

## ORDINANCE NO. 198

### FIREWORKS

#### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DEXTER, IOWA, CHAPTER 41.13 FIREWORKS.

**WHEREAS**, the General Assembly of the State of Iowa has taken measures to allow the sale and use of consumer fireworks in the State of Iowa during specific timeframes and pursuant to applicable state licensure; and

**WHEREAS**, the new legislation provides for city councils, by ordinance, to prohibit or limit the use of consumer fireworks within their jurisdiction, if determined a public safety risk or a nuisance to neighbors.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of Dexter, Iowa as follows:

**SECTION 1.** The Code of Ordinances of the City of Dexter, Iowa, is adopting the new section stated as follows:

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

(Code of Iowa, Sec. 727.2)

**1. Definition.** For purposes of this section, definitions are enumerated in the Iowa Code section 727.2, which definitions are incorporated herein by reference.

**2. Sales** - All Consumer Fireworks Sellers must abide by the licensing requirements and rules for sales as set by the State of Iowa and by the City of Dexter.

**3. Fireworks - Discharging General Requirements.**

- A. No person under the age of 18 shall discharge a consumer fireworks device without adult supervision.
- B. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given by the property owner. Consumer fireworks devices may not be discharged on any public street, public sidewalk, public park or cemetery. Novelties, including snakes, sparklers, or caps, can be discharged on a public place so long as all trash, wrappers, and wires are properly disposed of.
- C. A person shall not discharge a consumer fireworks device within two hundred (200) yards of a senior care facility.
- D. Consumer fireworks shall not be discharged by persons over the legal alcohol limit or under the influence of a drug or a narcotic.
- E. Any person discharging a consumer fireworks device assumes all responsibility for its operation and the consequences thereof No person shall discharge a consumer fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.
- F. No person shall discharge a consumer fireworks device outside the following dates and hours:
  - 1) July 1 through 3 and July 5 through 8 from 1 p.m. until 10 p.m.
  - 2) July 4th from 1 p.m. until 12 a.m./Midnight.

3) December 30 and January 1 from 3 p.m. to 9 p.m.

4) December 31st from 3 p.m. until 12 a.m./Midnight.

5) A Special Daily Permit may be obtained at City Hall for an individual special occasion specified between the hours of 3 p.m. to 10 p.m. on Weekends only.

Permits may be purchased for a sum of \$10.00 at City Hall prior to an event occurring outside of designated holiday times specified above.

No lighting of fireworks will be permitted during weekdays from Sunday evening through Thursday evening outside of specified holiday times. Permits are only allowed for Friday and Saturday evenings.

G. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.

H. The City may, upon application in writing, grant a permit for the display of display fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by the City Council 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:

1) Personal Injury: \$250,000.00 per person.

2) Property Damage: \$50,000.00 per person

3) Total Exposure: \$1,000,000.00

4. Violations. All violations of any provisions of this Chapter are hereby declared simple misdemeanors. The penalty for the violation of any of the requirements of this chapter will be a fine in the amount of \$250.00. Violations of this chapter shall be reported to the state fire marshal.

5. 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 theater, 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.

**SECTION 2. REPEALER.** All ordinances under Chapter 41, Section 41.13 of the Municipal Code of Dexter or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect June 11, 2018, from and after its final passage, approval and publication, and posting as provided by law.

Passed and approved by the Council the \_11<sup>th</sup>\_ day of \_JUNE\_, 2018.

Christine Huff, Mayor

Attest: Carolyn Bond, City Clerk

**Passed First Reading: 11<sup>th</sup> day of June, 2018; Second & Third Readings Waived.**

**Ordinance No. 198**

**Fireworks**

Passed First Reading: the \_\_11<sup>th</sup>\_\_ day of \_\_JUNE\_\_, 2018  
Second Reading: Waived, this \_\_11<sup>th</sup>\_\_ day of \_\_JUNE\_\_. 2018  
Third Reading: Waived, this \_\_11<sup>th</sup>\_\_ day of \_\_JUNE\_\_, 2018

**CLERK'S CERTIFICATE**

I hereby certify that the foregoing Ordinance No. 198 was published and posted as required under Section 18.05 of the Code of Ordinances of the City of Dexter, Iowa, on the \_\_28th\_\_ day of \_\_JUNE\_\_, 2018.

Carolyn Bond  
City Clerk, Carolyn Bond