

ORDINANCE NO. 2024-10

**AN ORDINANCE REPEALING AND REPLACING CITY CODE TITLE 7, CHAPTER 7, FIREWORKS REGULATED, TO PROVIDE ADDITIONAL AND NECESSARY REGULATIONS.**

**WHEREAS**, the City Council of the City of Maryville, Tennessee, allows the retail sale and discharge of fireworks within the corporate limits of the City of Maryville with certain limitations, and

**WHEREAS**, the City Council has determined additional regulations are necessary to regulate fireworks in the City of Maryville

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE**, as follows:

**SECTION 1.** The following repeals and replaces Title 7, Chapter 7 of the City Code,

**FIREWORKS**

Section 7-701, Manufacture Prohibited. It shall be unlawful for any person, firm, partnership, or corporation to manufacture within the corporate limits of Maryville, Tennessee, pyrotechnics, commonly known as fireworks, of any kind or description.

Section 7-702, Storage, Sale and Use Restricted. It shall be unlawful for any person, firm, partnership, or corporation to store for resale or sell in the corporate limits of Maryville, Tennessee, any pyrotechnics, commonly known as fireworks, except those fireworks classified as permissible fireworks in T.C.A. §68-104-108. The storage for resale and retail sale of fireworks shall be subject to the following restrictions:

1. The storage for resale and retail sale of fireworks is permitted only on lots zoned to allow retail sales located adjoining U. S. Highway 321 or U. S. Highway 411 or State Route 33 in the City of Maryville.
2. Any person, firm, partnership, or corporation desiring to store and sell retail fireworks within the corporate limits of the City of Maryville shall make application for a permit to do so on forms provided for that purpose by the City Recorder. The application shall be accompanied by a non-refundable fee of \$500.00 for each location for applicants who have registered their business with the Tennessee Department of Revenue listing the City of Maryville as the principal situs address for the purpose of collection and distribution of location sales tax. Additionally, applicants who do not register with the Tennessee Department of Revenue may otherwise obtain a Transient Vendor License pursuant to the provision of Maryville Municipal Code Title 9, Chapter 5 and purchase a City fireworks permit in the amount of \$4,000.00 for each location. No permit shall be issued for any person under eighteen years of age. All permits shall expire as of midnight on July 4th. The application shall include the name of the person making the application; the firm, partnership or corporation he represents; the business address of both the applicant and the partnership, firm or corporation he represents; the address and description of the premises where

the storage and sale of fireworks is contemplated; sales tax numbers and any other information the City Recorder deems pertinent to aid in the investigation of the application. The City Recorder shall refer the applicant to the Fire Chief or his designee who shall interview the applicant if desired and inspect the premises on which the storage and sale of fireworks is contemplated and make whatever additional investigation of the applicant or premises he deems appropriate to ensure that the premises and its operation by the applicant will not constitute a fire, explosion, or similar safety hazard. If the Fire Chief approves the application, the City Recorder shall issue a permit. The permit shall not be transferable to any other person, firm, partnership, corporation or premise.

3. No fireworks shall be sold from an automobile or any other vehicle. No fireworks shall be sold through a drive-thru window. Fireworks must not be thrown into any vehicle when lit nor thrown from any vehicle at any time.
4. Placing, storing, locating or displaying fireworks in any window where the sun may shine through glass onto to the fireworks is prohibited.
5. The presence of lighted cigars, cigarettes or pipes within ten (10) feet of where fireworks are offered for sale or are stored is declared unlawful and prohibited.
6. All places where fireworks are stored or sold, there must be posted the words "Fireworks. No smoking" in letters not less than four (4) inches high.
7. No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers. Fireworks may not be sold anywhere where any resin, turpentine, gasoline or other flammable substance is used, stored or sold.
8. It shall be unlawful to offer for retail sale or to sell any fireworks to children under eighteen (18) years of age or to any intoxicated person.
9. It shall be unlawful to explode or ignite fireworks within 600 feet of any church, hospital, or public school. It shall be unlawful to explode or ignite fireworks within 200 feet of where fireworks are stored, sold or offered for sale.
10. Fireworks may be sold exclusively from June 25-July 4 each year.

Section 7-703, Use of Fireworks Restricted. It shall be unlawful for any person to fire, set off, shoot, discharge or otherwise explode any fireworks within the corporate limits of the City of Maryville except as follows:

1. Fireworks may be fired, set off, shot, discharged or exploded on a seasonal basis from July 3-4 and at no other time.
2. Fireworks may only be fired, set off, shot, discharged or exploded on those dates listed above from 11:00 a.m. to 11:00 p.m.
3. Igniting and firing or exploding fireworks must be done entirely on private property unless otherwise permitted herein.
4. Use of fireworks on all public streets, roadways, alleys, sidewalks, parks, parking lots, and public property within the City of Maryville is prohibited.

Section 7-704, Penalty for Violation. An individual violating any of the provisions of this Chapter shall be guilty of a misdemeanor punishable pursuant to the General Penalty Clause of this Code. Further, the Fire Chief or any police officer may seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered for sale, stored, held or used in violation of this Chapter.

Section 7-705, Exceptions. 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. This Chapter shall further not apply to the military of the United States or any peace officers. Further, this Chapter shall not be read to prohibit the sale or use of blank cartridges for ceremonial, theatrical or athletic events. Sale or use of fireworks solely for agricultural purposes is permitted where approved by the State Fire Marshal.

**Section 2.** This ordinance shall be effective upon final passage, the public welfare requiring it.

Adopted this the 7<sup>th</sup> day of May, 2024.

  
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MAYOR

ATTEST:

  
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City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Passed 1<sup>st</sup> reading on this 9<sup>th</sup> day of April, 2024

  
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City Recorder

Passed 2nd reading on this 7<sup>th</sup> day of May, 2024

  
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City Recorder