above, provided, that the applicant shall provide proof of necessary liability coverage, the applicant shall provide oversight during the discharge of the fireworks and the Fire Marshall shall inspect and approve the area to be used for discharge for safety factors.

7-412. Penalties. Any violation of this chapter is a violation of City Ordinance punishable by a fine of \$50.00 and an assessment of court costs of \$50.00.