

FIREWORKS

SECTION

1. Definitions.
2. Permits and permit fees.
3. Permit revocation.
4. Permissible fireworks.
5. Storing and structures.
6. Limitations on structures.
7. Location of fireworks outlets.
8. Parking for retail fireworks sales sites.
9. Additional standards for fireworks retailers.
10. Unlawful sale to certain children and other persons; unlawful use of fireworks.
11. Exemptions.
12. Violations and penalty.

1. Definitions.

- (A) Fireworks means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition.
- (i) As referenced in the currently adopted International Fire Codes.
- (ii) Exceptions:
- (a) Toy caps for use in toy pistols, toy canes, or toy guns, and novelties and trick noisemakers manufactured in accordance with DOT regulations, 49 CFR173.100(p), and packed and shipped according to those regulations;
- (b) Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models.
- (c) Propelling or expelling charges consisting of a mixture of sulfur, charcoal, saltpeter are not considered as designed to produce audible effects.
- (B) Mobile Retailer means a vendor operating from motor vehicles, trailers, bicycles, or motorbikes.
- (C) Permit means the written authority of the Town of Brighton issued under the authority of this section.
- (D) Person means any individual, firm, partnership, or corporation.
- (E) Retailer means any person engaged in the business of making retail sales of fireworks to the general public.
- (F) Sale means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one (1) or more individual(s).
- (G) State Fire Marshal permit means the appropriate fireworks permit issued by the Tennessee Fire Marshal under the authority of Tennessee Code Annotated 68-104-101, et seq
- (H) Combustible material – a substance that can be burned to provide heat or power.

2. Permits and permit fees.

- (1) It is unlawful for any person to sell or to offer for sale in the Town of Brighton any item of fireworks without first having secured a State Fire Marshal Permit and a Permit issued by the Town of Brighton.
 - (A) Permits are not transferable.
 - (B) A permit to sell fireworks to the general public is valid only from June 20 through July 5 or December 10 through January 2.
 - (C) The permit fee for retail permits is \$50 for the summer period and \$50 for the winter period.
- (2) A permit to sell fireworks in the Town of Brighton must be obtained at least two weeks prior to the date on which the applicant begins making sales. Each application shall contain the following:
 - (A) The application must include the name, address, and telephone number of applicant.
 - (B) The applicant must be the natural person who will operate or be responsible for sales.
 - (C) The applicant's name must be the same as the name on the State Fire Marshal Permit.
 - (D) The applicant is liable for all violations of this chapter by persons under his/her supervision.
- (3) For a state permit to be obtained by a retailer, the Mayor or his or her designee must sign on behalf of the retailer an Application for Fireworks Permit that the state requires before a state permit is issued to a retailer for a specific location.
- (4) A person that applies for a retail fireworks permit must show proof that a state sales tax number has been obtained for sales tax purposes.
- (5) A site plan must be submitted that includes the dimensions of the lot, size and location of structure, setback of structure from the right-of-way, location of other structures in the area that are occupied, location and number of parking places, location of any nearby residences, location of the nearest fuel outlets, and location of other fireworks outlets if located within 750 feet of a retail structure.
- (6) Mobile vendors are not permitted.
- (7) Signage shall conform to current codes.
- (8) The application must contain evidence that general liability insurance has been obtained by applicant naming the Town of Brighton as additional insured for at least \$2,000,000 for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage liability combined.
- (9) The application must disclose the location where the applicant will conduct the business of selling fireworks and the dated for which the right to do business is desired.
- (10) Applicant shall pay \$100 cleanup deposit per location, which shall be refunded after the fireworks season or used by the town to clean up the retail fireworks site if needed.
- (11) After the application has been submitted and approved, the Town Building Inspector, Fire Inspector, and State Electrical Inspector (Fire Inspector and Electrical Inspector must also inspect by law/ordinance) shall inspect the site for compliance with applicable codes and ordinances.

3. Permit revocation.

- (1) The Town of Brighton may revoke any permit upon failure of retailer to correct any of the following conditions within thirty-six (36) hours after the Building Official gives written notice.
 - (A) When the permittee or the permittee's operator violates any lawful rule, regulation, or order of the Town Building Official.
 - (B) When the permittee's application contains any false or untrue statements.
 - (C) When the permittee fails to timely file any report or pay any tax, fee, fine or charge.
 - (D) When the permittee or the permittee's operator violates any fireworks ordinance or statute.
- (2) When any activities of the permittee constitute a distinct hazard to life or property, the Building Inspector and/or Fire Inspector, may revoke the permit immediately.

4. Permissible fireworks.

- (1) It is unlawful for any individual, firm, partnership, or corporation to sell or use within the Town of Brighton, except as provided in this chapter, any fireworks as defined in (1) (A), other than the following:
 - (A) Those items classified by the U.S. Department of Transportation as 1.4G Consumer Fireworks, or
 - (B) 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.
- (2) Any display using 1.3G Display Fireworks as defined in the International Fire Code must be under the control of a licensed pyrotechnics technician.

5. Storing and structures.

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 the structure where fireworks are offered for sale. At all places where fireworks are stored or sold, there must be posted signs with the words Fireworks-No Smoking in letters not less than four (4) inches high. An inspected and currently tagged fire extinguisher with a minimum 2A rating and one pressurized water type fire extinguisher must be present at each retail fireworks site. Fireworks sold at retail may be sold only from a freestanding structure. Fireworks must be stored at least ten (10) feet away from windows and other areas where the sun may shine through. Fireworks are not permitted to be stored in residential districts, except for personal use.

6. Limitations on structures.

Retail structures including tents meeting the current adopted Fire Code, Building Code and Life Safety Code (NFPA 101), and Electrical Code may be used for the retail sale of fireworks. Ground fault interrupter protection must be used for power cords that supply power to tents and other outdoor structures. Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by a suitable fixture or guard. No structure from which fireworks are sold may exceed 3,200 square feet. Fireworks may not be stored in a permanent building unless the building has a sprinkler system and is constructed of non-flammable materials such as metal or concrete block.

7. Location of fireworks outlets.

Fireworks sales structures must be no closer than sixty (60) feet from any occupied building. Fireworks sales are permissible only on commercial/industrial property as approved by the Planning Department and the sales structure must be located a minimum of forty-five (45) feet from the right-of-way. Any fireworks sales structure must be at least 150 feet from a residence.

8. Parking for retail fireworks sales site.

- (1) The site for a fireworks retailer shall be improved to provide at least twelve (12) graveled or paved parking places for off street customer parking.
- (2) The retail fireworks site must provide for an on-site turn-around area so that backing of vehicles onto the street will not be necessary.
- (3) The parking area must be large enough and constructed so as to accommodate a fire truck as spelled out in N.F.P.A. 1124 7.3.4.

9. Additional standards for fireworks retailers.

- (1) Any site for a fireworks retailer must be located so that all parts of the structure and fireworks inventory on the site are no closer than 100 feet to any combustible material.
- (2) The parcel on which fireworks retail sales is proposed shall be a minimum of seven hundred and fifty (750) feet from other similar uses. This distance shall be measured in a straight line from structure to structure. Priority shall be given to the retailer who obtained a permit the previous year at the same location.

10. Unlawful sale to certain children and other persons; unlawful use of fireworks.

- (1) It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age or to any intoxicated person.
- (2) It is unlawful to explode or ignite fireworks within six hundred (600) feet of any church, assisted living facility, nursing home, hospital, funeral home, public or private school academic structure, or within three hundred (300) feet of where fireworks are stored, sold, or offered for sale.
- (3) It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle.
- (4) It is unlawful to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons.
- (5) It is unlawful to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property.
- (6) It is unlawful to launch fireworks onto property of persons who have not given permission.
- (7) It is unlawful to use fireworks at times, places, or in any manner that endangers other persons.
- (8) It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the Town of Brighton Fire Department, except for public (and/or group) displays for which permits have been granted.

11. Exemptions. Nothing in this ordinance prohibits:

- (1) The sale of any kind of fireworks that are to be shipped directly out of the corporate limits of the town in accordance with the regulations of the United States

Department of Transportation covering the transportation of explosives and other dangerous articles by motor, rail, and water.

- (2) The sale, transportation, handling, or use of industrial pyrotechnic devices or fireworks, such as railroad torpedoes, fuses, automotive, aeronautical, and marine flares and smoke signals.
- (3) The sale or use of blank cartridges for theater, for signal or ceremonial purposes, in athletics or sporting events, or legal power tools.
- (4) The transportation, handling, or use of any pyrotechnic devices by the armed forces of the United States.
- (5) The use of pyrotechnics in training by the fire service, law enforcement, or similar government agencies.
- (6) The use of fireworks for agricultural purposes under conditions approved by the fire chief or his designee.
- (7) Supervised displays for fireworks as provided for in this ordinance.

12. Violations and penalty.

Violations of any provision of this ordinance shall be subject to a penalty of up to \$50 per violation.

This ordinance shall take effect upon its final passage, the public health, safety, and welfare requiring it.

June 11, 2013

First Reading

July 9, 2013

Second Reading

Jeff A. Scott, Mayor

ATTEST:

Town Recorder

**TOWN OF BRIGHTON
BOARD OF MAYOR AND ALDERMEN MEETING**

July 9, 2013

7:00 PM

CALL TO ORDER, PLEDGE OF ALLEGIANCE & INVOCATION

The regular meeting was called to order by Mayor Jeff A. Scott at 7:00 p.m. We recited the Pledge of Allegiance to the flag. Reverend Meredith Cavin gave the invocation.

ROLL CALL

Present

Jeff A. Scott, Mayor
Sarah Crocker, Alderwoman
Melissa Sartain, Alderwoman
Jim Wyatt, Alderman

Absent

Phillip Mathis, Alderman

Others Attending: Kinney Bridges, Fire Chief
Mike Durham, Police Chief
Kristin Mathis, Town Recorder
Wanda Scott, Park and Rec Director
Matt Hall, Public Works Director

Guests: France Gasquet (The Leader), Josh Travis, Ann Blackmon, Nick Goulder, Rev. Meredith Cavin
Renee Downing (911 Central Dispatch Director), Jim Harger (911 Central Dispatch Chairman)

APPROVAL OF MINUTES

Minutes Approval: Regular Board Meeting June 11, 2013. Alderman Wyatt made a motion to approve the minutes as written. The motion was seconded by Alderwoman Sartain. Alderwoman Crocker noted that the minutes were incorrectly written for the motions made on the Second Reading of the Slum Clearance ordinance. All approved the minutes as written on the condition that the change be made regarding the motions on the Slum Clearance ordinance. Motion carried.

FINANCIAL REPORT/PAYMENT OF BILLS

The financial report was presented. Alderwoman Sartain made a motion to pay the Town's bills. The motion was seconded by Alderwoman Crocker. All approved. Motion carried.

ACKNOWLEDGEMENT OF GUESTS

Reverend Meredith Cavin with the Brighton ARP Church is requesting permission to allow bikes and tricycles on the walking track at the Brighton Park for their youth back to school bash. Approval was given by the Board for use of the track on that day. Reverend Cavin and church member Nick Goulder would also like the Town to look into the drainage problem at the church. He is suggesting that the culverts may need to be re-worked.

Jim Harger, Chairman of the Tipton County 911 Central Dispatch, and Renee Downing, Director of the Tipton County 911 Central Dispatch were present to discuss the reason for the increase in the municipalities' yearly fees. Chairman Harger also gave a status update on the new radio system that will be implemented later this year.

Resident of 178 Woodshire, Josh Travis, is requesting the status of the work that is to be completed on his property. Public Works Director Hall informed Mr. Travis that the work was completed as of today.

DEPARTMENTAL REPORTS

Fire Department: Chief Bridges presented the monthly status report (see attached report).

Police Department: Chief Durham presented the monthly status report (see attached report). He informed the Board that maintenance and repair work is an ongoing issue with the department's patrol cars. The Board requested Chief Durham to provide them with a report of the work done on each vehicle.

Public Works: Director Hall presented the monthly status report (see attached report).

PARKS AND RECREATION REPORT

The Park and Recreation meeting from June 11, 2013 and June 25, 2013 were presented. (see attached minutes)

PLANNING COMMISSION REPORT

The Planning Commission meeting from June 24, 2013 was presented. (see attached minutes)

MAYOR AND ALDERMEN REPORTS

Mayor Scott informed the Board that repair work is being done to the pavilion and the gazebo at the Brighton Park. He also stated that there will be a public hearing on July 23, 2013 @ 6:00p.m. for the second reading of the Budget for FY13-14.

OLD BUSINESS

Ordinance – Second Reading – Fireworks: A motion was made by Alderwoman Crocker to adopt the ordinance as written on the Second Reading. The motion was seconded by Alderman Wyatt. All approved. Motion carried.

NEW BUSINESS

Ordinance – First Reading– Property Maintenance: A motion was made by Alderwoman Sartain to adopt the ordinance as written on the First Reading. The motion was seconded by Alderwoman Crocker. All approved. Motion carried.

ADJOURNMENT

Alderwoman Crocker made a motion to adjourn the meeting. The motion was seconded by Alderwoman Sartain. All approved. Motion carried. The meeting adjourned at 9:00 p.m.



Jeff A. Scott, Mayor



Kristin Mathis, Recorder