



# Albemarle County

## Legislation Text

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File #: 22-128, Version: 1

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**AGENDA DATE:** 1/19/2022

**TITLE:**

An Ordinance to Amend County Code Chapter 6, Fire Protection, Regarding Fireworks

**SUBJECT/PROPOSAL/REQUEST:** Public hearing to consider the adoption of an ordinance to amend County Code, Chapter 6, Fire Protection, to revise the fireworks regulations

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Farley, Eggleston, Oprandy, Lagomarsino, Maddox

**PRESENTER (S):** Shawn Maddox

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** The Virginia Statewide Fire Prevention Code allows localities to establish regulations for the possession, storage, sale, use, and display of fireworks. Local regulations cannot be less restrictive than state codes. In conjunction with the regulations in the Virginia Statewide Fire Prevention Code, Albemarle County Code, Chapter 6, Fire Protection, establishes regulations governing fireworks in Albemarle County. Amending Albemarle County Code requires a public hearing.

**STRATEGIC PLAN:** Mission - To enhance the well-being and quality of life for all community members through the provision of the highest level of public service consistent with the prudent use of public funds.

**DISCUSSION:** Albemarle County Fire Rescue staff reviewed the County's current processes employed in the regulation of fireworks and identified customer service improvements in the permit process. Currently, County Code § 6-304 *Fireworks permits - application* requires the receipt of a permit application and associated fee 30 days prior to the proposed action or event. Ensuring that there is no compromise to the integrity of the review is critical to maintaining safety standards for the community and staff needs the ability to deny permit applications that lack critical information or entail proposed actions that would have a negative impact on the safety and well-being of the public. Based on experience processing permit applications, staff is able to complete the review within 10 days with full staffing, and possibly in less time with supplemental staffing, such as staff working overtime.

Staff is proposing the following:

1) An ordinance to amend County Code Chapter 6, Fireworks, by amending:

§ 6-303, *Fireworks permits - required*, to clarify that the fee schedule that is maintained by the fire official is amended from time to time by the Board of Supervisors; and

§ 6-304, *Fireworks permits - application*, to decrease the number of days prior to a fireworks event or action by

which an application must be submitted from 30 days to 10 days, and to allow applications submitted less than 10 days prior to the fireworks event or action to be considered by the fire official if the fire official determines that a sufficient investigation can be conducted and if an expedited permit fee is paid in addition to any other applicable fee for expedited investigation and processing; and

2) An ordinance to amend the fee schedule to add an expedited fireworks permit application fee of \$300.00 for applications that are submitted less than 10 days prior to a fireworks event or action, which would be in addition to the regular permit application fee.

**BUDGET IMPACT:** Based on staff's analysis, the review of applications submitted less than 10 days prior to an action or event involving fireworks negatively impacts staff workload and requires supplemental staffing, incurring overtime expenses, increasing the cost of administering the program. The implementation of an expediting fee for those applications would offset this cost, potentially making the new proposed process cost neutral.

**RECOMMENDATION:**

After conducting a public hearing on the proposed ordinance to amend County Code Chapter 6, staff recommends that the Board adopt the proposed ordinance to amend County Code Chapter 6, Fire Protection, to revise fireworks regulations (Attachment A).

**ATTACHMENTS:**

A - Proposed Ordinance to amend County Code, Chapter 6, Fire Protection, Article III Fireworks