



CITY OF TULLAHOMA

Department of Planning and Codes

321 North Collins Street, Tullahoma, TN 37388

Phone: 931-455-2282 Fax: 931-454-1765

Fireworks Display Permit Application

(Storage, Display, and Location of fireworks shall be in Compliance with Ordinance 1280, Chapter 6 of the Tullahoma Municipal Code, and all other applicable codes of the City of Tullahoma)

Location of Tent _____

Mandatory Seasons/Fees

Summer Period	\$1,000_____	Approved_____	Date_____
Winter Period	\$500_____	Approved_____	Date_____
Electrical (Tent)	\$32_____	Approved_____	Date_____
Deposit	\$100_____	Approved_____	Date_____

Optional Fees

*Temporary Electrical Pole \$32_____ Approved_____ Date_____

**If generator is not used*

Required Documentation A copy of these documents *MUST* accompany application

- Property Lease Agreement Certificate of Liability Insurance Tent Placement Site Plan
- Certificate of Flame Retardant TN Fireworks Permit Issued by State of Tennessee

Applicant Information

Applicant: _____ Date: _____

Mailing Address: _____

City: _____ State/Zip: _____

Daytime Phone: _____ Cell Phone: _____

Email: _____

Tent Operator Contact Name: _____

Phone: _____

This permit is issued in compliance with the regulations contained in the City of Tullahoma Municipal Code. Failure to remain in compliance with this code shall constitute grounds to revoke this permit.

Applicant Signature

Date

Planning & Codes Director

Date

Fire Chief

Date



CITY OF TULLAHOMA

Department of Planning and Codes

P. O. Box 807, 321 North Collins Street, Tullahoma, TN 37388

Phone: 931-455-2282 Fax: 931-454-1765

FIREWORKS SALES TENT INSPECTION CHECKLIST

Location of Tent: _____

Applicant Information

Applicant: _____ Date: _____

Mailing Address: _____

City: _____ State/Zip: _____

Operator Contact Name: _____ Contact #: _____

Requirements *All of these items MUST be in place prior to inspection and opening to the public*

- | | |
|--|---|
| <input type="checkbox"/> 45ft from R.O.W. | <input type="checkbox"/> Parking (12 vehicles) |
| <input type="checkbox"/> Toilet Facilities | <input type="checkbox"/> Two (2) means of Egress (Marked) |
| <input type="checkbox"/> No Smoking Signs Posted | <input type="checkbox"/> Notifying Public of Requirements |
| <input type="checkbox"/> 60ft from Nearest Occupied Building | <input type="checkbox"/> 7-612 Children, Unlawful Sale & Use |
| <input type="checkbox"/> 150ft from Nearest Residence | <input type="checkbox"/> 7-613 Limited Time Period |
| <input type="checkbox"/> 100ft from Fuel Source | <input type="checkbox"/> 7-614 Penalty for Violation |
| <input type="checkbox"/> 750ft from Similar Uses | <input type="checkbox"/> No Smoking Signs Posted |
| <input type="checkbox"/> Flame Retardant Tent | <input type="checkbox"/> 10lb Fire Ext. ABC Centrally Located |
| <input type="checkbox"/> Electrical Inspection | State of TN Req's 2.5 Gal. Press. Water |

PLEASE POST THIS INSPECTION CHECKLIST IN AN AREA ACCESSIBLE TO INSPECTORS

Planning & Codes Building & Codes Inspector

Date

Fire Marshall

Date

State Electrical Inspector

Date

CHAPTER 6

FIREWORKS

SECTION

- 7-601. Definitions.
- 7-602. Permits and permit fees.
- 7-603. Separate sales and use tax numbers required.
- 7-604. Permit revocation.
- 7-605. Permissible fireworks.
- 7-606. Sale of fireworks.
- 7-607. Storing and structures.
- 7-608. Limitations on structures.
- 7-609. Location of fireworks outlets.
- 7-610. Parking for retail fireworks sales site.
- 7-611. Additional standards for fireworks retailers.
- 7-612. Children, unlawful sale and use of fireworks.
- 7-613. Limited time period to use fireworks.
- 7-614. Penalty for violation.

7-601. Definitions. (1) As used in this chapter, unless the content otherwise requires:

(a) "D.O.T. 1.4G Consumer Fireworks" means all articles of fireworks as are now or hereafter classified as 1.4G or formerly referred to as "D.O.T. Class C Common Fireworks" in the regulations of the United States Department of Transportation.

(b) "Mobile retailer" means a vendor operating from motor vehicles, trailers, bicycles, or motor bikes.

(c) "Permit" means the written authority of the City of Tullahoma issued under the authority of this section.

(d) "Person" means any individual, firm, partnership, or corporation.

(e) "Retailer" means any person engaged in the business of making retail sales of fireworks to the general public.

(f) "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 (1) or more individual(s).

(g) "State Fire Marshal permit" means the appropriate fireworks permit issued by the Tennessee Fire Marshal under the authority of Tennessee Code Annotated, § 68-104-101, et seq.

(2) Singular words and plural words used in the singular include the plural and the plural as singular. (as added by Ord. #1280, March 2004)

7-602. Permits and permit fees. (1) It shall be unlawful for any person to sell, offer for sale, ship, or cause to be shipped, into the City of Tullahoma any item of fireworks without first having secured a state fire marshal permit, and a permit issued by the City of Tullahoma.

(2) Permits are not transferable.

(3) A permit (to sell fireworks to the general public) shall be valid only from June 20 through July 9 or December 21 through January 5.

(4) The City of Tullahoma shall charge a permit fee in the amount of one thousand dollars (\$1,000.00) for the summer period and five hundred dollars (\$500.00) for the winter period as provided for in this section for retail permits.

(5) The fee for public display events using Special Display (1.3G) fireworks shall be five dollars (\$5.00).

(6) The fee schedule may be revised from time to time by adoption of the annual budget ordinance and fee schedules.

(7) Community groups such as schools, weddings, business, and civic clubs who desire to have a group display of 1.3G Special Display or 1.4G Consumer Fireworks may obtain a permit to use fireworks for any time of the year if a five dollar (\$5.00) permit is obtained from the City of Tullahoma.

(8) A permit to sell fireworks in the City of Tullahoma must be obtained at least one (1) week prior to the date on which the applicant desires to begin making sales. Each application shall contain the following:

(a) Name, address, and telephone number of applicant. The applicant must be the natural person who will operate or be responsible for sales. The applicant's name shall also be the same as the name on the state fire marshal permit. The applicant shall be liable for all violations of this ordinance by persons under their supervision. A copy of the state fire marshal permit. (In order for a state permit to be obtained by a retailer, the city administrator, or mayor must sign in behalf of the retailer an application for fireworks permit that the state requires before a state permit is issued to a retailer for a specific location.)

(b) Any person that applies for a retail fireworks permit must show proof that a state sales tax number has been obtained for sales tax purposes.

(c) A site plan must be submitted that includes the dimensions of the lot, size and location of structure, setback of structure from the right-of-way, location of adjacent structures that are occupied, location and number of the parking places, location of any nearby residences, location of adjacent fuel outlets and location of other fireworks outlets if located within seven hundred fifty (750) feet of a retail structure.

(d) Mobile vendors are not permitted.

(e) Flashing signs are not permitted.

(f) One double-faced sign is permitted, however, each sign face shall not exceed thirty-six (36) square feet.

(g) Evidence that general liability insurance has been obtained by applicant naming the City of Tullahoma as additional insured for at least two million dollars (\$2,000,000) for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage liability combined.

(h) The location where the applicant will conduct the business of selling fireworks and the dates for which the right to do business is desired.

(i) Applicant shall pay one hundred dollars (\$100.00) clean-up deposit per location, which shall be refunded after the fireworks season, or used by the city to clean up the retail fireworks site, if needed.

(j) After the application has been submitted and approved, a city codes inspector shall inspect the site for compliance. (as added by Ord. #1280, March 2004)

7-603. Separate sales and tax numbers required. A separate sales and use tax number shall be required for each location where consumer fireworks are sold. (as added by Ord. #1280, March 2004)

7-604. Permit revocation. The codes director and/or fire official shall be authorized to revoke any permit upon failure of retailer to correct any of the following conditions within thirty six (36) hours after written notice is given by the codes director.

(1) In the event that the permittee or the permittee's operator violates any lawful rule, regulation, or order of the City Codes Director of Tullahoma.

(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 any fireworks ordinance or statute.

(5) In the event any activities of the permittee constitute a distinct hazard to life or property, the permit may be revoked immediately by said codes director and/or fire official. (as added by Ord. #1280, March 2004)

7-605. Permissible fireworks. It is unlawful for any individual, firm, partnership, or corporation to possess, sell, or use within the City of Tullahoma or ship into the city, except as provided in this chapter, any pyrotechnics commonly known as "fireworks" other than the following permissible items:

(1) Those items now or hereafter classified by the U.S. Department of Transportation as 1.4G Consumer 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.

(3) Any display event using 1.3G Display Fireworks must be under the control of a licensed pyrotechnics technician. (as added by Ord. #1280, March 2004)

7-606. Sale of fireworks. Permissible items or fireworks may be sold within the City of Tullahoma only from June 20 through July 5 and December 21 through January 1 of each year. (as added by Ord. #1280, March 2004)

7-607. Storing and structures. No person shall smoke within a structure where fireworks are sold. No person selling fireworks shall permit the presence of lighted cigars, cigarettes, or pipes within a structure 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 (4) inches high. An inspected and currently tagged 10# ABC rated portable fire extinguisher must be present at each retail fireworks site. Fireworks sold at retail shall only be sold from a free-standing structure. Fireworks are not permitted to be stored in residential districts, except for personal use. (as added by Ord. #1280, March 2004)

7-608. Limitations on structures. Tents meeting the current adopted Standard Building Code and Standard Fire Prevention Code may be used for the retail sale of fireworks. No structure from which fireworks are sold shall exceed three thousand two hundred (3,200) square feet. Fireworks may not be stored in a permanent building unless the building has a sprinkler system and is constructed of non-flammable materials such as metal or concrete block. (as added by Ord. #1280, March 2004)

7-609. Location of fireworks outlets. Fireworks sales structures shall be no closer than sixty (60) feet from any occupied building. Fireworks sales are only permissible on commercial/industrial property as approved by the planning department and the sales structure must be located a minimum of forty-five (45) feet from the right of way. Any fireworks sales structure must be at least one hundred fifty (150) feet from a residence. Fireworks sales are not allowed on any property where there is an existing retail business that is operated from a building in excess of one hundred twenty five thousand (125,000) square feet. (as added by Ord. #1280, March 2004)

7-610. Parking for retail firework sales site. The site for a fireworks retailer shall be improved to provide at least twelve (12) graveled or paved parking places for off street and right-of-way 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. (as added by Ord. #1280, March 2004)

7-611. Additional standards for fireworks retailers. (1) Any site for a fireworks retailer must be located so that all parts of the structure and fireworks inventory on the site are no closer than one hundred (100) feet to any fuel source.

(2) The parcel in which a fireworks retail use is required shall be a minimum of seven hundred and fifty (750) feet from other similar uses. This distance shall be measured the closest distance from structure to structure. Priority shall be given to the retailer who obtained a permit the previous year at the same location.

(3) Each retailer must provide for each site toilet facilities for the retailer's employees.

(4) Each retailer must conspicuously post a sign notifying the public of the requirements of the §§ 7-612, 7-613 and 7-615. Said signs shall not exceed six (6) square feet in size and shall not contain advertising.

(5) Each retailer shall provide adequate generators, which shall be placed no closer than ten (10) feet from any tent or structure, and protected from rain. (as added by Ord. #1280, March 2004, and amended by Ord. #1302, Nov. 2004)

7-612. Children, unlawful sale and use of fireworks. 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 or seemingly irresponsible person. It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, assisted living facility, nursing home, hospital, funeral home, public or private academic structure, or within two hundred (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 or throw any ignited article of fireworks into or at such motor vehicle, or at or near any person or group of persons. A user of fireworks shall not 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 property of persons who have not given permission. Fireworks shall not be used at times, places, or in any manner, which adversely affects other persons. Fireworks shall not be used during a burning ban declared by either the State of Tennessee or the Tullahoma Fire Department, except for public (and/or group) displays for which permits have been granted. (as added by Ord. #1280, March 2004)

7-613. Limited time period to use fireworks. It shall be unlawful to discharge or use fireworks except for the following time periods:

(1) July 1 through July 4 --- The permissible hours shall only be from 10:00 A.M. to 10:30 P.M. except for July 4 when the permissible hours shall be from 10:00 A.M. to 11:30 P.M.

(2) December 31 and January 1 -- The permissible hours shall only be from four (4) hours before and one (1) hour after the start of the new year. (as added by Ord. #1280, March 2004)

7-614. Exclusions. Nothing in this chapter shall be construed to prohibit:

(1) The sale of any kind of fireworks which are to be shipped directly out of the corporate limits of the city in accordance with the regulations of the United States Department of Transportation covering the transportation of explosives and other dangerous articles by motor, rail, and water.

(2) The use of fireworks by railroads or other transportation agencies for signal purposes or illumination.

(3) The sale or use of blank cartridges for theater, or sporting events.

(4) The use of fireworks for military operations of agencies of the state or federal government.

(5) The use of fireworks for agricultural purposes under conditions approved by the fire chief or his designee.

(6) Supervised displays of fireworks or hereinafter provided. (as added by Ord. #1280, March 2004)

7-615. Penalty for violation. All individuals that violate any provision of this chapter shall be guilty of an offense and upon conviction shall be punished by a fine not to exceed fifty dollars (\$50.00) plus costs. Each violation or transaction shall be considered a separate violation. (as added by Ord. #1280, March 2004)