

FOR INFORMATIONAL PURPOSES ONLY

ARTICLE II. PYROTECHNICS*

SECTION 12-24 PERMITS REQUIRED.

It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into the City any item of fireworks without first having secured applicable permits from the State Fire Marshall and from the City Recorder.

[T.C.A. §68-104-102, permits; Charter §4(47), regulation or suppression of the sale/use of fireworks; 1949 Code, Ch. 10 §7; Ord. of 03-28-68 §1; Ord. No. 82-6 §§1, 2, 07-22-82; Ord. No. 95-O-15 §1, 05-25-95]

SECTION 12-25 CITY FIREWORKS PERMIT.

The fee for City fireworks permit required by Code §12-24 shall be five hundred dollars (\$500.00) and shall be for a calendar year or any fraction thereof. All permits shall expire on January 3rd. The permit shall not be issued by the City Recorder without proof that the State Fire Marshal has issued a current and valid permit to the applicant. The City fireworks permit may be revoked for violations of T.C.A. §68-104-101 et seq. The issuance of the City fireworks permit shall not replace or relieve the applicant's obligation to obtain a business tax license. A copy of the applicable City permit, and the days and hours of lawful use of fireworks within the City of Murfreesboro, must be prominently displayed at all fireworks sales locations.

[T.C.A. §68-104-101; Charter §4(28), authority to license, tax, and regulate business; 1949 Code, Ch. 10 §8; Ord. of 03-28-68 §1; Ord. of 11-15-73 §1; Ord. No. 82-6 §§1, 2, 07-22-82; Ord. No. 95-O-15 §1, 05-25-95; Ord. No. 05-O-40 §1, 06-09-05]

SECTION 12-26 SEASONAL SALES OF FIREWORKS.

Items of fireworks may only be sold, offered for sale, or shipped in the City, by persons permitted by the State as fireworks seasonal retailers, between June 28th and July 5th and between December 26th and January 2nd of the following year.

[Charter §4(47), regulation or suppression of the sale/use of fireworks; Ord. No. 82-6 §2; Ord. No. 95-O-15 §1, 05-25-95; Ord. No. 05-O-40 §2, 06-09-05; Ord. No. 08-O-50 §1, 12-18-08]

SECTION 12-27 SEASONAL USE OF FIREWORKS.

Fireworks may only be used within the City on July 3rd, July 4th, July 5th, December 31st and January 1st, except when used in a public display which has received a permit from the State Fire Marshal. Fireworks may be used between the hours of 10:00 A.M. and 11:00 P.M from July 3rd through July 5th; between 10:00 A.M. and 12:00 A.M. (midnight)

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on December 31st, and between 12:01 A.M. (midnight) and 1:00 A.M. and between 10:00 A.M. and 11:00 P.M on January 1st.

[Charter §4(47), regulation or suppression of the sale/use of fireworks; Ord. No. 82-6 §2, 07-22-82; Ord. No. 95-O-15 §1, 05-25-95; Ord. No. 05-O-40 §3, 06-09-05; Ord. No. 08-O-50 §1, 12-18-08; Ord. No. 15-O-64 §1, 12-03-15]

SECTION 12-28 PUBLIC DISPLAYS OF FIREWORKS.

A public display of fireworks may be conducted only by the holder of a permit issued in accordance with the rules and regulations promulgated by the State Fire Marshal. A condition for State issuance of a permit for a public fireworks display is the approval of the chief official of both the Murfreesboro Fire Department and the Murfreesboro Police Department. Such approval shall be granted if, in the opinion of those officials, the proposed display will be located and supervised in conformity with state law and will not be hazardous to life or property.

[Ord. No. 82-6 §2, 07-22-82; Ord. No. 95-O-15 §1, 05-25-95]

SECTION 12-29 PROVIDING WRITTEN NOTICE TO PURCHASERS.

It shall be unlawful for any person to sell any item of fireworks without providing the purchaser with a written list of the days and hours of lawful use of fireworks within the City of Murfreesboro and written safety instructions appropriate for the type of fireworks sold.

[Ord. No. 82-6 §2, 07-22-82; Ord. No. 95-O-15 §1, 05-25-95; Ord. No. 05-O-40 §4, 06-09-05]

SECTION 12-30 PROHIBITED SALES, USE AND POSSESSION OF FIREWORKS.

(A) Definitions.

Bottle Rocket: A small tube containing less than four (4) grams of propellant in a casing of less than 5/8 inch by 3 inches attached to a thin bamboo stick that shoots an expelling combustion from one end that propels it into the air.

D.O.T. Class C common fireworks: Fireworks heretofore so classified by the United State Department of Transportation for transportation of explosive or other dangerous articles. These may also now be classified as “consumer fireworks” or as “1.4G explosives.”

Mortar: A tube loaded with a shell that is propelled from the tube into the air that produces a break with varying colors, effects and noises. Also called “tube,” “mine,” or “gun.”

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Reloadable: A tube which can be used multiple times to fire separate shells. The device is designed to fire one shell at a time. After a shell is fired, a new shell can be loaded, hence the name “reloadable.”

Shell: A circular or cylindrical shaped paper casing or cartridge propelled into the air from a mortar or tube that produces a burst or break with varying colors, effects, and noise. A shell contains pyrotechnic composition, a burst charge and an internal time fuse or module.

- (B) A person must be at least sixteen (16) years of age to purchase any D.O.T. Class C common fireworks. Any person sixteen (16) or seventeen (17) years of age wishing to purchase a Class C firework must present a state issued photo identification as proof of age to the seller or must be accompanied by an adult. It shall be unlawful to offer for sale or to sell any D.O.T. Class C common fireworks to any person under sixteen (16) years of age, or to any intoxicated person, or to any irresponsible person.
- (C) Except as part of a public display of fireworks approved under Code §12-28, it shall be unlawful for any person within the City to sell, use or possess any mortar firework with a single tube, or any mortar firework with multiple tubes (commonly referred to as a “cake”), if any tube with an inside diameter of one and half inches (1½”) or more has been preloaded with a shell or shells. Measurement of any tube shall be from the inside edge of the tube to the inside edge of the opposite side of the tube.
- (D) Except as part of a public display of fireworks approved under Code §12-28, it shall be unlawful for any person within the City of Murfreesboro to sell, use or possess any reloadable firework.
- (E) If the firework reasonably appears to be a mortar firework in violation of subsection (C) or a reloadable firework in violation of subsection (D), and the seller is unable or unwilling to demonstrate (by removing packaging or otherwise) that the item is lawful for sale, it shall be presumed to be unlawful.
- (F) It shall be unlawful for any person within the City to use, possess, sell or offer for sale any bottle rocket.

[Ord. No. 82-6 §2, 07-22-82; Ord. No. 84-18 §1, 04-26-84; Ord. No. 95-O-15 §1, 05-25-95; Ord. No. 05-O-40 §5, 06-09-05; Ord. No. 08-O-50 §2, 12-18-08; Ord. No. 15-O-49 §1, 11-05-15]

SECTION 12-31 LOCATIONS FOR USE OF FIREWORKS.

It shall be unlawful for any person to use any item of fireworks on private property without the consent of the property owner. It shall be unlawful for any person to use any item of fireworks on public property, including public streets, except as part of a public display in accordance with Section 12-28. For purposes of this section, property is “used” when it is the place where the firework is lit or launched and when it is the place where the firework is directed or where it lands.

[Ord. No. 82-6 §2, 07-22-82; Ord. No. 95-O-15 §1, 05-25-95; Ord. No. 05-O-40 §6, 06-09-05]

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SECTION 12-32 RESERVED.

[Ord. No. 82-6 §2, 07-22-82; Ord. No. 95-O-15 §1, 05-25-95]

SECTION 12-33 RESERVED.

[Ord. No. 82-6 §2, 07-22-82; Ord. No. 95-O-15 §1, 05-25-95]

SECTION 12-34 RESERVED.

[Ord. No. 82-6 §2, 07-22-82; Ord. No. 95-O-15 §1, 05-25-95]

SECTION 12-35 RESERVED.

[Ord. No. 82-6 §2, 07-22-82; Ord. No. 95-O-15 §1, 05-25-95]