



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 5/25/2023

File ID: TMP-2999

Department: Fire and Rescue

Subject:

Type of Action: Introduction

Introduction of an Ordinance amending Section 13-33 (Fireworks) of the Code of Ordinances of the City of Huntsville, Alabama.

Ordinance No.

Finance Information:

Account Number: N/A

City Cost Amount: N/A

Total Cost: N/A

Special Circumstances:

Grant Funded: N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: N/A

District: District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

Additional Comments:

ORDINANCE NO: 23- _____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama as follows:

Section 1. Section 13-33 (Fireworks) of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

(a) *Definitions.* When used in this section, the following terms shall have the meanings ascribed to them in this subsection, unless the context clearly indicated a different meaning:

APA Standard 87-1A or *APA Standard* means the 2018 American Pyrotechnic Association standard for the construction, classification, approval, and transportation of consumer fireworks.

Fireworks means any composition or device prepared for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, explosion, or detonation, which includes, but is not limited to, "Fireworks, 1.3G" and "Fireworks, 1.4G", as those terms are defined in the Huntsville Fire Code. The term does not include toy paper pistol caps which contain less than twenty-five hundredths' grains of explosive compounds, model rockets, emergency signal flares, matches, trick matches, and cigarette loads.

Consumer fireworks mean "Fireworks, 1.4G" as that term is defined by the Huntsville Fire Code.

Novelties or *novelty device* means a device that meets, where applicable, the general requirements of APA Standard Section 2.4 and the specific requirements of APA Standard Section 3.2.1.

Sell means to exchange for money, including barter, exchange, gift, or offer thereof, and each transaction made by any person, whether as principal proprietor, salesperson, agent, association, copartnership, or one or more individuals.

Sparkling devices mean consumer fireworks that are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (a mild audible crackling-type effect is not considered to be a report.) Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category.

(b) The possession, manufacture, storage, sale, handling, and use of fireworks are hereby prohibited, with the following exceptions:

(1) The storage and handling of fireworks as allowed in Section 5604 of the Huntsville Fire Code.

(2) The manufacture, assembly and testing of fireworks as allowed in Section 5605 of the Huntsville Fire Code.

(3) The use of fireworks for fireworks displays as allowed in Section 5608 of the Huntsville Fire Code.

(4) The possession, storage, sale, handling, and use of the specific types of fireworks that are expressly allowed by subsections (c) and (d) of this section, provided that such

fireworks and facilities comply with the 2006 edition of NFPA 1124, CPSC 16 CFR Parts 1500 and 9 CFR Parts 100–185, as may be applicable for novelties and consumer fireworks.

(c) *Novelties.* Subject to subsection (e), the possession, storage, sale, handling, and use of novelties is expressly allowed inside the city limits.

(d) *Sparkling devices.* Subject to subsection (e), the possession, storage, sale, handling, and use of the following types of sparkling devices, and no other, are expressly allowed inside the city limits:

(1) *Fountain, Cone* that meets, where applicable, the general requirements of APA Standard Section 2.4, the specific requirements of APA Standard Section 3.2.2.8, and the specific requirements of APA Standard Section 3.2.4;

(2) *Fountain, Cylindrical* that meets, where applicable, the general requirements of APA Standard Section 2.4, the specific requirements of APA Standard Section 3.2.2.9, and the specific requirements of APA Standard Section 3.2.4;

(3) *Ground Spinner* that meets, where applicable, the general requirements of APA Standard Section 2.4, the specific requirements of APA Standard Section 3.2.2.11, provided, however, no reports are allowed, and the specific requirements of APA Standard Section 3.2.4;

(4) *Illuminating Torch* that meets, where applicable, the general requirements of APA Standard Section 2.4, the specific requirements of APA Standard Section 3.2.2.12, and the specific requirements of APA Standard Section 3.2.4; and

(5) *Wheel* that meets, where applicable, the general requirements of APA Standard Section 2.4, the specific requirements of APA Standard Section 3.2.2.16, and the specific requirements of APA Standard Section 3.2.4.

(e) The fire chief may, at any time and from time to time, suspend the outdoor use of novelties and sparkling devices inside the city limits where he/she determines, in his/her sole discretion, that drought conditions, or other weather-related conditions, warrant suspension due to an increase in the likelihood of fires. It shall be unlawful to use novelties and sparkling devices during any such suspension period after a verbal warning to cease from fire or law enforcement officers, and shall subject the novelties and sparkling devices to seizure and destruction in accordance with subsection (g) below.

(f) *Prohibition.* No person under eighteen years of age shall discharge, ignite, or explode novelties or sparkling devices unless in the company of a person of at least eighteen years of age.

(g) Fireworks possessed, manufactured, stored, sold, handled, or used in violation of this section shall be subject to seizure and destruction by the fire chief or his/her designees or subordinates.

(h) Notwithstanding any provision of this section or the Huntsville Fire Code to the contrary, in no event shall any person be allowed to possess, manufacture, store, sell, handle, or use fireworks in violation of applicable state law.

(i) The penalty provisions of section 1-7 of this Code shall apply to a violation of this section.

Section 2. The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville, Alabama are specifically included herein by reference as if fully set forth.

Section 3. This Ordinance shall become effective upon its adoption and publication.

ADOPTED this the _____ day of _____, 2023.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2023.

Mayor of the City of
Huntsville, Alabama