

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. INTERNATIONAL FIRE CODE.
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4. FIREWORKS.

CHAPTER 1

INTERNATIONAL FIRE CODE

SECTION

- 7-101. International Fire Code adopted and made available in the recorder's office.
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- 7-106. Violations and penalties.

7-101. International Fire Code adopted and made available in recorder's office. Pursuant to the authority of Tennessee Code Annotated, §§ 6-54-502, 6-54-503 and 6-54-504, the International Fire Code, 2003 edition, as published by the International Code Council,² is hereby adopted and incorporated in its entirety by reference with all regulations, provisions, penalties, conditions and terms adopted and made part hereof as if fully set forth herein. One (1) copy of the International Fire Code, 2003 edition, has been and now is filed in the office of the town recorder, and the provisions thereof shall be controlling within the town. (Ord. #2002-07, Feb. 2002, as replaced by Ord. #2005-23, Feb. 2005)

7-102. Enforcement. The international fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1990 Code, § 7-102, modified)

¹Municipal code reference

Building, utility and residential codes: title 12.

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

7-103. Definition of "municipality." Whenever the word "municipality" is used in the international fire code herein adopted, it shall be held to mean the Town of Pegram, Tennessee. (1990 Code, § 7-103, modified)

7-104. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1990 Code, § 7-104)

7-105. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the international fire code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1990 Code, § 7-105, modified)

7-106. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. It shall be a civil offense for any person to violate or fail to comply with any provision of this chapter, as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a fine of fifty dollars (\$50.00) for each offense, or up to the maximum amount which the legislature of the State of Tennessee may hereafter establish. Each day a violation is allowed to continue shall constitute a separate offense. Any fine imposed is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of the town. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1990 Code, § 7-106, modified, as replaced by Ord. #2005-23, Feb. 2005)

CHAPTER 2

FIRE DEPARTMENT¹

SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Objectives.
- 7-203. Organization, rules, and regulations.
- 7-204. Records and reports.
- 7-205. Tenure and compensation of members.
- 7-206. Chief responsible for training and maintenance.
- 7-207. Fire marshal.
- 7-208. Fire marshal to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. The assets of the Pegram Fire Department, a not for profit organization, including but not limited to, fire trucks, accessories and other fire fighting tools, together with all the encumbrances are made property and obligations of the town. All future apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the board of mayor and aldermen shall appoint. (1990 Code, § 7-301, modified)

7-202. Objectives. The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1990 Code, § 7-302)

7-203. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the

¹Municipal code reference

Special privileges with respect to traffic: title 15, chapter 2.

fire department, under the direction of the board of mayor and aldermen. (1990 Code, § 7-303)

7-204. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor as the mayor requires. The mayor shall submit a report on those matters to the board of mayor and aldermen as the board of mayor and aldermen requires. (1990 Code, § 7-304)

7-205. Tenure and compensation of members. The chief shall have the authority to suspend any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor. However, only the board of mayor and aldermen shall dismiss either the fire chief or subordinate officers and firemen. (1990 Code, § 7-305)

7-206. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of mayor and aldermen. (1990 Code, § 7-306)

7-207. Fire marshal. There is hereby established the position of Fire Marshal of the Town of Pegram. Such fire marshal shall be appointed by the board of mayor and alderman upon the recommendation of the fire chief. Such fire marshal shall be deemed an officer subordinate to the fire chief and shall be subject to the authority and control of the fire chief established in §§ 7-205 and 7-206 of the Pegram Municipal Code. (1990 Code, § 7-308, as replaced by Ord. #2015-105, May 2015)

7-208. Fire marshal to be assistant to state officer. Pursuant to the requirements of Tennessee Code Annotated, § 68-102-108, the fire marshal is designated as an assistant to the State Commissioner of Commerce and Insurance and is subject to all duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (as added by Ord. #2015-105, May 2015)

CHAPTER 3

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

7-301. Restrictions on fire service outside town limits..

7-301. Restrictions on fire service outside town limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the town limits unless the fire is on town property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the town as to endanger the town property, or unless the board of mayor and aldermen has developed policies for providing emergency services outside of the town limits or entered into a contract or mutual aid agreement pursuant to the authority of

- (1) The Local Government Emergency Assistance Act of 1987.¹

¹Charter references

This authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

This statute, as amended, does not require written agreements between the local governments, but authorizes them to develop policies and procedures for requesting and responding to requests for emergency assistance, including provisions for compensation for service rendered.

The statute specifies which municipal officers may request and respond to requests for emergency assistance and provides for the appointment by municipal governing bodies of additional municipal officers with the same authority.

The statute provides that the senior officer of the requesting party will be in command at the scene of the emergency.

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its employees shall be liable for any property damage or bodily injury at the actual scene of any emergency due to actions performed in

(continued...)

- (2) Tennessee Code Annotated, § 12-9-101 et seq.¹
- (3) Tennessee Code Annotated, § 6-54-601.² (1990 Code, § 7-401)

(...continued)

responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

¹Charter references

Tennessee Code Annotated, § 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with individual fire departments to furnish one another with fire fighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide the latter with firefighting assistance. (3) Provide fire protection outside their city limits to either areas or citizens on an individual contractual basis whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided.

²Tennessee Code Annotated, § 12-9-101, et seq. is the Interlocal Governmental Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Purpose.
- 7-402. Definitions.
- 7-403. Permissible types of fireworks.
- 7-404. Permit required.
- 7-405. Sale of fireworks.
- 7-406. Permit fee.
- 7-407. Privilege licenses required.
- 7-408. Conditions for sale and use of permissible articles.
- 7-409. Retail sale of permissible items, time limitations, exemptions.
- 7-410. Public displays, permits, regulation.
- 7-411. Regulations governing storing, locating, or display of fireworks.
- 7-412. Sign regulations.
- 7-413. Unlawful acts in the sale, handling, or private use of fireworks.
- 7-414. Seizure and destruction of fireworks.
- 7-415. Penalty for violation.
- 7-416. Exceptions to application.

7-401. Purpose. The purpose of this chapter is to provide for the regulation of the manufacture, sale, display and use of certain fireworks for both private and public display within the municipal limits of the Town of Pegram, Tennessee (hereinafter referred to as Pegram or the Town of Pegram), setting certain guidelines that shall provide for the general safety and welfare of its citizens. (as added by Ord. #2004-09, April 2004)

7-402. Definitions. As used in this chapter, the following terms shall have the meaning ascribed to them herein, unless the context clearly indicates otherwise, and words used in the singular include the plural, and the plural as singular:

(1) "Authority Having Jurisdiction" (hereinafter "AHJ") means the Pegram Fire Chief, or his designee;

(2) "Banner" means a sign having the copy applied to cloth, paper or fabric of any kind with only such material for a backing and shall include, but not be limited to, animated and/or fluttering devices designed to attract attention;

(3) "Distributor" means 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, seasonal retailer, or any person who receives, brings or imports any fireworks of any kind, in any manner, into

Pegram except to a holder of a manufacturer's, distributor's, or wholesaler's permit issued by the state fire marshal and the AHJ;

(4) "DOT Class C common fireworks" means all articles of fireworks as are now or hereafter classified as DOT Class C common fireworks in the regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles;

(5) "Manufacturer" means any person engaged in the making, manufacturing, or construction of fireworks of any kind within Pegram;

(6) "Permit" means the written authority of the AHJ issued under the authority of this chapter;

(7) "Person" means any individual, firm, partnership, or corporation;

(8) "Retailer" means any person engaged in the business of making retail sales of fireworks at any time during the year;

(9) "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 individuals;

(10) "Seasonal retailer" means any person engaged in the business of making retail sales of fireworks within Pegram from June 20 through July 5 and December 10 through January 2 of each year;

(11) "Special fireworks" means all articles of fireworks that are classified as Class B explosives in the regulations of the United States Department of Transportation and includes all articles other than those classified as Class C; and

(12) "Wholesaler" means any person engaged in the business of making sales of fireworks to a seasonal retailer. A wholesaler shall not be permitted to make a sale to a retailer. (as added by Ord. #2004-09, April 2004)

7-403. Permissible types of fireworks. It shall be unlawful for any person to possess, sell or use within Pegram or ship into Pegram, 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 as DOT Class C common fireworks; and

(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. (as added by Ord. #2004-09, April 2004)

7-404. Permit required. (1) It shall be unlawful for any person to sell, offer for sale, ship or cause to be shipped or received into Pegram, except as herein provided, any item of fireworks without first having secured the required applicable permits from both the Town of Pegram and the state fire marshal; possession of said permits being hereby made a condition prerequisite to selling

or offering for sale, shipping or causing to be shipped any fireworks into Pegram, unless otherwise provided herein. Permits issued under this section shall be non-transferable. No permit shall be issued for manufacturing of fireworks within the Town of Pegram, as the same is prohibited. No permit shall be issued to a person under eighteen (18) years of age. The permit shall be valid for thirty (30) days from issue date. A seasonal retailer shall present any and all applicable municipal, county and state permits at such time as the temporary use site is inspected by the building inspector and AHJ, and at any time thereafter upon demand, and shall post at all times any and all permits issued by the Town of Pegram and the State of Tennessee.

(2) A permit applicant shall provide evidence that general liability insurance has been obtained by the applicant, which designates Pegram as an additional insured, for no less than one million dollars (\$1,000,000.00), per occurrence, for both bodily injury and property damage liability.

(3) Prior to issuance of any permit, a permit applicant shall provide to the AHJ a site plan, including lot dimension, tent dimension and location, location of adjacent structures, and location of parking area. (as added by Ord. #2004-09, April 2004)

7-405. Sale of fireworks. (1) Fireworks shall be sold only in the C-1 District. A permit, as required under § 7-404 of this chapter, is hereby made a condition prerequisite to selling or offering for sale, shipping or causing to be shipped any fireworks into the Town of Pegram.

(2) The seasonal retailer must comply with all aspects of the fire code adopted by Pegram and all state fire code regulations as shall pertain to the sale of fireworks. The seasonal retailer also shall comply with all regulations promulgated by the AHJ. (as added by Ord. #2004-09, April 2004)

7-406. Permit fee. (1) The AHJ is authorized and directed to charge a fee for the permit required in § 7-404 of this chapter in the amount of one thousand dollars (\$1,000.00). The said fee is reasonable and necessary to defray the cost of inspections required to insure and protect the safety, health and welfare of the community.

(2) Pursuant to Pegram Zoning Ordinance 2.020 (Article II-3), a building permit shall be required for any tent erected for the purposes provided under this chapter, and a fee shall be charged in accordance with Pegram Zoning Ordinance 7.030(B) (Article VII-3). (as added by Ord. #2004-09, April 2004)

7-407. Privilege licenses required. The issuance of permits herein required shall not replace nor relieve any person of state, county, or municipal privilege licenses as provided by law. (as added by Ord. #2004-09, April 2004)

7-408. Conditions for sale and use of permissible articles. (1) No permissible articles of common fireworks shall be sold, offered for sale, or possessed within Pegasus, or used within Pegasus, except as herein provided in § 7-410, unless it is properly named and labeled to conform to the nomenclature of § 7-403 and unless it is certified as common fireworks on all shipping cases and by imprinting on the article or retail container DOT Class C common fireworks, such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.

(2) The regulations of the state fire marshal relative to the possession and sale of fireworks, as well as storage and safety requirements, are incorporated herein by reference as if set forth verbatim, together with the fire code, and attain full force and effect within Pegasus. (as added by Ord. #2004-09, April 2004)

7-409. Retail sale of permissible items, time limitations, exceptions. Permissible items of fireworks, as provided for in § 7-403, may be sold by a seasonal retailer in the Town of Pegasus from June 20 through July 5 and December 10 through January 2 of each year, except that fireworks do not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five one-hundredths (25/100) grains or less of explosive compounds are used; provided, they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five one-hundredths (25/100) grains of explosive compounds, cone, bottle, tube, and other type serpentine pop-off novelties, model rockets, wire sparklers containing not over one hundred (100) grams of composition per item (sparklers containing any chlorate or perchlorate salts may not exceed five (5) grams of composition per item), emergency flares, matches, trick matches and cigarette loads, the sale and use of which shall be permitted at all times. (as added by Ord. #2004-09, April 2004)

7-410. Public displays, permits, regulation. (1) Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public display only, and which are otherwise prohibited for sale and use within Pegasus, shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the United States Department of Transportation as Class B special fireworks, and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under direct, competent supervision, and only after the persons or organizations making such displays shall have received written approval from the AHJ and applied for and received permits for such displays issued by the

state fire marshal and the Town of Pegram. Applications for permits for such public displays shall be made in writing at least ten (10) days in advance of the proposed display, and the application shall specifically state and satisfactorily demonstrate to the AHJ that the proposed display is to be so located and supervised in a manner in which it is not hazardous to real and/or personal property and such that it shall not endanger human lives nor pose a risk of physical harm to any person. The application for a permit to conduct a public display within the municipal limits of Pegram shall specifically state that the display is to be performed within the municipal limits and shall bear the signed approval of the AHJ. Permits issued shall be limited to the time specified therein and shall not be transferable. Possession of special fireworks for resale to holders of a permit for a public fireworks display shall be confined to holders of a distributor's permit only.

(2) A permit applicant shall provide evidence that general liability insurance has been obtained by the applicant, which designates Pegram as an additional insured, for no less than one million dollars (\$1,000,000.00), per occurrence, for both bodily injury and property damage liability.

(3) The holder of a permit for conducting an outdoor public display of fireworks shall have present on site at least one (1) fire suppression vehicle with the necessary and qualified personnel present during such outdoor display and shall be responsible for all costs associated with the fire suppression vehicle.

(4) The AHJ is authorized and directed to charge a fee for the permit required by this section in the amount of five hundred dollars (\$500.00). The said fee is reasonable and necessary to defray the costs of inspections required to insure and protect the safety, health and welfare of the community and to provide the required fire suppression vehicle.

(5) No permit shall be granted for an indoor public display of fireworks. (as added by Ord. #2004-09, April 2004)

7-411. Regulations governing storing, locating, or display of fireworks. (1) Placing, storing, locating, or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within ten feet (10') of where the fireworks are offered for sale is hereby declared unlawful and prohibited. 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 inches (4") high, throughout the fireworks structure (including but not limited to a sign visible from each of the four (4) sides of the structure and two (2) at each entrance). No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use, unless such paints, oils or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property.

(2) Electrical installations shall comply with all applicable codes.

(3) All firework devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety-type thread-wrapped and coated fuses shall be exempt from this provision.

(4) All firework devices sold under a duly issued permit may not be located closer than two hundred feet (200') to any fuel source, including but not limited to any gasoline dispensing pump.

(5) The seasonal retailer shall provide one (1) five (5) pound or greater ABC dry chemical fire extinguisher for every six hundred (600) square feet of the seasonal retailer's structure and inventories, and/or one (1) five (5) pound or greater ABC dry chemical fire extinguisher located no farther than fifty feet (50') from the seasonal retailer or his employee at any time, with a maximum of six (6) specified extinguishers at each seasonal retailer's location.

(6) The seasonal retailer shall not be permitted at any time, whether open for business or closed, to erect any impediment to any means of egress from inside the structure. This includes, but is not limited to, any fencing, wire, or plastic mesh around the outside perimeter of the fireworks structure or fireworks inventory structure.

(7) Each seasonal retail site at all times shall be free from litter and debris and shall provide no less than one (1) temporary sanitary toilet facility, up to and including the actual termination date of authorized selling periods, and any violation hereof may result in issuance of a citation, permit revocation, and/or refusal to issue a subsequent permit to the violator for a period of not more than five (5) years.

(8) The seasonal retailer shall provide adequate off-street parking, as approved by the AHJ, and shall comply with the following minimum requirements:

(a) Each seasonal retailer shall provide parking and storage space off the right-of-way so as not to impede the use of any driveway or hinder traffic upon a thoroughfare. Parking shall be restricted on each street between the intersection and closest driveway at any seasonal retailers site located at a corner street intersection;

(b) Any egress into the seasonal retailer's establishment from a town street shall be located so as to afford maximum sight distance and shall not constitute a safety hazard. The right-of-way and adjacent border area shall be reasonably clear so that either the establishment or an appropriate sign located outside of the right-of-way can be seen at a sufficient distance to enable proper maneuvers on the part of drivers desiring to enter the establishment. The profile of an egress and the grading of the right-of-way shall be such that a driver of a vehicle that is standing in the driveway can see sufficiently in both directions to enable him to enter the highway without creating a traffic hazard. All improvements on property adjacent to a street right-of-way shall have a

sufficient setback so that parking, stopping, and maneuvering on the right-of-way is avoided by those patrons in vehicles entering the seasonal retailer's establishment; and

(c) Whenever possible, all egresses shall be positioned at right angles to the public roadway. (as added by Ord. #2004-09, April 2004, and amended by Ord. #2004-13, Oct. 2004)

7-412. Sign regulations. (1) Each seasonal retailer shall be subject to and abide by the following sign provisions, which shall be in addition to and include but not be limited to those temporary sign provisions of the Pegram Zoning Ordinance:

(a) Each sign shall not exceed thirty-two (32) square feet in area, and a banner shall not be permitted to be displayed over a public street.

(b) No temporary sign shall be erected or maintained within any public street right-of-way. With the exception of those signs subject to and defined hereunder at subsection (h), all temporary signs shall set back a minimum of five feet (5') from any street right-of-way, unless an alternate location is pre-approved by the building inspector upon a written finding of extraordinary circumstances. Without exception, a temporary sign shall not be permitted to project into nor over any public street right-of-way.

(c) A maximum of two (2) temporary signs shall be permitted on each seasonal retail site. No off-premises temporary signs, of any type whatsoever, shall be permitted in any district. The only temporary signs permitted shall be subject to strict compliance with Pegram Zoning Ordinance 4.080.5, and no commercial signs are permitted in residential districts. Temporary signs shall not be closer than fifty feet (50') from any permanent sign.

(d) All temporary signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind to person or property. Temporary signs shall not be displayed upon a rooftop.

(e) No temporary sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.

(f) No temporary sign shall contain any kind of strobe, pulsating or flashing lights.

(g) Any light emanated from a permissibly illuminated temporary sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect, in any way, the safe vision of operators of moving vehicles. The said light shall not be permitted to shine into or reflect on any residential structure.

(h) No temporary sign shall be painted on or attached to a vehicle or a vehicular trailer unless such vehicle or vehicular trailer is in operable condition, is carrying all current and valid licenses, and is used for the transportation of goods and/or persons to and from the seasonal retailer's establishment. Any such vehicle or vehicular trailer shall be parked on the seasonal retail site no less than fifty feet (50') from any public street right-of-way. A maximum of one (1) vehicular trailer bearing a temporary sign shall be permitted on each seasonal retail site.

(i) All temporary signs advertising fireworks events shall be removed by the permit holder on or before the tenth (10th) day immediately following the event date.

(j) All temporary signs shall be erected for a maximum of thirty (30) days, after which time they shall be removed by the permit holder.

(k) Any violation of any provision of this chapter shall result in a finding of guilt rendered by the town court with a punishment to include but not be limited to a fine of not more than fifty dollars (\$50.00) per offense. Each day that a violation continues shall be considered a separate offense and an additional violation. Such fine is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of Pegram. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine. If within twenty-four (24) hours of notice, the owner of such sign fails to contact the enforcing officer in order to bring said sign into compliance with this chapter or to obtain a permit for said sign, the enforcing officer is herein empowered to have the sign removed and impounded without any further notice.

(l) The enforcing officer shall have the authority to remove all signs, without notice to the owners thereof, placed within any street right-of-way, or attached to trees, fenceposts, telephone poles, utility poles or other natural features, or signs otherwise prohibited within this section, and to impound them for a period of ten (10) days. The owner of an impounded sign may recover the same upon payment of fifty dollars (\$50.00) for each sign, prior to the expiration of the said ten (10) day impoundment period. At the end of said ten (10) day impoundment period, the enforcing officer is herein empowered to destroy the said sign, at his discretion in any manner he sees fit, without further notice to the owner.

(m) The owner, tenant or occupant of any building, structure, premises, or any part thereof, and/or any contractor, builder, architect, engineer, agent or other person who commits, aids, participates in or maintains such violation may be found guilty of a separate offense and suffer the penalties as provided herein.

(n) This entire section shall be deemed and construed to be an exercise of the police power of the Town of Pegram, Tennessee, adopted

under the authority of Tennessee Code Annotated, § 6-2-201, for the preservation and protection of the public's health, safety, morals and general welfare, and pursuant to all other powers and authorities for the aforesaid purposes, and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

(2) Each seasonal retailer may obtain a sign permit for a fee of fifty dollars (\$50.00). (as added by Ord. #2004-13, Oct. 2004)

7-413. Unlawful acts in the sale, handling, or private use of fireworks. (1) It is unlawful to offer for retail sale or to sell any fireworks to children under ten (10) years of age or to any intoxicated or irresponsible person.

(2) It is unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, asylum, public school, or within two hundred feet (200') of any place where fireworks are stored, sold, or offered for sale, or within two hundred feet (200') of any fuel source, including but not limited to any gasoline dispensing pump.

(3) It is unlawful to ignite or discharge any permissible articles of fireworks within, or throw the same from, a motor vehicle. It is unlawful for any person to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people, or at or in the direction of any person's residence.

(4) All items of fireworks which exceed the limits of DOT Class C common fireworks as to explosive composition, such items being commonly referred to as illegal ground salutes designed to produce an audible effect, are expressly prohibited from shipment into, manufacture, possession, sale or use within Pegrum for any purpose. This subsection shall not affect display fireworks authorized by this chapter. (as added by Ord. #2004-09, April 2004, and renumbered by Ord. #2004-13, Oct. 2004)

7-414. Seizure and destruction of fireworks. (1) The AHJ shall seize as contraband any fireworks other than DOT Class C common fireworks, as defined in § 7-403, or special fireworks for public displays, as defined in § 7-410, which are sold, displayed, used, or possessed in violation of this chapter. The AHJ is authorized to destroy fireworks so seized, subject to the restrictions set forth in subsection (2) herein below.

(2) Before any seized fireworks may be destroyed:

(a) If the owner of such seized fireworks is known, the mayor shall give notice to such owner by registered mail or personal service, that the AHJ intends to destroy such seized materials. Such notice shall inform the owner of the owner's right to a hearing before the municipal court. Upon the owner's request, the mayor shall conduct an appropriate hearing concerning the destruction of fireworks in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, title 4, chapter 5.

(b) If the identity of the owner of any seized fireworks is not known to the mayor, the mayor shall cause to be published in a newspaper of general circulation in Cheatham County, Tennessee, notice of such seizure, and of the AHJ's intention to destroy such fireworks. The notice shall be published once each week for three (3) consecutive weeks and, if no person claims ownership of the fireworks within ten (10) days of the date of the last publication, the AHJ may proceed to destroy the fireworks. If the owner does claim the fireworks within the time specified, a hearing as set out in item (a) of this subsection shall be held. (as added by Ord. #2004-09, April 2004, and renumbered by Ord. #2004-13, Oct. 2004)

7-415. Penalty for violation. Failure to comply with any and all regulations may result in immediate closure of the seasonal retailer's establishment by the building inspector or AHJ. Any person violating any provision of this chapter shall be guilty of a misdemeanor punishable as other misdemeanors as provided by law, to include but not be limited to a fine of fifty dollars (\$50.00) per violation. Each day such violation continues shall be considered a separate offense. Such fine is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of Pegram. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine. In addition, the Town of Pegram may refuse to issue future permits to a convicted violator for a period not to exceed five (5) years from the date of conviction. Nothing herein contained shall prevent the Town of Pegram from taking such other lawful actions necessary to prevent or remedy any violation. (as added by Ord. #2004-09, April 2004, and renumbered by Ord. #2004-13, Oct. 2004)

7-416. Exceptions to application. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, or of this state or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes; provided that the purchaser first secures a written permit to purchase and use fireworks for agricultural purposes only from the state fire marshal, after approval of the county agricultural agent of Cheatham County, Tennessee, and the fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within Pegram. (as added by Ord. #2004-09, April 2004, and renumbered by Ord. #2004-13, Oct. 2004)