

**AN ORDINANCE TO AMEND TITLE 7, CHAPTER 5,
OF THE COLUMBIA MUNICIPAL
CODE RELATING TO FIREWORKS**

WHEREAS, the City of Columbia regulates the manufacturing, sale, display, use and storage of certain fireworks for both public and private display within the corporate limits of the City of Columbia; and

WHEREAS, it is the desire of the City of Columbia to modify certain sections of Title 7, Chapter 5 relating to fireworks.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF COLUMBIA, as follows:

Section 1. That Title 7, Chapter 5, Section 7-502 – Definitions, is hereby deleted and replaced with a new Section 7-502 as follows:

7-502. Definitions. As used in this chapter, the following terms shall have the meaning ascribed to them herein, unless clearly indicated otherwise.

(1) “Bottle rocket”. A small tube containing less than four grams of propellant in a casing of less than five-eighths inch by three inches attached to a thin bamboo stick that shoots an expelling combustion from one end that propels it into the air.

(2) “Distributor.” Any person engaged in the business of selling of fireworks to any other person engaged in the business of reselling fireworks either as a wholesaler or retailer, or any person who receives, brings, or imports any fireworks of any kind, in any manner into the City of Columbia, except to a holder of a manufacturer’s, distributor’s or wholesaler’s permit issued by the State Fire Marshal and the City of Columbia Fire Chief.

(3) “D.O.T. Class C Common Fireworks.” All articles of fireworks as are now or hereafter classified as “D.O.T. Class C common fireworks” in the regulations of the United States Department of Transportation for transportation of explosives and other dangerous articles.

(4) “Manufacturer.” Any person engaged in the making, manufacturing or constructing of fireworks of any kind.

(5) “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.”

(6) “Permit.” The document granting the written authority of the City of Columbia Fire Chief or his designee issued under the authority of this chapter.

(7) “Person.” Any individual, organization for profit, organization not for profit, firm, partnership or corporation.

(8) "Retailer." Any person engaged in the business of making retail sales of fireworks.

(9) "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".

(10) "Sale." An exchange of articles of fireworks for money, also including a barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, salesman, agent, association, co-partnership, or one (1) or more individuals.

(11) "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.

(12) "Sign, portable." Any advertising sign or device in the shape of an "A" frame or any variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually a two sided sign and including any single or double surface painted or posterized panel type sign or any variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached to the premises or any building, wall, fence, pole or any other structure situated upon any real property.

(13) "Special fireworks." All articles of fireworks that are classified as Class B explosives in the regulation of the United States Department of Transportation and includes all articles other than those classified as Class C.

(14) "Storage." A place where merchandise is stocked or supply is reserved for future use.

(15) "Storage facility." A place where fireworks are stockpiled or kept for future use.

(16) "Wholesaler." Any person engaged in the business of making sales of fireworks to a retailer.

Section 2 That Title 7, Chapter 5, Section 509 Retail sale of permissible items-time limitation-exceptions. Be amended by deleting the first grammatical sentence of said section and replacing said sentence with the following:

"Permissible articles of fireworks may be sold at retail to residents of the City of Columbia only from June 25th through July 5th of each year."

Section 3. That Title 7, Chapter 5, Section 512 Unlawful acts in the sale, handling or private use of fireworks, is hereby deleted and replaced with a new Section 7-512 as follows:

7-512. Unlawful acts in the sale, handling or private use of fireworks.

(1) It is unlawful to:

- (a) Offer for retail sale or to sell any fireworks to children under the age of sixteen (16) years or to any intoxicated or incompetent person.
- (b) Explode or ignite fireworks within three hundred (300) feet of any church, hospital, hotel, motel, or public school or within three hundred (300) feet of where fireworks are stored, sold or offered for sale, or within three hundred (300) feet of a gasoline retailer or wholesale storage facility.
- (c) Ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle or to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people.

(2) All items of fireworks, which exceed the limits of D.O.T. Class C Common Fireworks as to explosive composition, such items being commonly referred to as "illegal ground salutes" designed to produce an audible effect, are expressly prohibited from the manufacturing, possession, use, sales or storage within the City of Columbia. This subsection shall not affect display fireworks authorized by this chapter.

- (3) (a) Except as part of a public display pursuant to Title 7, Sections 7-502, 504 and 510, it shall be unlawful for any person within the City of Columbia to sell, use or possess any mortar firework with a single tube, or any mortar firework with multiple tubes, if any tube has been loaded with a shell or shells with a diameter of one and one-half (1-1/2) inches or more. Measurement of any tube shall be from the inside edge of the tube to the inside edge of the opposite side of the tube.
- (b) Except as part of a public display pursuant to Title 7, Sections 7-502, 504 and 510, it shall be unlawful for any person within the City of Columbia to sell, use or possess any reloadable firework.
- (c) If the firework appears to be a mortar firework in violation of subsection (a) or a reloadable firework in violation of subsection (b), and if the packaging of the firework does not clearly indicate the contents of the firework so that it can be determined if the item is lawful for sale, it shall be presumed to be unlawful.

- (d) It shall be unlawful for any person within the City of Columbia to use, possess, sell or offer for sale any bottle rocket.
- (4) 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 Columbia as well as written safety instructions appropriate for the type of fireworks sold.
- (5) It is unlawful to fail to comply with the City of Columbia's Zoning Ordinance.

Section 4. That Title 7, Chapter 5 is hereby amended by adding a new Section 7-515 Seasonal Use of Fireworks, as follows:

7-515 Seasonal Use of Fireworks.

Except as part of a public display pursuant to Title 7, Chapter 5, Sections 7-503, 504 and 510, fireworks may only be used in the City of Columbia on July 3rd, July 4th and July 5th between the hours of 10:00 a.m. and 10:00 p.m. and on December 31st from 10:00 a.m. until January 1st at 12:30 a.m.

Section 5. That this Ordinance shall be published at least once in an official newspaper in the City of Columbia, Tennessee.

Section 6. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA, TENNESSEE, this the _____ day of _____, 2017.

DEAN DICKEY, MAYOR

ATTEST:

MOLLY BENDERMAN, CITY RECORDER

LEGAL FORM APPROVED:



C. TIM TISHER, CITY ATTORNEY

APPROVED FOR FIRST CONSIDERATION:

ANTHONY R. MASSEY – CITY MANAGER

Passed on 1st consideration _____

Passed on 2nd consideration: _____