

CHAPTER 5**FIREWORKS****SECTION**

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7-501. Rules and regulations of state to apply. *Tennessee Code Annotated*, §§ 68-104-101 to 68-104-116, grants to the Tennessee Department of Commerce and Insurance, Division of Fire Prevention, the statutory authority to regulate the sale of fireworks within the State of Tennessee. Said rules and regulations shall apply to the sale of fireworks in the City of Baxter. Proof of compliance with these rules and regulations shall be furnished to the Fire Chief of the City of Baxter or designated representative upon request. (Ord. #2020-18, June 2021, modified)

7-502. Districts where permissible. The sale of fireworks shall be permitted only in areas that are zoned commercial, approved by the fire chief, and must meet all the requirements to sell fireworks, but not within three hundred feet (300') of any school. The sale of fireworks along any other street is expressly prohibited. Firework sales locations shall not be within three hundred feet (300') of another firework sales. (Ord. #2020-18, June 2021, modified)

7-503. Definition of "seasonal sale". "Seasonal sale" is the seasonal sale of fireworks and shall be permitted from June 20 until July 5 and December 10 until January 2 of any given year. "Seasonal sales" of fireworks shall be defined as taking place within a tent or other structure approved by the fire chief (or designated representative). (Ord. #2020-18, June 2021)

7-504. General rules and regulations. (1) All tents used for the sale of fireworks shall be of fire-retardant material and display proof of same.

(2) All tents or other temporary structures used for the sale of fireworks shall be located a minimum of fifteen feet (15') from any other structure.

(3) All tents or other temporary structures used for the sale of fireworks shall be located a minimum of fifteen feet (15') from any public street or right-of-way.

(4) All lighting and other electrical facilities used in association with tents or temporary structures shall be approved by the state electrical inspector or city codes inspector.

(5) All locations used for the sale of fireworks shall maintain on premises with a fire extinguisher in operative status.

(6) Parking shall not be permitted on public streets or in such a way as to interfere with the visibility of vehicles using said streets.

(7) All vehicles shall be located a minimum of fifteen feet (15') from any fireworks sales.

(8) Fireworks sales shall meet all currently adopted fire codes.

(9) Any unmanned device with a fuel source that incorporates an open flame (sky lantern) in order to make the device airborne shall be strictly prohibited for sale or possession. (Ord. #2020-18, June 2021)

7-505. Permits required and procedures. Any individual or firm wanting to sell fireworks within the corporate limits of the City of Baxter shall purchase a Baxter transient business license from the city clerk and a fireworks permit from the Baxter Fire Chief (or designated representative). The sale of fireworks requires a permit from the Tennessee State Fire Marshal. The forms necessary to obtain such permits are available at the office of the Baxter Fire Chief. Upon obtaining the permit from the office of the state fire marshal, the applicant shall present the approved application and Baxter transient business license to the fire chief (or designated representative), who shall then inspect the site of the proposed fireworks sale. If the site is in conformance with all applicable rules and regulations, the fire chief (or designated representative) shall approve it for such use. The site shall not sell any firework prior to being approved and obtaining all necessary permits and transient business licenses. (Ord. #2020-18, June 2021, modified)

7-506. Fees. Prior to issuance of a fireworks permit by the Baxter Fire Chief (or designated representative), the applicant shall have paid a fee of five hundred dollars (\$500.00) for the seasonal sale of fireworks. A separate permit for seasonal sales and appropriate fees shall be paid for each of the periods listed above. (Ord. #2020-18, June 2021, modified)

7-507. Discharge of fireworks. It shall be unlawful for anyone to fire, set off or otherwise discharge fireworks within the City of Baxter limits, except in cooperation with an established organization and in celebration of a special event or holiday and with not less than ten (10) days' notice, to the city recorder, police and fire chief and the securing of a properly issued permit.

Other exceptions are as follows: five (5) days prior to, and three (3) days after the 4th of July, Christmas, and New Year's Day. Fireworks shall not be set off after 11:00 P.M. on any day. Fireworks can be banned on any day due to, but not limited to, weather conditions, and special events, at the fire chief's

discretion. No fireworks shall be set off that would disrupt the peace or cause damage to property. (Ord. #2020-18, June 2021)

7-508. Novelty and consumer fireworks. (1) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property or the property of another person without that person or organization's express permission to use the consumer fireworks on those premises.

(2) A person shall not use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of the above.

(3) Consumer fireworks shall not be used if a burn ban is in effect.

(4) Consumer fireworks shall be used in a safe and responsible manner, including having sufficient distance between structures and other areas that could potentially cause a fire hazard. (Ord. #2020-18, June 2021)