

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE PROVISIONS ADOPTED.
2. FIREWORKS.

CHAPTER 1

FIRE PROVISIONS ADOPTED

SECTION

7-101. Fire codes adopted.

7-101. Fire codes adopted. The 2018 International Fire Code² and the NFPA 101, Life Safety Code,³ 2018 edition, are hereby adopted by reference and included herein as part of the municipal code. (Ord. #15-6, Jan. 2016, modified)

¹Municipal code reference
Building, utility and residential: title 12.

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

³Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

CHAPTER 2

FIREWORKS

SECTION

- 7-201. Definitions.
- 7-202. Permits and permit fees.
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- 7-204. Unlawful sale to certain children and other persons; unlawful use.
- 7-205. Limited time period to use fireworks.
- 7-206. Manufacturing firework prohibited.
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7-201. Definitions. As used in this chapter, unless the content otherwise requires:

(1) "Fireworks" means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of:

(a) All articles of fireworks classified as 1.4G, or referred to as "consumer fireworks" or "Class C common fireworks;"

(b) Theatrical and novelty, classified as 1.4G; or

(c) Display fireworks, classified as 1.3G, as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulation, 49 CFR parts 171-180.

(d) Exceptions:

(i) Toy caps for use in toy pistols, toy canes, or toy guns, and novelties and trick noisemakers manufactured in accordance with DOT regulations, 49 CFR 173.100(p), and packed and shipped according to those regulations;

(ii) Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models; and

(iii) Propelling or expelling charges consisting of a mixture of sulfur, charcoal, saltpeter are not considered as designed to produce audible effects.

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

(3) "Permit" means the written authority of the city issued under the authority of this section.

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

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

(6) "Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer and each such transaction made by

any person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one (1) or more individual(s).

(7) "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.* (Ord. #17-12, Feb. 2018)

7-202. Permits and permit fees. (1) It is unlawful for any person to sell or to offer for sale in the Town of Chapel Hill any item of fireworks without first having secured a state fire marshal permit and a permit issued by the Town of Chapel Hill.

(a) Permits are not transferable.

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

(c) The permit fee for retail permits is five hundred dollars (\$500.00).

(2) A permit to sell fireworks in the Town of Chapel Hill must be obtained at least one (1) week prior to the date on which the applicant begins making sales. Each application shall contain the following:

(a) The application must include the name, address, and telephone number of applicant.

(b) The applicant must be the natural person who will operate or be responsible for sales.

(c) The applicant's name must be the same as the name on the state fire marshal permit.

(d) The applicant is liable for all violations of this chapter by persons under his/her supervision.

(3) A copy of the state fire marshal permit. (For a state permit to be obtained by a retailer, the 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.)

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

(5) After the application has been submitted and approved, a town codes inspector or the fire chief or his designee shall inspect the site for compliance with applicable codes and ordinances. (Ord. #17-12, Feb. 2018)

7-203. Permit revocation. (1) The codes director or fire official may revoke any permit upon failure of retailer to correct any of the following conditions within thirty-six (36) hours after the codes director gives written notice:

(a) When the permittee or the permittee's operator violates any lawful rule, regulation, or order of the city codes director.

(b) When the permittee's application contains any false or untrue statements.

(c) When the permittee fails to timely file any report or pay any tax, fee, fine, or charge.

(d) When the permittee or the permittee's operator violates any fireworks ordinance or statute.

(2) When any activities of the permittee constitute a distinct hazard to life or property, the codes director or fire official, or both, may revoke the permit immediately. (Ord. #17-12, Feb. 2018)

7-204. Unlawful sale to certain children and other persons; unlawful use. (1) It is 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 person.

(2) It is unlawful to explode or ignite fireworks within six hundred feet (600') of any church, assisted living facility, nursing home, hospital, funeral home, public or private school academic structure, or within two hundred feet (200') of where fireworks are stored, sold, or offered for sale without prior approval by the town administrator or mayor.

(3) It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle.

(4) It is unlawful to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons.

(5) It is unlawful to use fireworks at times, places, or in any manner that endangers other persons.

(6) 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 organization's or person's express permission to use those fireworks on those premises. "Property of another person" includes hotel and motel property, apartment property, and condominium property, where an owner, management company, or association has or retains authority and control over the use of the property or common areas.

(7) No adult person other than the person igniting, discharging, or using a consumer firework shall be within twenty-five feet (25') of a consumer firework that is being ignited, discharged, or used, and no minor shall be within fifty feet (50') of a consumer firework that is being ignited, discharged, or used, unless such adult or minor is on his or her own neighboring property. Any person with control over the property who allows any adult or minor to violate this subsection shall also be in violation of this subsection.

(8) It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the Town of Chapel Hill Fire Department, except for public (and/or group) displays for which permits have been granted. (Ord. #17-12, Feb. 2018)

7-205. Limited time period to use fireworks. It is unlawful to discharge or use fireworks except for the following time periods.

(1) June 28 through July 4. The permissible hours are from 10:00 A.M. to 10:00 P.M., except for July 4, when permissible hours are from 10:00 A.M. to 12:00 A.M. on July 5.

(2) December 31 and January 1. The permissible hours are from 8:00 P.M. on December 31 to 1:00 A.M. on January 1. (Ord. #17-12, Feb. 2018)

7-206. Manufacturing firework prohibited. No person shall manufacture any firework with the town. (Ord. #17-12, Feb. 2018)

7-207. Violations and penalty. (1) Violations of any provision of this chapter shall be subject to a penalty of up to fifty dollars (\$50.00) per violation. Officials may also confiscate fireworks being used unlawfully.

(2) Enforcement of §§ 7-204, 7-205, and 7-206 shall be conducted by police officers of the Chapel Hill Police Department.

(3) Any individual who fails to cease the discharge or use of fireworks after receiving a lawful command from a peace officer shall be charged with disorderly conduct under *Tennessee Code Annotated*, § 39-17-305. (Ord. #17-12, Feb. 2018)