

CHAPTER 5

PUBLIC EXHIBITIONS

SECTION

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7-501. Public exhibitions. The scope and intent of this chapter is to provide standards for the use and handling of fireworks intended for public display and for the general conduct and operation of said public displays so as to provide reasonable protection and safety to the general public when viewing a public fireworks display, and also protection and safety for the operator of a public fireworks display.

It is the intention of this chapter to provide a method in coordination with the State Division of Fire Protection, pursuant to TCA 53-3007, for permitting public displays of fireworks in the corporate limits of the City of Paris.

7-502. Application for permit. Applicants for a permit for a public exhibition or display of fireworks shall be limited to nonprofit corporations, associations, or organizations, and shall file with the city recorder a written application for said permit, duly subscribed and sworn to by the appropriate representative of the applicant, and certifying that no admission fee of any type shall be charged for viewing the display. Such application shall set forth the following:

- a. The name of the association, organization, or corporation sponsoring the display, together with the names of the persons to be in charge of the display.
- b. The date and time of day at which the display is to be held.
- c. The exact location planned for the display.
- d. A description setting forth the name, age, address and experience of the persons who are to do the actual firing and discharging of the fireworks.
- e. The number and kinds of fireworks to be discharged.
- f. The manner and place of the storage of such fireworks between the date of purchase and the date of display.
- g. A diagram or sketch of the grounds on which the display is to be held, showing the point at which the fireworks are to be discharged, the location of all buildings, streets, trees, telephones, or telegraph lines or overhead obstructions within a distance of 50 yards of the point of the discharge, and the lines behind which the public will be restrained.
- h. Accompanying the application form to the city recorder shall be an application for permit to operate a display of fireworks on forms provided by the Division of Fire Prevention of the State of Tennessee, making application for state approval of a public fireworks display.

7-503. Review of application. Upon receipt of such application at least 30 days in advance of the date set for this display, the Chief of the Fire Department shall make, or cause to be made an investigation of the site of the proposed display for the purpose of determining whether the provisions of these regulations are complied within the case of the particular display. He shall confer with the Chief of the Police Department about the application and whether issuance of a permit would be consistent with public safety. Being satisfied that the display is properly lawful, the Chiefs of the Police and Fire Departments shall together endorse the application, stating that they approve the display as being in conformance with all parts of the law and with these regulations. Failure to approve the application by either the Fire Chief or Police Chief shall be sufficient cause for the Division of Fire Prevention to deny the permit.

The application, following endorsement by the Chiefs of the Fire and Police Departments, shall be sent to the Division of Fire Prevention of the State of Tennessee who shall then, upon receipt of evidence of financial responsibility as required by law in such cases, issue a non-transferable permit authorizing the display.

7-504. Conduct of display. The following requirements shall be met before approval shall be granted for a public fireworks display. Unless otherwise specified requirements shall be applicable to both Class B and Class C fireworks displays, and any question or controversy about the application of the provisions of this section shall be conclusively resolved by determination by the Chief of the Fire Department. The requirements shall be as follows:

a. The following distance requirements shall be met prior to approval:

1) Distance Requirements for Class B Fireworks Displays.

No permit shall be granted for any display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, or brush, nor in any case where the point at which the fireworks are to be fired is less than 200 feet from the nearest permanent building, public highway, railroad, or other means of travel or 50 feet from the nearest above ground telephone or telegraph line, tree, or other overhead obstruction. In no case shall a display be fired within 500 feet of a school, theatre, church, hospital, or similar institution.

2) Distance Requirements for Class C Fireworks Displays.

No permit shall be granted for any display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, or brush, nor in any case where the point at which the fireworks are to be fired is less than 100 feet from the nearest permanent building, public highway, railroad, or other means of travel or 50 feet from the nearest above ground telephone or telegraph line, tree, or other overhead obstruction. In no case shall a display be fired within 300 feet of a school, theatre, church, hospital or similar institution.

b. Spectators at a display of fireworks shall be restrained behind lines or barriers as designated by local authorities but in no case less than 200 feet from the point at which the fireworks are to be discharged. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation, or firing of fireworks.

c. All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction, provided that where such fireworks are to be fired beside a lake or other large body of water, they may be directed in such a manner that the falling residue from the deflagration will fall into the said body of water.

d. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of or removed in a manner safe for the particular type of fireworks. The debris, from the discharged fireworks, shall be properly disposed of, by the operator, before he leaves the premises. The operator, upon the conclusion of the display, shall make a complete and thorough search for any unfired fireworks or pieces which have failed to fire or function and shall dispose of them in a safe manner. Such search shall be instituted at the earliest possible time following the conclusion of the display but in no event later than the first period of daylight which follows.

e. No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than 20 miles per hour.

f. All fireworks articles and items at places of display shall be stored in a manner and in a place secure from fire, accidental discharge, and theft and in a manner approved by the governmental agency having jurisdiction.

g. Monitors whose sole duty shall be the enforcement of crowd control shall be located around the display area by the applicant. The City Fire Chief and Chief of Police shall determine the number of monitors needed and their placement around the discharged site to prevent spectators or any other person from entering the discharge site. The discharge site shall be so restricted throughout the display and until the discharge site has been inspected after the display.

h. Display operators and assistants shall use only flashlight or other electrical lighting in and around the discharge site. No smoking or open flames shall be allowed on or around the discharge site or the fireworks storage area. Signs to this effect shall be conspicuously posted.

7-505. Qualifications of operators. The person in actual charge of the firing of the fireworks in a public display shall be able bodied, at least 21 years of age, competent for the task, and so certified by the Division of Fire Prevention for the State of Tennessee. Such operator shall have a certificate of competency in his possession when engaged in conducting a display and shall exhibit same on request. Said certificate of competency may be revoked by the Division of Fire Prevention or the Fire Chief or the Chief of Police for any violation of these regulations or where the holder's conduct or mental or physical conditions is such as to imperil the public safety. Each person assisting the certificated operator shall be 21 years of age. There shall be at all times no fewer than two operators of the display constantly on duty during the discharge, at least one of who shall be certificated.

7-506. Police and Fire Protection. Fire protection and extinguishing equipment shall be provided as required by the Fire Chief and at least one member of the local fire department, or such number as may be deemed necessary by the Fire Chief, shall be on duty from the time fireworks are delivered at the site of the display until the termination of the display. Police protection sufficient for assistance in crowd control and traffic safety shall be provided as required by the Chief of Police for a sufficient time prior to, during and after the public display. The expense of such fire department and police department personnel above and beyond normal personnel requirements of each department shall be paid by the permittee, for Class B fireworks displays only.

7-507. Insurance Required. The permittee shall secure insurance in a minimum of \$1,000,000.00 per occurrence with an insurance company acceptable to the city prior to approval of the permit application. Said insurance policy shall name the city as the co-insured, and, in addition, any organization or individual wishing to conduct such a public display shall agree to indemnify and hold the city harmless for any claims, demands, injuries, including but not limited to attorney's fees and costs of any defense on behalf of the city, in a form acceptable to the city manager (Ord. #626, 06/25/85).