



## Fireworks

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## Fireworks

**Reference Number:** MTAS-73

The state requires anyone manufacturing, distributing, selling, or displaying fireworks to have a permit issued by the state fire marshal. An application for a retailer's permit must be accompanied by a statement that selling fireworks within its county or municipality is permissible. The statement must be signed by the mayor or an appointee responsible for enforcing this requirement. It is illegal to sell any fireworks in a county or municipality where sale has been made illegal by ordinance or law. It also is illegal to ship fireworks for sale at retail into one of those municipalities or counties. T.C.A. §§ 68-104-105. The minimum age to purchase common fireworks is 16. Persons 16 or 17 who wish to buy these fireworks must show a state-issued ID or be accompanied by an adult. Municipalities may adopt the offense of selling fireworks to an underaged person by reference. T.C.A. §§ 68-104-112 and 114.

In counties where sales are not prohibited, a city may by private act or ordinance regulate, restrict, or totally prohibit the sale of fireworks within the city. T.C.A. §§ 68-104-116. Retail sales of Class C common fireworks are prohibited in any county of more than 335,000 population except in any city therein with a population of 600 to 620 that permitted such sales before 1984, or unless the retailer has been selling fireworks annually at the stand for at least 45 years. T.C.A. § 68-104-112(a)(4).

### **Display Fireworks**

T.C.A. §§ 68-104-201, *et seq.*, establish a state program of licensing display fireworks (Class B or 1.3) exhibitors and a certification program for display fireworks operators.

Exhibitors must file an application with the state and carry a minimum of \$1 million in general liability insurance for the benefit of any person injured by a fireworks display. Operators, or the people who actually shoot the fireworks, must be trained and certified.

A municipality performing a fireworks display need not be a licensed exhibitor but must have a certified operator supervising or discharging the display, show proof of insurance, and have the fireworks supplied by a licensed exhibitor. Prior to any public fireworks display, an application must be filed with the state fire marshal at least 10 days prior to the display. T.C.A. § 68-104-211.

Municipalities may enforce local regulations relating to displays of fireworks. Municipalities also may adopt the criminal provisions of the law as an ordinance violation. Local ordinances also may regulate the storage of these fireworks.

A display permit application must bear the "signed" approval of the chief supervisory official of the fire department. Written notification must be sent to chief law enforcement officer. T.C.A. § 68-104-211.

*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

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