



## Legislation Text

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**File #:** 33814, **Version:** 2

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### **Fiscal Note**

There will be a small increase in General Fund revenues derived from permit fees.

### **Title**

SUBSTITUTE Amending Sections 34.105(14), creating Sec. 34.105(16), renumbering Secs. 34.105(16) and (17) to (17) and (18), amending Sec. 34.5601, repealing and recreating Sec. 34.5608, and amending Secs. 1.08(3) and (4) of the Madison General Ordinances to make a more extensive firework permitting process.

### **Body**

**DRAFTER'S ANALYSIS:** This ordinance makes changes to Chapter 34 to strengthen and extend the City's firework permitting requirements and clarify the City's firework and pyrotechnic regulations.

Under current law, the City has adopted International Fire Code standards regarding the permitting of commercial firework and pyrotechnic displays. As a result, the City's current firework permit is focused on fire safety concerns. In addition, the permit requirements only apply to the contractor discharging the fireworks; they do not apply to the event organizer. This current permit process does not address specific concerns of the City relating the types of fireworks permitted to be used in a show, the materials associated with the storage and use of the fireworks, and special concerns relating to environmental impacts. The current permit, by only being enforceable against the contractor, who is frequently from out of the area, is a limited tool to address concerns that may arise after an event. Finally, the current ordinance is somewhat unclear about what types of fireworks are regulated by the City.

This ordinance clarifies that Sec. 34.5601 only applies to recreational fireworks and specifically exempts these types of fireworks from regulation under Sec. 34.5608. This clarification is helpful in assisting the public in understanding the scope of the City's regulations and what types of fireworks are allowed in the City without a permit.

This ordinance replaces the current firework permit with three new permits relating to non-recreational fireworks and other pyrotechnics: the Pyrotechnic Special Effects Materials Permit, the Fireworks Event Permit, and the Fireworks Shooters Permit. These new permits are set forth in the amendments to Section 34.105. In addition, language is specifically added into this Section relating to the recreational fireworks sellers permit that already exists in Sec. 34.5601.

The Pyrotechnic Special Effects Materials permit (for use of pyrotechnics in, for example, a stage show) is being split off from the fireworks permits as fireworks events have unique concerns that pyrotechnic special effect displays do not. In addition, the City's current permit process for these sort of displays, applying International Fire Code standards, have been sufficient.

The Fireworks Event Permit is being created to apply specifically to the person staging the public display of fireworks (the event organizer). This permit may apply to a single occurrence, or a series of occurrences. This permit incorporates certain responsibilities associated with the display under this person's control as part of the permit conditions, giving the City a local responsible entity to ensure that the public's interest is protected. Fireworks Event Permit holders will be required to provide preliminary plans relating to the event, proof of insurance, and propose and comply with a clean-up plan for the event (including post-event reporting requirements). The Engineering Division will be responsible for approving and enforcing any clean-up plan for an event that will occur over a lake or river, the Parks Division will be responsible for approving and enforcing any clean-up plan for an event that will occur over a City park, and the Fire Department will be responsible for approving and enforcing any other clean-up plan. By creating this permit, the City will be able to take enforcement action should event organizers fail to adequately address the City's post-event clean-up concerns. As event organizers are likely be local parties, this significantly strengths the City's ability to ensure that the public's event related interests are properly addressed.

The Fireworks Shooters Permit is being created to apply specifically to the person responsible for

handling and discharging the fireworks as part of the event. Permit holders will be limited to using federally approved fireworks, may not use plastic shell casings and, if a discharge will be near any waterway, may not use plastic mortar caps. In addition, prior to the event the permit holder will be required to provide the City a detailed list of the fireworks that will be used in the event. By creating this permit, the City will be better able to address the competency of the permittee, the event particulars, and the composition of the firework display, thereby allowing the City to better protect the health, safety and welfare of the public.

Finally, by creating bond schedules associated with these new permits, and expanding enforcement authority over the clean-up plans, greater enforcement authority is granted to ensure that the public's interest is better protected.

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The Common Council of the City of Madison do hereby ordain as follows:  
Please see "SUBSTITUTE BODY" in Attachments.