

ORDINANCE NO. 750

ORDINANCE REGULATING THE USE OF FIREWORKS WITHIN THE CORPORATE LIMITS OF THE CITY.

WHEREAS, the Iowa General Assembly recently passed legislation to allow for the sale of fireworks in the State of Iowa; and

WHEREAS, said state law allows cities to regulate the use or explosion of fireworks within its corporate limits; and

WHEREAS, the City Council has heretofore deemed it necessary and desirable to pass legislation regulating the use or explosion of fireworks within the City.

NOW, THEREFORE, BE IT ORDAINED, that:

1. Amendment. Section 41.11 of the Code of Ordinances is hereby deleted in its entirety and replaced with the following:

“SECTION 41.11. FIREWORKS REGULATION.

The sale, use or exploding of fireworks within the City are subject to the following:

1. Definition. The term “fireworks” includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

(Code of Iowa, Sec. 727.2)

2. Regulations. It is unlawful to use or explode any fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- A. Personal Injury: \$ 250,000.00 per person.
- B. Property Damage: \$ 50,000.00.
- C. Total Exposure: \$1,000,000.00.

(Code of Iowa, Sec. 727.2)

3. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized

military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

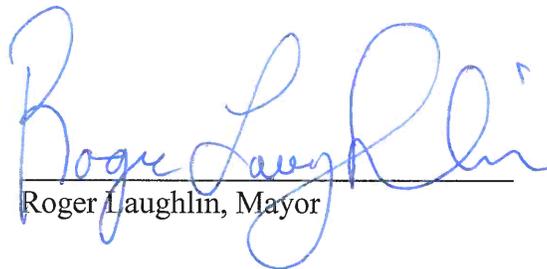
4. Penalty. The scheduled fine for a first violation of this Section 41.11 shall be \$100.00. The scheduled fine for each additional violation of this Section 41.11 shall be \$500.00.”

Section 2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Adjudication. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: April 2, 2018
Second reading: April 16, 2018
Third Reading: May 7, 2018



Roger Laughlin, Mayor

ATTEST:



Leslie Brick, Deputy City Clerk