

ORDINANCE

City of Portland, Tennessee

No. 21 - 17

Second Reading

AN ORDINANCE TO AMEND THE CITY OF PORTLAND MUNICIPAL CODE TITLE 7, FIRE PROTECTION AND FIREWORKS, CHAPTER 6, FIREWORKS

WHEREAS, The City of Portland is authorized to regulate the sale and use of fireworks within its boundaries and has determined that revisions are necessary; and

WHEREAS, Title 7, Chapter 6 of the Portland Municipal Code shall be amended; and

BE IT ORDAINED, The City of Portland hereby amends Title 7 by deleting Chapter 6 in its entirety and replacing it with the following:

CHAPTER 6
FIREWORKS

7-601. Permissible fireworks.

7-602. Permit required.

7-603. Period of time for sale.

7-604. Period of time for discharging fireworks.

7-605. Safe storage and sale of permissible fireworks.

7-606. Safe discharge of permissible fireworks.

7.607. Violations and penalties.

7-601. Permissible fireworks.

1. Generally, only those fireworks deemed as 1.4G Consumer Fireworks by the U.S. Department of Transportation, or 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, are eligible for public sale and/or discharge;

2. Any fireworks or pyrotechnic display not designed or designated for the general consumer must be under the control of a licensed pyrotechnics technician.

7-602. Permit required.

1. Permit for a fireworks seasonal retailer is required to be obtained from the State of Tennessee, along with a permit from the City of Portland, Tennessee, to permit the seasonal sale of consumer class Fireworks within the City Limits;

2. A fee of one thousand four hundred dollars (\$1400.00) per fireworks stand shall be paid and this amount covers all associated City fees such as any sign permit, transient vendor, or other; and all necessary insurance and licenses shall be supplied for permit approval. Each seasonal permit is valid for both selling periods within that season as defined in 7-603;

3. Each stand (season retailer) must have at least 1 sign plainly visible to the public of not less than 200 square inches that details the hours and days that fireworks can be legally discharged (shot) in the City as detailed in 7-604, in addition to the no smoking signs as detailed in 7-605(2);
4. Permits are not transferable;
5. No sales may begin prior to issuance of permit;
6. All necessary permissions, affidavits, insurance, and site certifications are required before the issuance of a permit, and are the responsibility of the retailer to ensure they have been obtained;
7. All required signage within this chapter is the responsibility of the retailer.

7-603. Period of time for sale.

The period of time for the sale of permissible fireworks shall be from June 20th through July 5th and from December 10th through January 2nd as allowed in T.C.A. § 68-104-101(8). This time period defines the length of one (1) season covered under the annual permit.

7-604. Period of time for discharging fireworks.

1. Unless otherwise excluded, the permissible discharge dates and times are as follows: From June 25th to July 5th from 11am to 9pm; with the exception of July 4th, where the time shall be 10am to 11pm; and From December 24th to Jan 1st from 11am to 8pm; with the exception of December 31st where the time shall be from 10am on December 31st until 12:30am on January 1st;
2. Permitted festivals, events, and City functions are excluded.

7-605. Safe storage and sale of permissible fireworks.

1. No person may smoke within a structure where fireworks are sold. No person selling fireworks may permit the presence of lighted cigars, cigarettes, or pipes within a structure where fireworks are offered for sale;
2. At all places where fireworks are sold or stored, for the purpose of sale during the time periods set forth in this chapter, signs must be posted with the words "Fireworks- No Smoking" in letters not less than four (4) inches high;
3. Each retail vendor must have at least one (1) properly rated fire extinguisher with a valid inspection tag on site at all times;
4. Fireworks shall not be stored in residential districts, except for personal use;
5. Fireworks shall not be sold from any property zoned residential, from the right-of-way, or from City owned property;
6. All unsold product must be removed within five (5) days of the ending sales period set forth in this chapter;
7. Fireworks shall not be stored or sold within 50 feet of a fuel source;
8. Each retail vendor is required to ensure that adequate parking is available so that customer vehicles do not create hazards for roadway traffic;
9. Fireworks shall not be sold to anyone under sixteen (16) years of age, or to any intoxicated person;
10. Fireworks shall not be sold from any property zoned residential, from the right-of-way, or from City owned property;
11. Mobile retail vendors are not permitted; fireworks are only allowed to be sold from stationary permitted sites;
12. Seasonal retail sites are subject to inspections from the City Fire Inspector and that of the State Fire Inspector to ensure safe operation.

7-606. Safe discharge of permissible fireworks.

1. Fireworks shall not be discharged during any burn ban issued by the Fire Chief.
2. Except for permitted or City functions, no fireworks can be discharged from, or launched onto, City property;

3. Adequate provision for safety must be made to prevent possible fire caused by the discharging of fireworks from spreading to any structure, dry ground cover, mulch, or other property;
4. The discharging of fireworks requires competent supervision at all times;
5. Fire extinguishing equipment should be readily available for use such as a garden hose connected to the water supply, or a properly rated and working fire extinguisher;
6. No accelerants, explosives, flammable gas, nor any hazardous material is allowed to be used during the discharge of fireworks;
7. Fireworks shall not be ignited inside of, or thrown from, a vehicle whether moving or parked;
8. Fireworks shall not be discharged from, or launched onto, property of persons who have not given permission;
9. Fireworks shall not be discharged from any road, right-of-way, or sidewalk;
10. Fireworks shall not be discharged in the direction of any person, animal, motor vehicle, train, airplane, business, building, electrical substation, or other equipment or machinery.

7-607. Violations and penalties.

It shall be unlawful for any person to violate any of the provisions of this chapter herein adopted, or fail to comply therewith, or violate or fail to comply with any other applicable order. Doing so may lead to City, County, State, or Federal penalties.

BE IT ORDAINED, That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED, That this Ordinance shall become effective upon its passage, the public welfare requiring it.



Mike Callis, Mayor



Patricia Keen, City Recorder

Passed First Reading: April 5, 2021
Passed Second Reading: April 19, 2021