

ORDINANCE NO. 2024-137

AN ORDINANCE REPEALING AND REPLACING CHAPTER 18, ARTICLE I, SECTION 3 OF THE MADISON CITY CODE

WHEREAS upon the recommendation of the Fire Chief, David Bailey, the City Council seeks to **REPEAL** and **REPLACE** provisions of the City Code prohibiting fireworks and bonfires so as to allow for novelties and sparkler devices.

BE IT ORDAINED by the City Council of the City of Madison, Alabama, that the Madison City Code is hereby amended to **REPEAL**, in its entirety, City Code Chapter 18, Article 1, Section 3.

BE IT FURTHER ORDAINED by the City Council of the City of Madison, Alabama, that the Madison City Code is hereby amended to **REPLACE** and insert the following for City Code Chapter 18, Article 1, Section 3:

Section 1.

“Sec. 18-3. – Fireworks, Bonfires

- (a) It shall be unlawful for any person to throw any fireballs, set off, discharge or throw any fireworks including, but without limitation, any rockets, firecrackers, torpedoes, squibs or other fireworks, and/or light any bonfires within the city except by permit.
- (b) It shall be unlawful for any person to possess, keep store, use, manufacture, sell, offer for sale give away or handle any fireworks within the corporate limits of the city except by permit.
- (c) Fireworks possessed, manufactured, stored, sold, handled, or used in violation of this section shall be subject to seizure and destruction by the City.
- (d) Fireworks shall be defined by the International Fire Code, as adopted by the City. The term "fireworks" shall not include “novelties” and “sparkling devices” as defined by this section; the sale and use of such novelties and sparkling devices shall be allowed at any time within the City of Madison subject to subsection (g) of this section.
- (e) Novelties shall be defined as any device listed in APA 87-1, Section 3.2, including, without limitation; party poppers; snappers; toy smoke devices; snake; glow worms, wire sparklers, dipped sticks. This definition adopts the same definition of novelties as provided by Code of Alabama

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Section 8-17-210 (10).

- (f) Sparkling Devices shall be defined as any handheld or ground based sparkling devices that are non-explosive and non-aerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes and other sparkling devices which emit showers of sparks and sometimes a whistling, spinning, or crackling effect when burning, but does not include aerial devices, audible ground devices, or anything that will detonate or explode. This definition adopts the same definition of sparkling devices as provided by Code of Alabama Section 8-17-210 (15).

- (g) The foregoing notwithstanding, the City may, at any time and on recommendation from its Fire Chief, suspend the outdoor use of all sparkling devices and novelties allowed inside the city limits where drought conditions, other weather-related conditions, or the promotion and preservation of public safety warrant suspension. It shall be unlawful to use all sparklers and other novelty 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 (c) above.”

Section 2. All remaining sections of Chapter 18, Article I shall be renumbered as needed to accommodate the repeal and replacement provided by this Ordinance.

Section 3. If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this Ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

Section 4. No other provisions of the City Code are amended by this Ordinance, unless specifically stated and referenced herein.

Section 5. This ordinance shall become effective immediately upon its adoption and proper publication as required by law.

READ, PASSED AND ADOPTED this 13th day of May 2024.

Ranae Bartlett, Council President

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ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this ____ day of May 2024.

Paul Finley, Mayor
City of Madison, Alabama