



CITY OF ELIZABETHTON
Department of Finance
Instructions for Obtaining a Fireworks Permit

IMPORTANT – PLEASE READ

In order to obtain a Fireworks Indoor Display Permit or Fireworks Outdoor Display Permit, you must complete the following process in its stated order:

- 1) You must obtain a Tennessee State Fireworks Permit from the Department of Commerce and Insurance. Visit <http://www.state.tn.us/commerce/sfm/fpplsect.html>, call 615-741-1322, or fax 615-741-1583 to obtain an application. **YOU CANNOT CONTINUE UNTIL THIS STEP HAS BEEN FULLY COMPLETED.**
- 2) Complete the Fireworks Application below.
- 3) **DISPLAY PERMITS ONLY** – You must make appointments with both the Elizabethton Police Department (423-542-4141) and the Elizabethton Fire Marshal (423-547-6389) to discuss and review all plans and the location of the display. As plans meet safety requirements, each individual item requiring Police Department or Fire Department approval will be initialed in the blanks by the item respectfully. When all requirements have been met, a designee will then sign the bottom of the application. (Please be sure to take your application with you to BOTH appointments. If you fail to bring your application to either, another appointment will have to be made.)
- 4) The application must be mailed or taken to the Elizabethton City Hall, 136 S. Sycamore Street, Suite 200, along with any payments or paperwork that is required and mentioned in the application. If the application is not fully completed, all paperwork not included, or correct payment has not been made, the application and all of the contents will be returned. If you have any questions please call the City Clerk's office at 423-542-1516.

*Office of the City Clerk
City of Elizabethton
136 South Sycamore St.
Elizabethton, TN 37643-3328*



CITY OF ELIZABETHTON
Department of Finance
Application for Public Fireworks Display (Outdoor)

Address of Display: _____

Sponsoring Organization or Person: _____

Name of Responsible Individual: _____ Phone Number: _____

Address: _____

In applying for a Public Fireworks Display (Indoor), I certify that:

- a) Attached is a true copy of my insurance liability policy in the minimum amounts of:
1) \$2,000,000 in product liability
2) \$1,000,000 in general liability with the City of Elizabethton named as an additional insured party.
b) ONLY the size and type fireworks specified on the permit will be utilized in the display (DOTn 1.3G or smaller).
c) I have received a copy of the city's Fireworks Ordinance and will comply with the ordinance in all respects
d) I am twenty-one (21) years of age or older. My date of birth is ____/____/____
e) I understand that the Permit is good only for the ONE DISPLAY at the time and date specified on the permit.
f) The display is scheduled for ____/____/____ at ____:____ AM PM
g) Name of display operator: _____
State License Number: _____ Federal License Number: _____ (attach copies)
h) Number of Assistants: _____ (Use continuation sheet if necessary)
Name _____ Age: _____ DOT Classification: _____
Name _____ Age: _____ DOT Classification: _____
Name _____ Age: _____ DOT Classification: _____
Name _____ Age: _____ DOT Classification: _____
Name _____ Age: _____ DOT Classification: _____
i) List ALL devices and DOT Classification to be used in display (Use continuation sheet if necessary)
Device: _____ Number: _____ DOT Classification: _____
Device: _____ Number: _____ DOT Classification: _____
Device: _____ Number: _____ DOT Classification: _____
Device: _____ Number: _____ DOT Classification: _____
Device: _____ Number: _____ DOT Classification: _____
Device: _____ Number: _____ DOT Classification: _____
Device: _____ Number: _____ DOT Classification: _____
j) List Operator's Qualifications Specific to the devices above. _____

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- k) Method of ignition of Display: _____
 - l) Name of Fire Watch Officer in direct contact with Fire Department: _____
 - m) Attach a crowd control safety plan. _____ (Police Dept. approval)
 - n) Attach a Magazine security plan. _____ (Police & Fire Dept. approval)
 - o) Attach Pyrotechnic Storage, Assembly, and Distribution Plan. _____ (Police & Fire Dept. approval)
 - p) Attach a Safety Plan that addresses Malfunction of live aerial shell/mortars. _____ (Fire Dept. approval)
 - q) Attach a scaled diagram of the display, including the location of the display, location of the storage magazine, location of any explosive device assembly area, location of projected pyrotechnic fall out area, and location of crowd. Indicate distances in feet on the diagram. _____ (Police & Fire Dept. approval)
 - r) Attached a list of individual property owners of buildings between the launch area and fall out area who have granted approval for the display, include phone number. _____ (Fire Dept. approval)
 - s) I have attached my **\$100.00** application fee.

Signature of Responsible Applicant

City Inspector or Approval Signatures

Signature of Building Inspector

Signature of Electrical Inspector

Signature of Fire Chief or Designee

Signature of Police Chief or Designee

Signatures of City Clerk or Deputy Clerk

PERMIT NO. _____

Revised June, 2008.



CITY OF ELIZABETHTON
Municipal Code
TITLE 7 - FIRE PROTECTION & FIREWORKS

CHAPTER 4 - FIREWORKS

SECTION

- 7-401. Purpose.
- 7-402. Definitions.
- 7-403. Permits and fees.
- 7-404. Permit applications.
- 7-405. General Restrictions.
- 7-406. Deleted per Amendment to Ordinance.
- 7-407. Standards for Public Display Permits.
- 7-408. Standards for Novelty Fireworks.
- 7-410. Seizure and Destruction of Fireworks.
- 7-411. Restrictions governing the use of fireworks.
- 7-412. Penalties.

7-401. Purpose. Nothing in this chapter shall be construed as applying to the manufacturer, storage, sale or use of signals necessary for transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, or of the State of Tennessee or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events. This chapter shall not be construed to affect or relieve any requirements made by the State of Tennessee.

7-402. Definitions. As used in this chapter, unless the context otherwise requires:

“Discharge Site.” The immediate area surrounding the fireworks mortars used for an outdoor fireworks display.

“Distributor.” 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, or a seasonal retailer or any person who receives, brings or imports any fireworks of any kind, in any manner into this or wholesaler’s permit(s). Any sales of fireworks to a retailer shall only be accomplished by a manufacturer or distributor possessing the required applicable permit(s) issued by the state of Tennessee and this municipality.

“Fallout Area.” The area over which aerial shells are fired. The shells burst over the area, and unsafe debris and malfunctioning aerial shells fall into this area. The fallout area is the location where a typical aerial shell dud falls to the ground depending on the wind and the angle or mortar placement.

“Fireworks” shall mean any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation that meets the definition of 1.4 G Fireworks (formerly known as Class C Common Fireworks) or 1.3 G Fireworks (formerly known as Class B Special Fireworks) as set forth herein

Fireworks, 1.4G. (Formerly known as Class C, Common Fireworks.) Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. Such 1.4G fireworks which comply with the construction, chemical composition, and labeling regulations of the DOTn for fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CTR: Parts 1500 and 1507.

Fireworks, 1.3G. (Formerly known as Class B, Special Fireworks.) Large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration, or detonation. Such 1.3G fireworks include, but are not limited to, firecrackers, containing more than 130 milligrams (2 grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as 1.4G fireworks. Such 1.3G fireworks are also described as Fireworks, UN0335 by the DOTn.

“Novelty Fireworks” shall mean small devices containing limited amounts of pyrotechnic explosive or composition that produce a visible or audible effect. The following devices are classed as Fireworks 1.4G and described as Fireworks UN0336 unless they are classes as 1.4S or not regulated as hazardous materials based on specific test results. These devices that are not limited to the following. Party Popper, Snapper, Snake-Glow Worm, Sparkler, Toy Caps, other devices containing 0.8 grains or less of explosive composition such as cigarette loads, trick matches, and other trick noise makers. Further definition may be found in NFPA 11124, appendix C.

"Fireworks Display". A presentation of fireworks for a public or private gathering.

"Flame Effect". The combustion of flammable solids, liquids or gases to produce thermal, physical, visual, or audible phenomena before an audience.

"Inhabited Building". Any building or structure regularly used in whole or part as a place of human habitation or visitation. The term includes any church, school, store, and any other building or structure where people are accustomed to congregate or assemble.

"Magazine" shall mean a building, structure or container, other than an explosives manufacturing building approved for storage of explosive materials, as follows:

Indoor. A portable structure, such as a box, bin or other container, constructed as required for Type 2, 4 or 5 magazines in accordance with NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55 so as to be fire resistant and theft resistant.

Type 1. A permanent structure, such as a building or igloo, that is bullet resistant, fire resistant, theft resistant, weather resistant, and ventilated in accordance with the requirements of NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55.

Type 2. A portable or mobile structure, such as a box, skid-magazine, trailer, or semi trailer, constructed in accordance with the requirements of NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55 that is fire resistant, theft resistant, weather resistant, and ventilated. If used outdoors, a Type 2 magazine is also bullet resistant.

Type 3. A fire-resistant, theft-resistant, and weather-resistant "day box" or portable structure constructed in accordance with NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55 used for the temporary storage of explosive materials.

Type 4. A permanent, portable or mobile structure such as a building, igloo, box, semi trailer, or other mobile container that is fire resistant, theft resistant and weather resistant and constructed in accordance with NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55.

Type 5. A permanent, portable or mobile structure such as a building, igloo, box, bin, tank, semi trailer, bulk trailer, tank trailer, bulk truck, tank truck, or other mobile container that is theft resistant, which is constructed in accordance with NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55.

"Manufacturer." Any person engaged in the making, manufacture or construction of fireworks of any kind within this municipality.

"Operator" shall mean the person with overall responsibility for the safety, set-up, and discharge of an outdoor fireworks display, any display before a proximate audience and the use of flame effects before an audience.

"Permit" shall mean the written authority issued by the City of Elizabethton and the state fire marshal as set forth in Tennessee Code Annotated §68-104-102.

"Person" shall mean any individual, firm, partnership, or corporation.

"Proximate Audience." An audience closer to pyrotechnic devices that permitted by NFPA 1123 *Code for Fireworks Display*.

"Retailer" shall mean any person engaged in making retail sales of fireworks at anytime during the year.

"Sale" shall mean an exchange of articles of fireworks for money or other consideration such as barter, exchange, gift, or offer thereof.

"Wholesaler" shall mean any person engaged in the business of making sales of fireworks to seasonal retailers. A wholesaler shall not be permitted to make a sale to a retailer.

7-403. Permits and fees. (A) It shall be unlawful for any person to manufacture, sell, offer of sale, ship or cause to be shipped into the City of Elizabethton any item of fireworks without first having secured applicable permits for public displays from the state fire marshal, as required by Tennessee Code Annotated §68-104-102 and from the City Clerk of the City of Elizabethton.

(B) The decision of the city Fire Official as to what type of permit or permits shall be required of each person under this chapter shall be final. No permit shall be issued to any person under (21) twenty-one years of age. All permits shall be for the calendar year or any fraction thereof and shall expire on December 31. A grace period of (2) two days may be allowed each holder of a permit. No permit provided for herein shall be transferable to another person or location unless such transfer shall be approved by the Fire Official. Permits shall be posted conspicuously at the place for which it was issued.

(C) The City Clerk is authorized and direct to charge for permits issued as follows:

Public Display \$100.00

(D) All fees collected for permits shall constitute expendable receipts of the fire prevention division. The Fire Official is charged with the enforcement of this chapter and may call upon the State Fire Marshal, municipal peace officer or code enforcement official for assistance in the enforcement of such chapter.

(E) The City Clerk shall assign a number to each permit issued and each holder of a permit of any of the following classes shall imprint or affix the same to all orders and invoices issued or used by each manufacturer, distributor or wholesaler.

(F) No person shall deliver, sell or ship fireworks into or within this municipality unless the consignee produces the required permit or evidence that the consignee holds such a permit. No seasonal retailer shall purchase fireworks from

another person without first requiring proof that the proper permit required of the seller herein has been obtained and is current and valid.

7-403. Permit applications. (A) Public displays, displays before a proximate audience and flame effects before an audience shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such displays issued by the fire official. Applications for permits for such displays shall be made in writing at least (10) ten days in advance of the proposed display, and the application shall detail location and supervision to the satisfaction of the Fire Official. Any demonstration requested by the Fire Official of pyrotechnics to be used for these displays prior to the event for which a permit is requested shall be considered required at a time and place established by the Fire Official. Permits issued shall be limited to the time specified therein and type(s) of pyrotechnics listed in the application and shall not be transferable.

(B) The Fire Official may revoke any permit issued under the provisions of this chapter upon evidence that the holder has violated any provisions of such chapter, and confiscate any pyrotechnic articles affected by such revocation. Before any permit shall be revoked, the Fire Official shall give notice to the permit holder of the intention to do so, by registered mail or by personal service. Such notice shall inform the permit holder of appropriate right to a formal hearing in compliance with requirements of the Municipal Code. The Fire Official may refuse to issue another permit to the holder of a permit, which has been revoked for cause for a period not to exceed three (3) years.

EXCEPTION:

If, in the opinion of the Fire Official or his designated representative there exists a condition which is considered Immediately Dangerous to Life and Safety, a revocation order may be issued and enforced immediately with notification to be completed as soon as reasonably possible thereafter.

7-407. Standards for Public Display Permits. Applications for and holders of a Public Display Permit to include Displays before a proximate audience and flame effects before an audience shall meet the following requirements:

1. Applications for a Public Display Permit shall bear the approval signature of the Chief of the Fire Department and the Chief of the Police Department.
2. Public Displays shall be authorized for fireworks labeled DOTn 1.3G (formerly known as Special Fireworks) only after the appropriate permit has been issued.
3. Public displays shall comply with the guidelines as set forth by the fire official and specifically shall comply at the time of application with the current edition of NFPA 1123 *Code for Fireworks Display* and NFPA 101 *Life Safety Code*.
4. Pyrotechnic special effect devices shall be authorized to be used on stages before proximate audiences for ceremonial or religious purposes, as part of a demonstration in exhibits, or as part of a performance which complies with the guidelines as set forth by the fire official and use of the pyrotechnic device complies with the current edition at the time of application of NFPA 1126 *Standard for the use of pyrotechnics before a proximate audience* and NFPA 101 *Life Safety Code*.
5. Flame effects before an audience shall be permitted in accordance with the guidelines as set forth by the Fire Official and specifically NFPA 160, *Standard for Flame Effects Before an Audience* and NFPA 101 *Life Safety Code*.
6. Any and all permits required by the state of Tennessee for public displays listed in this section shall be presented to the Fire Official before applications are accepted by this Municipality.

7-409. Separation Distance Standards Adopted. (A) The following shall be the minimum distances required under this ordinance:

TABLE 1

TABLE OF SEPARATION DISTANCES FOR LOW EXPLOSIVES

QUANTITY OF LOW EXPLOSIVES		DISTANCES IN FEET			
Pounds Over	Pounds not over	Inhabited buildings	Passenger railways and public highways	Separation of magazines	
0	1,000	50	75		50
1,000	5,000	115	115		75
5,000	10,000	150	150		100
10,000	20,000	190	190		125
20,000	30,000	215	215		145
30,000	40,000	235	235		155

40,000	50,000	250	250	
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

For SI: 1 foot = 304.8 mm,
1 pound = 0.454 kg.

(B) Pursuant to Section 7-207 of the Elizabethton Municipal Code, the Chief Fire Official may exercise discretion when applying the requirements of this Section when circumstances warrant such deviation and the spirit of the code is observed, public safety secured and substantial justice done. Any person seeking deviation must present an application in writing setting forth the reasons.

7-410. Seizure and Destruction of Fireworks. (A) The Fire Official shall seize as contraband any fireworks which are sold, displaced, used or possessed in violation of this chapter and is authorized to destroy fireworks so seized.

(B) Before any seized fireworks may be destroyed:

(1) If the owner of seized fireworks is known, the Fire Official shall give notice by registered mail to such owner of the intent to destroy such seized materials. Notice shall inform the owner of the owner’s right to appeal.

(2) If the identity of the owner is not known, the Fire Official shall cause to be published, in a newspaper of general circulation in the country where in the seizure was made, notice of such seizure and the intent to destroy such fireworks. The notice shall be published once each week for a period of three (3) consecutive weeks and if no person claims ownership within then (10) days of the date of the last publication, the Fire Official shall proceed to destroy the fireworks. If the owner does claim the fireworks within the time above specified, a proper hearing shall be held.

7-411. Restrictions Governing the Use of Fireworks. The following restrictions apply to the use of fireworks within the corporate limits of the City of Elizabethton.

1. No fireworks shall be ignited or discharged within 600 feet of any church, hospital, or public school, when such facilities are occupied.
2. Fireworks which exceed the limits of the United States Department of Transportation 1.4G as to explosive content or composition, such items being commonly referred to as “illegal ground salutes”, are expressly prohibited from shipment into, possession, sale or use within the corporate limits of the City of Elizabethton.
3. No fireworks shall be ignited or discharged by anyone under the age of fourteen (14) year of age unless under direct adult supervision.
4. No fireworks shall be ignited or discharged by anyone under the influence of alcohol or any mind altering drug.

7-412. Penalties. Any violation of this chapter is a violation of City Ordinance punishable by a fine of \$50.00 and an assessment of court costs of \$50.00.

