

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

December 3, 2013
BC, FC, CC and Licensing
Appeals Board

Amending Sections 34.308 and creating
34.105(14)(c) of the Madison General
Ordinances to regulate fire performance art.

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Date: November 22, 2013
SPONSOR: Aids. Skidmore & Cnare

DRAFTER'S ANALYSIS: The City has seen an increase in events where artists use flame effects to entertain an audience, and the Fire Department has experienced an increase in the number and frequency of individuals calling to ask about related permits and rules. However, "fire performance art" does not meet the definition of "pyrotechnics" so no rules currently exist to regulate these kinds of performances. This ordinance creates regulations for performances that use fire as entertainment and creates a permit requirement for performers.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 34.308 entitled "Open Flames" of the Madison General Ordinances is amended to read as follows:

"34.308 OPEN FLAMES.

The following is in addition to the requirements in IFC chapter 308:

(1) IFC section 308.1.4 shall be amended to remove Exception three (3).

(2) Fire Performance Art.

(a) General. Fire Performance Art shall be defined as any act (fire juggling, fire eating, fire dancing, etc and other attended manually controlled fire effects) in a public or private place, including street fairs, and outdoor public gatherings which utilize fire as part of fire performance art. These acts do not include pyrotechnics or other open flame devices or effects as regulated by other code sections or permits.

(b) Fire performance artist and spotters shall;

- 1. Be at least 18 years of age;
- 2. Have valid state issued photo identification and fire performance permit readily accessible at each performance.

(c) Permits. As specified in Sec. 34.105 a permit shall be secured from the fire code official prior to the date of the fire performance art taking place.

- 1. Fire performance artists shall obtain a Fire Performance Art Permit that will be valid only for the duration of the performance or event. Additional locations will be required to have separate permits.
- 2. A written letter signed by the property owner or their representative authorizing the fire art performance. The letter clearly indicating the site address, business name (if any) printed name/title of person signing the letter and current contact information of the building owner or representative.
- 3. Included with the permit application shall be;

Approved as to form:

- a. A \$50 (fifty dollar) application fee, per event or contracted performance location not to exceed sixty (60) days.
 - b. A copy of the performers and spotter's names and photo ID.
 - c. A site plan of the venue including dimensions of the performance area, seating, equipment layout, rooms, aisles and exits.
 - d. Adequate ventilation for the number of ignited fire effects and duration of the production so to prevent the creation of a nuisance or a hazard.
 - e. Every public display permittee shall have and maintain Commercial General Liability insurance with a minimum limit of one million dollars (\$1,000,000) per occurrence; additional limits may be requested upon review by the City Risk Manager. Said insurance shall include coverage for bodily injury, property damage, and contractual liability, and name the City, its officers, officials, employees and agents as additional insured's. It shall also provide that the City receive written notice thirty (30) days prior to any cancellation, nonrenewal or material change in the policy. Proof of said insurance shall be submitted to the Chief at the time of the permit application. In addition, the applicant shall agree to indemnify, defend, and hold harmless the City and its officers, officials, employees and agents against all claims, liability, loss, damage, or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.
 - f. Permits must be received thirty (30) days prior to the initial request performance to accommodate plan review and a site visit, prior to issuing a permit.
 - g. The Chief may prohibit or terminate the use or display of fire performance art when in the opinion of the Chief atmospheric conditions or local circumstance make such use or display a fire hazard or other hazard to public safety.
- (d) Space Considerations. All performances shall maintain a minimum ten-(10) foot distance between the fire-involved item and the any member of an audience, any combustible decoration, and any combustible item within the immediate performance area.
1. All indoor fire performance art shall be conducted only in buildings with an approved fire sprinkler system.
 2. Indoor performances require a minimum ten-(10) foot ceiling height.
- (e) Extinguishing Agents. At minimum of one (1) 2A-10BC multipurpose fire extinguisher shall be required for every five (5) performers at each performance. Additional fire extinguishers may be required by the code official based upon the unique circumstances of the performance and occupancy.
1. One wet towel for each active fire performer shall be provided to extinguish fire implements. The towel shall be white in color to differentiate its use from other colors that may be used to clean up flammable or combustible liquid spills. Towels used for cleaning up flammable or combustible liquid spills shall be stored in a metal container with a tight fitting lid.
 2. One listed fire blanket shall be provided for every five (5) performers.
 3. Personal Safety. A five-(5) gallon open-topped bucket of water will be provided for each fire performance area.
 4. Spotter. One trained spotter shall be provided for each performance. The spotter shall be positioned between the active fire performer and the audience. Spotters should be trained in the proper use of fire extinguishers. The spotter may be a performer who is not engaged in the current performance. The fire code official may require additional spotters based on the unique circumstances of the performance and occupancy.
- (f) Fuels.
1. Approved common fuels used for fire performance art include:
 - a. Denatured Alcohol;

- b. Lamp Oil (odorless and smokeless);
- c. Kerosene (For outdoor performances only) Stove Fuel;
- d. "Shell Sol T" brand fuel;
- e. "Allume Fue" brand fuel;
- 2. "Fire Water" brand fuel Gasoline is prohibited under any circumstances.
- (g) Fuel Quantities and Storage. All fuels shall be stored in their original container(s) with the caps in place when not in use. The maximum quantity of fuel on the site shall be one (1) U.S. gallon per performer.
- (h) Wicks. Wick material shall consist of cotton wrapped in Kevlar to prevent the breakdown of the cotton as it burns. Synthetic wick material shall be avoided.
- (i) Clothing. It is recommended that the clothing worn by the performers be made of fire resistive materials such as natural fibers or Nomex™/PBI.
- (j) Smoking. Smoking is prohibited by within fifty (50) feet of the performance area and fuel storage. No smoking signs shall be posted accordingly."

2. Subdivision (c) of Subsection (14) of Section 34.105 entitled "Licenses and Permits" of the Madison General Ordinances is created to read as follows:

"(c) Fire Performance Art as defined Sec. 34.308(2)(a) – the license shall comply with Sec. 34.308(2)(e)."