

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FORT WORTH FIRE CODE, CITY CODE CHAPTER 13, BY AMENDING CHAPTER 56, SECTION 5608 WITH UPDATED PROVISIONS FOR FIREWORK DISPLAY APPLICATIONS AND PERMITS AND AMENDING APPENDIX H, SECTION H104 “FEES FOR INSPECTIONS AND OPERATIONAL PERMITS,” TABLE H104.3, “FEES FOR OPERATIONAL PERMITS” TO REVISE PERMIT FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS on March 8, 2022 the City Council adopted Ordinance No. 25388-03-2022 adopted the 2021 edition of the International Fire Code, including appendices with local amendments to address local policies and procedures; and

WHEREAS in order to provide continuity in the provisions of the City Code, it is necessary to revise the current Fort Worth Fire Code to amend Chapter 56, Section 5608 to more accurately reflect the Fire Department’s policies and procedures regarding the permitting of fireworks displays and to add a time by which firework displays shall end.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

Section 13-2, “Amendments” of the Code of the City of Fort Worth (2015) is hereby amended to amend Chapter 56, “Explosives and Fireworks,” Section 5608 “Fireworks Displays,” subsection 5608.2, “Fireworks application and permit” to read as follows:

Sec. 13-2. Amendments.

(a) The 2021 edition of the International Fire Code, including the Appendices thereto (Exhibit “A”) is hereby amended as provided in this Section. One (1) copy of such amendments is specifically incorporated herein by reference and shall be filed in the office of the City Secretary for permanent record and inspection.

(b) The 2021 edition of the International Fire Code is hereby amended by revising the following section as follows:

CHAPTER 56
EXPLOSIVES AND FIREWORKS
SECTION 5608
FIREWORKS DISPLAY

Section 5608.2 - Delete and replace as follows:

5608.2 Fireworks application and permit. It shall be unlawful for any person to possess, use, manufacture, sell, offer for sale, give away, transport, or discharge fireworks of any description; provided, however, that the fire code official shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks. Every such use or display shall be handled by a competent operator approved by the fire code official, and shall be of such character and so located, discharged, or fired as in the opinion of the fire code official after proper investigation so as not to be hazardous to property or endanger any person. No permit granted shall be transferable.

The fire code official shall not approve any application for permit for supervised public display of fireworks unless he or she finds that:

1. The applicant has filed in the City Secretary's Office, a certificate showing the applicant has secured, and agrees to keep in force during the term of the permit, a policy providing for bodily injury and property damage insurance in the amounts as follows:

Commercial General Liability, Per Occurrence	\$5,000,000
Commercial General Liability, Aggregate	\$5,000,000

Such insurance policy shall provide that it cannot be canceled or amended without at least thirty (30) days' notice to the City Secretary; and

2. That the applicant has covenanted and agreed in writing to indemnify, hold harmless, and defend at its own expense, the City of Fort Worth, its officers, agents and employees from and against any and all claims or suits for property damage and/or personal injury, including death, or whatsoever kind of character, whether real or asserted, arising out of, or in connection with, the execution, performance or attempted performance of fireworks at a public display whether or not caused, in whole or in part, by alleged negligence of officers, agents or employees of the City of Fort Worth; and the applicant hereby assumes all liability and responsibility for any and all claims or suits for property damage and/or personal injury, including death, or whatsoever kind of character, whether real or asserted, arising out of, or in connection with, the execution, performance, or attempted performance of fireworks at a public display, whether or not caused in whole or in part by alleged negligence of officers, agents or employees of the City of Fort Worth. Applicant likewise covenants and agrees, and does hereby indemnify and hold harmless the City of Fort Worth from and against any and all injuries, damage, or destruction of City property arising out of or in connection with, directly or indirectly, all acts or omissions of applicant, his officers, agents, employees, contractors, subcontractors or

invitee, or caused by alleged negligence in whole or in part by officers, agents or employees of the City; and

3. The application for permit was a) made in writing at least ten (10) business days prior to the date of display in accordance with Section 105.6.15; and includes a) the names of the organization sponsoring the display together with the names of person actually in charge of discharging the fireworks; b) the age and experience of any display assistants; c) the date, time of day and exact location at which the display is to be held; d) the number and type of fireworks to be discharged; e) the manner and place of storage of such fireworks prior to the display; and g) all licenses and permits issued and required by the Texas State Fire Marshal's Office; and

4. The applicant has included in the application for the permit a diagram of the site on which the display is to be held showing the point(s) at which the fireworks are to be discharged, the location of the buildings, highways, the lines behind which the audience will be restrained, and the location of all nearby trees, communication or telephone lines, or other overhead obstructions. The application should include a visual depiction of the fallout radius distance appropriate for the maximum allowable size of the product being displayed. This diagram should be professional, detailed and readable. No hand-drawn diagrams will be considered.

Section 5608.2.1 Outdoor fireworks displays - Delete and replace as follows:

5608.2.1 Displays. In addition to the requirements of Section 403, permit applications for outdoor fireworks displays using Division 1.3G or 1.4G shall include the following:

1. The fire code official shall approve the application and issue the permit for the public display of fireworks if he finds that a) the applicant has complied with the applicable provisions for this article; b) the discharge, failure to fire, faulty firing, or fall-out of any fireworks or other objects will not endanger any person, building, or motor vehicle; and c) fireworks are to be fired more than 200' from the nearest building, public highway, railroad, or other means of travel; and 50' from the nearest tree or overhead obstruction.

2. The fire code official shall not issue a permit for a display to be held within six hundred (600) feet of an occupied school, theater, church, hospital, or similar institution, without the approval of the occupied school, theater, church, hospital, or similar institution.

3. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of or removed in a manner safe for the particular type of fireworks. The debris from the discharged fireworks shall be properly disposed of by the operator before he leaves the premises. The operator, upon the conclusion of the display, shall make a complete and thorough search for any unfired fireworks or pieces thereof which have failed to fire or function and shall dispose of them in a safe manner. The search shall be instituted at the

earliest possible time following that conclusion of the display, but in no event later than the first period of daylight which follows.

4. No outdoor firework display shall be held when wind conditions are in excess of a sustained velocity of twenty (20) miles per hour, or a gusting velocity of twenty-five (25) miles per hour, as measured by the closest, most-appropriate official weather monitoring station.

5. Fireworks shall be stored in a manner and in a place secure from fire, accidental discharge, and theft, and in a manner approved by the fire code official.

6. Outdoor aerial firework displays where the display extends above 20 feet in height from the ground shall end no later than 10:00 p.m., except for New Years' Eve when fireworks displays may extend to New Year's Day and shall end no later than 12:30 a.m. or as approved by the Fire Code Official; and

7. The fire code official, reserves the right to waive or amend any requirement, when it is determined that extenuating circumstances, mitigating factors, or conditions exist to the benefit of the community. The fire code official may also adopt more restrictive requirements than prescribed by the National Fire Protection Association or the International Fire Code as amended and adopted by the city of Fort Worth in the interest of public safety; and

8. All permits issued, are considered conditional and all of the conditions must be met to the satisfaction of the issuing fire code official and the fire code official site inspector. If the fire code official site inspector has reason to believe that current weather or other conditions endanger people, buildings or structures the conditional permit shall be cancelled or postponed, whether that is prior to or during the event; and

9. Licensed permit holders found to be operating in violation of the terms and conditions of their issued permit, or operating without an approved permit, may result in immediate revocation of the permit and cancelation of the performance display, their ability to obtain future pyrotechnic permits from the City of Fort Worth, and/or criminal and civil penalties.

10. The approval of any application and issuance of any permits by the fire code official shall in no way be construed as an assumption of responsibility or liability by the City for any damages or injuries to persons or property arising out of or incident to the discharge of fireworks at a public display.

SECTION 2.

Section 13-2, "Amendments" of the Code of the City of Fort Worth (2015) is hereby amended to amend Appendix H, "Commercial Inspections, Operational Permits and False Alarms," Section

H104, “Fees for Inspections and Operational Permits,” Table H104.3, “Fees for Operational Permits,” to read as follows:

Sec. 13-2. Amendments.

(a) The 2021 edition of the International Fire Code, including the Appendices thereto (Exhibit “A”) is hereby amended as provided in this Section. One (1) copy of such amendments is specifically incorporated herein by reference and shall be filed in the office of the City Secretary for permanent record and inspection.

(b) The 2021 edition of the International Fire Code is hereby amended by revising Section H104, Fees for Inspections and Operational Permits, to correct the numbering for the table for operational fees from “Table H104.3” to “Table H104.2” and within the table to amend IFC Sections 105.5.16 and 105.5.42 to read as follows: *(note: remainder of the table remains unchanged)*

**APPENDIX H
COMMERCIAL INSPECTIONS, OPERATIONAL PERMITS AND FALSE ALARMS**

SECTION H104

FEEs FOR INSPECTIONS AND OPERATIONAL PERMITS

Table H104.3 *(remainder of table contains no changes)*
Fees for Operational Permits

IFC SECTION	Operational Permit	Fee Amount
105.5.16	Explosives	\$150.00
105.5.42	Pyrotechnic Special Effects Material	
	• <u>Single Day Permit (application received 10 business days or more prior to event)</u>	<u>\$175.00</u>
	• <u>Monthly Permit</u>	<u>\$1,000.00</u>
	• <u>Renewal of existing permit</u>	<u>\$500.00</u>
	• <u>Seasonal Permit</u>	<u>\$1,500.00</u>
	• <u>Renewal of existing permit</u>	<u>\$500.00</u>
	• <u>Late Fee (application received between 5-9 business days prior to fireworks display)</u>	Additional \$175.00

SECTION 3.

This article shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas (2015), affecting Fire Code provisions, as amended, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) for all violations involving fire safety, or public health and sanitation and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day or any portion thereof during which any violation of this ordinance occurs or continues shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided.

SECTION 6.

All rights and remedies of the City of Fort Worth, Texas are expressly saved as to any and all violations of the previous Fire Code, or any other ordinances affecting construction and fire safety, which have accrued at the time of the effective date of this ordinance: and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The Fire Department of the City of Fort Worth, Texas, is hereby authorized to publish this ordinance in pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without

further proof than the production thereof, as provided in Chapter XXV, Section 3, of the Charter of the City of Fort Worth, Texas.

SECTION 8.

The City Secretary of the City of Fort Worth, is hereby directed to publish the caption and Section 4 this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas as authorized by Section 2, Chapter XXV of the Charter of the City of Fort Worth, Texas and by Section 52.013 (a) of the Texas Local Government Code.

SECTION 9.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Melinda Ramos,
Deputy City Attorney

Jannette S. Goodall,
City Secretary

Adopted: _____

Effective: _____