

Private Acts of 1949 Chapter 589

SECTION 1. That from and after the effective date of this Act, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics, as hereinafter defined, in counties to which this Act is applicable.

The term "pyrotechnics" as used in this Act shall be held to mean any sparkler, squibb, rocket, firecracker, Roman Candle, fire balloon, flashlight composition, fireworks or other similar device or composition used to obtain a visible or audible pyrotechnic display.

SEC. 2. That in counties of this State having a population of not less than 41,050 and not more than 41,150 according to the Federal Census of 1940 or any subsequent Census, that any article or articles of merchandise coming within the definition of "pyrotechnics" as defined in this Act are hereby declared to be contraband, and subject to confiscation whenever found within the boundaries of this State, and it shall be the duty of the Sheriff of any County, and all peace officers to seize such article or articles and destroy the same.

SEC. 3. That any person guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty (\$50.00) Dollars and not more than Four Hundred (\$400.00) Dollars, or by confinement in the County jail for not less than thirty days and not more than eleven months and twenty-nine days, or by both such fine and imprisonment in the discretion of the Court.

SEC. 4. That nothing in this Act shall be construed as applying to persons, firms and corporations conducting public displays of pyrotechnics by contract or arrangement with any State Fair, patriotic assembly or similar public functions, who acquire all articles used in such pyrotechnic displays from points outside the Counties in this State to which this Act is applicable, and keep such pyrotechnic articles in their possession at all times during the public gathering, and transport the same out of this County upon the conclusion of the arrangement or contract under which such pyrotechnics are displayed for public entertainment.

SEC. 5. That any persons, firms and corporations conducting public displays of pyrotechnics by contract or arrangement with any County Fair, patriotic assembly or similar public function shall, not less than ten (10) days nor more than thirty (30) days apply to the office of the Fire Marshall of the State of Tennessee, in writing, for a permit to hold such display for public entertainment. Said permit, in the discretion of the Fire Marshall, shall then be promptly issued to the applicant. Said permit shall contain the name of the applicant and type of pyrotechnics to be used, date of use, of same, place of use, place of storage, of pyrotechnics until after use and period of time for which permit shall remain in full force and effect. Said permit shall be made a triplicate. The original shall remain on file in the office of the Fire Marshall. One copy shall be given to the applicant, and one copy shall be mailed by the Fire Marshall to the Sheriff of the County in which the said pyrotechnic display is to be held, at least three (3) days before the date of the display.

SEC. 6. That the provisions of this Act are hereby declared severable, and if any of its sections, provisions, clauses, or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

SEC. 7. That thirty (30) days be allowed after the passage of this Act to permit persons, firms or corporations holding stocks of said pyrotechnics to dispose of such stocks outside of counties affected by this Act.

SEC. 8. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 5, 1949.

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