

**ORDINANCE NO. 2022-29**

***An Ordinance of the City of Irondale to modify Chapter 10, Offenses and Miscellaneous Provisions, adding Article VIII entitled “Regulation of Fireworks”***

**WHEREAS**, the Alabama Legislature enacted Act Number 2021-399 (the “Act”) relating to fireworks and pyrotechnics; to amend Sections 8-17-210, 8-17-211, 8-17-216.1, 8-17-217, 817-218, 8-17-219, 8-17-220, 8-17-225, 8-17-226, 8-17-237, 8-17-255, 34-33-11, 34-33A-12 and 36-19-29, *Code of Alabama, 1975*; and to add Section 36-19-31 to the *Code of Alabama, 1975*; to re-designate common fireworks as consumer fireworks and to provide for the regulation of consumer fireworks; and

**WHEREAS**, the Act amended Title 8-17-226, Code of Alabama, 1975, to read as follows

- “(a) This article shall in no way affect the validity of any city ordinance further restricting the sale or use of aerial devices and audible ground devices, including the authority to adopt ordinances related to aerial devices, sparkling devices, and audible ground devices in accordance with Section 11-45-9.1.
- (b) A municipality may enact an ordinance further restricting the sale or use of sparkling devices or novelties. The State Fire Marshal shall keep a current listing of those municipalities that have enacted an ordinance further restricting the sale or use of sparkling devices or novelties. This subsection shall not affect any existing ordinance in a Class 1 municipality;” and

**WHEREAS**, the Act was signed by Governor Kay Ivey on May 13, 2021 and became effective July 12, 2021; and

**WHEREAS**, the City Council of the City of Irondale, Alabama hereby finds and determines that the enactment of this ordinance limiting the use and storage of pyrotechnics and fireworks within the City limits of the City of Irondale, Alabama except as provided herein will promote the health, safety and welfare of the inhabitants of the municipality.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Irondale, in a regular meeting duly assembled, a quorum being present, as follows:

**Section 1. MODIFICATION OF CHAPTER 10, Offenses and Miscellaneous Provisions.** Chapter 10 of the *Municipal Code of the City of Irondale, Alabama* is hereby amended to add Article VIII – Regulation of Fireworks to this Chapter as follows:

***Article VIII. – Regulation of Fireworks.***

(a) *Definitions.* For purposes of this Ordinance, the term “fireworks” shall mean and include the following:

1. Pyrotechnics;
2. Squib;
3. Rocket;
4. Firecracker;
5. Roman candle;
6. Fire balloon;
7. Signal light;
8. Railway track torpedo;
9. Flashlight composition;
10. Aerial devices being any type of Department of Transportation (“D.O.T.”) Class C Consumer Fireworks as defined Ala. Code § 8-17-210;
11. Audible ground devices being any type of D.O.T. Class C Consumer Fireworks as defined by Ala. Code § 8-17-210;
12. D.O.T. Class C Consumer Fireworks as defined in Ala. Code § 8-17-210;
13. Sparkling devices as defined in Ala. Code § 8-17-210;
14. Anything that will detonate or explode;
15. Other devices or compositions used to obtain visible or audible pyrotechnic display or other results; and
16. Any other type of Consumer Fireworks as defined by D.O.T. in the 2018 APA Standard 87-1A

(b) *Unlawful and prohibited acts.*

1. Except as herein provided, it shall be unlawful for any person, firm, partnership, corporation or other legal entity to use any pyrotechnics or fireworks within the corporate city limits of the City of Irondale, Alabama.
2. It shall be unlawful for anyone under the age of eighteen (18) to handle or shoot fireworks unless under adult supervision.

(c) *Fireworks in the city limits.* Fireworks may not be utilized within the city limits of the city of Irondale except during the following prescribed periods and/or days:

1. Every year on July 3rd from dusk until 12:30 am (central time) the following day and on July 4th from dusk until 12:30 a.m.(central time) the following day.

2. Every year on December 31st from dusk until 12:30 am (central time) the following day and January 1st from dusk until 12:30 a.m. (central time) the following day.

Any violation of the rules and requirements set forth herein shall be deemed a violation and the punishment for said violation shall be punishable in accordance with Section 1-10 of the Municipal Code.

- (d) *National or community celebrations or special events.* The Chief of the Irondale Fire Department or his designee may, upon due application, grant and issue up to two (2) permits per calendar year to a properly qualified person, firm, partnership, corporation or other legal entity for producing, making or giving a pyrotechnic display of fireworks within the City of Irondale, Alabama. The two (2) permits allowed in this section are in addition to the designated days in Section C listed above.

**Section 2. ORDINANCES REPEALED.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3. SEVERABILITY.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Irondale hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4. LEGAL RIGHTS NOT IMPAIRED.** Nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 5. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS.** This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions difference from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**Section 6. PUBLICATION OF ORDINANCE.** The City Clerk of the City of Irondale is hereby ordered and directed to cause this Ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

**Section 7. EFFECTIVE DATE OF ORDINANCE.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

**THEREFORE, BE IT ORDAINED,** that the City Council of the City of Irondale does hereby ordain and enact the foregoing Ordinance for the City of Irondale.

**ADOPTED & APPROVED:** This 15th day of November, 2022.

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David Spivey, City Council President

**APPROVED:**

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James D. Stewart, Jr., Mayor

**ATTESTED:**

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Leigh Ann Allison, City Clerk

**CERTIFICATION**

I, Leigh Ann Allison, City Clerk of the City of Irondale, Alabama, hereby certify that the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Irondale at its regular meeting held on the 15th day of November, 2022, as the same appears in the minutes of record of said meeting.

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Leigh Ann Allison, City Clerk