

ORDINANCE NO. C-20-

AN ORDINANCE AMENDING SECTION 13-55 – FIREWORKS MANUFACTURE; PUBLIC DISPLAY PERMIT, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO AMEND REQUIREMENTS FOR FIREWORKS AND PYROTECHNIC DISPLAYS AND ASSESSED FEES; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale's ("City") requirements for fireworks and pyrotechnic displays contain outdated language which need updating to meet the current application as required by the Fire Marshal; and

WHEREAS, the fees currently assessed by the City do not cover the administrative costs for review and approval of permits and do not include a firewatch fee or a fee for late submittal;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 13-55, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 13-55. - Fireworks manufacture; fireworks display permit.

- (a) *Definition.* For the purposes of this section, the term "fireworks" means and includes any item defined as such pursuant to F.S. Ch. 791, as amended.
- (b) *Manufacture.* The manufacture of any fireworks is prohibited within the corporate limits of the City.
- (c) *Definition.* For the purposes of this section, the term "pyrotechnics" means any controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume.
- (ed) *Permit requirements for an outdoor or indoor pyrotechnic display shall comply with all national, state, and local statutes and regulations.* The following requirements must be met before such a display may be conducted:

- (1) An application for a permit for a public display of fireworks shall be made submitted at least fifteen (15) days in advance (excluding any weekend, holiday or both) of the date of the display. A permit application form shall be available at the city fire marshal's office. Permits submitted fourteen days or less prior to the event shall be required to pay a non-refundable late application service fee of seventy-five dollars (\$75.00) in addition to the Sec.13-55 (c)(2) application service fee.
- (2) A nonrefundable application service fee of ~~twenty-five dollars (\$25.00)~~ three-hundred seventy-five dollars (\$375.00) shall be paid to the City before an application for a pyrotechnics permit ~~will be~~ is processed or approved. This fee shall include the first two-hours of a single fire inspector firewatch required by the pyrotechnics permit. A fire watch that requires more than one fire inspector and/or the firewatch last for more than two (2) hours shall require the permit holder to pay an additional one hundred twenty-five dollars (\$125.00) per hour, per inspector for every hour after the second hour of firewatch until the display is completed.
- (3) The following documentation must accompany each permit application:
 - a. A certificate of insurance, in form satisfactory to the City risk manager, evidencing comprehensive general liability coverage of ~~one million dollars (\$1,000,000.00)~~ five million dollars (\$5,000,000.00) ~~combined single limits, applicable to the display per occurrence and aggregate, applicable to the display.~~ The interests of the City shall be included as an additional named insured.
 - b. A detailed site plan of the display location, designated fallout area, and associated separation distances.
 - c. A description of the number, type, listing, and size of all fireworks pyrotechnic devices to be used in the display.
 - d. A letter of consent from the owner of the property allowing the pyrotechnic display on their property.
 - e. A current driver's license of the display technician.
 - f. A copy of a Federal Explosives licenses for the display technician issued by the Bureau of Alcohol, Tobacco, and Firearms (ATF) for the transportation and handling of the pyrotechnic devices.

- g. FAA approval if the display is located within five (5) miles of any airport.
 - h. Coast Guard approval if the display is a water-based display over the Atlantic Ocean or the intra-coastal waterways.
- (4) Any permitted display shall be conducted pursuant to the minimum standards contained in National Fire Protection Association ~~pamphlet Number 1123 (1982)~~ as adopted and amended triennially by the Florida Fire Prevention Code.
- (5) Any permitted indoor display or close-proximity display shall be conducted pursuant to the minimum standards contained in National Fire Protection Association 1126 as adopted and amended triennially by the Florida Fire Prevention Code.
- (~~5~~6) Any permitted ~~public~~ pyrotechnics displays shall be monitored by at least one (1) ~~off-duty~~ fire inspector certified by the Broward County Board of Rules and Appeals (BORA) and employed City. The cost for such monitoring shall be borne solely by the permit applicant. The inspector shall have the authority to modify, delay or cancel any display which, in ~~his~~ their opinion, may constitute a hazard to persons, property, or both. Additionally, the permit applicant, at the applicant's expense, shall provide monitors for crowd control for the display at the ~~shooting display~~ site, the number of which shall be determined by the City's fire marshal
- (7) The pyrotechnics display permit shall be issued by the fire ~~chief~~ marshal or ~~his~~ designee.
- (~~de~~) *Permit nontransferable.* After a permit has been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. A permit is not transferable.
- (~~ef~~) *Permit required for any display.* It is unlawful for any person to sponsor, conduct or participate in a ~~fireworks~~ pyrotechnics display without a permit.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the _____ day of _____, 2020.

PASSED SECOND READING this the _____ day of _____, 2020.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI