

ORDINANCE
City of Portland, Tennessee
No. 25 - 10

Second Reading

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

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WHEREAS, Title 7 Fire Protection and Fireworks, Chapter 6 Fireworks, of the Portland Municipal Code shall be repealed and replaced with the following and highlights of this revision include new formatting, wording for better clarity, a \$100.00 permit fee increase (7-602), expanded time for discharging fireworks (7-604), and a site cleanup provision (7.607); and

CHAPTER 6
FIREWORKS

- 7-601. Permissible fireworks.
- 7-602. Permit required.
- 7-603. Period of time for seasonal retailers to sell.
- 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. Site cleanup.
- 7.608. 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. A 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 of Portland, Tennessee.
2. A fee of one thousand five hundred dollars (\$1500.00) per each fireworks stand/tent shall be paid, and this amount covers all associated City fees such as any sign permit and transient vendor license.
3. All necessary insurance and licenses shall be supplied for permit approval. Each seasonal permit is valid for the selling periods as defined in 7-603.
4. Each seasonal retailer stand/tent must have at least one (1) sign plainly visible to the public of not less than two hundred (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).
5. Permits are not transferable.
6. No sales may begin prior to the issuance of permits and all sales must be in accordance with T.C.A. § 68-104-101(8) as defined in 7-603.
7. 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.
8. All required signage within this chapter is the responsibility of the retailer.
9. It is the responsibility of each retailer to ensure that all sales taxes are properly remitted according to the correct point of sale.

7-603. Period of time for seasonal retailers to sell.

1. The period of time for the sale of permissible fireworks as allowed in T.C.A. § 68-104-101(8), is broken into two (2) separate sell periods within each single selling season and shall be from June 20th through July 5th and from December 10th through January 2nd.
2. These two (2) separate selling periods define the length of one (1) selling season, and both are covered under one permit that must be renewed annually.

7-604. Period of time for discharging fireworks.

1. Unless otherwise excluded, the permissible discharge dates and times are as follows:
 - a. From June 18th to July 5th from 11am to 9pm; with the exception of June 19th and July 4th, where the time shall be 10am to 11pm; and
 - b. From 11am to 9pm on Memorial Day weekend (Saturday, Sunday, Monday) as recognized per each calendar year; with the exception of Memorial Day (last Monday in May), where the time shall be 10am to 11pm and
 - c. 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.
3. In the event a burn ban is instituted that prohibits the discharge of fireworks during the normally prescribed dates and times, the first full weekend immediately following the lifting of the burn ban against discharging fireworks will serve as permissible make-up days due to the burn ban. The hours for discharging fireworks during the Saturday and Sunday make-up weekend shall be 11am to 9pm.

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

1. No person shall smoke within a structure where fireworks are sold. No person selling fireworks shall permit the presence of lighted cigars, cigarettes, pipes, or other open flame 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, from a sidewalk or alley way, or from City owned property.
6. All unsold product must be removed within five (5) days of the ending of each separate sales period as defined in 7-603.
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; and may be required to show the proposed parking area on site plan.
9. Fireworks shall not be sold to anyone under sixteen (16) years of age, or to any visibly intoxicated/impaired person.
10. Fireworks shall not be sold from any property zoned residential; or from property otherwise used for the public such as a road, sidewalk, alleyway, or 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 provisions 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, the property of those who have not given permission.
9. Fireworks shall not be discharged from any public road, public right-of-way, public sidewalk, public alleyway, or any City owned property.
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.

11. Fireworks shall only be discharged during the permitted times listed within 7-604.

7-607. Site cleanup.

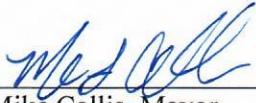
1. All trash, banners, and signs must be fully removed from site within five (5) days of the end of each separate sales period as defined in 7-603.
2. Each permitted site must contain sufficient trash receptables so as not to have debris, boxes, and other trash stacked or plied up onsite.

7-608. Violations and penalties.

1. It shall be unlawful for any person to violate any of the provisions of this chapter or fail to comply with any other applicable order.
2. Violations may lead to City, County, State, or Federal penalties.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland that Title 7 Chapter 6 of the municipal code has been replaced with the aforementioned language.

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



Mike Callis, Mayor



Attest: Tracy Kizer, City Recorder

Passed First Reading: March 17th, 2025

Passed Second Reading: April 7, 2025