

ORDINANCE NO. 208

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF SANBORN, IOWA BY AMENDING CHAPTER 41, SECTION 41.11 BY REPEALING SECTION 41.11 AND ADDING A NEW SECTION IN SECTION 41.11 RELATING TO 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 time frames 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, BE IT ORDAINED by the City Council of the City of Sanborn, Iowa:

Chapter 41. The Municipal Code of Sanborn, Iowa is hereby amended by repealing Section 41.11, and adopting a new Section 41.11 in lieu thereof as follows:

41.11 FIREWORKS:

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

(Code of Iowa, Sec. 727.2)

2. **SALES – GENERAL REQUIREMENTS.**

A. Prior to any person engaging in the sale of consumer fireworks, the following shall be provided to the City Administrator:

- 1) License: Proof of valid license issued from the state fire marshal.
- 2) Liability Insurance: Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000.00.

B. Dates of Sale: Consumer firework sales shall only be conducted in accordance with the dates and times designated by Iowa Code Section 727.2. It shall be unlawful to sell consumer fireworks without meeting the requirements specified in this Ordinance, or to sell fireworks outside of the dates specified.

- 1) Approved consumer firework sales meeting requirements of the Code of the State of Iowa shall be allowed from any permanent structure or building June 1 until July 8 and from December 10 until January 3.

- 2) Approved consumer firework sales meeting the requirements of the Code of the State of Iowa shall be allowed in an approved temporary structure from June 13 until July 8.

C. Limitations on Sales.

- 1) Consumer firework sales shall only be allowed in the area zoned for commercial use pursuant to the City of Sanborn Zoning and Subdivision Ordinance.
- 2) No person shall sell a DOT 1.4 class consumer firework to the person under the age of 18.
- 3) Consumer fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by any other substance.

3. DISCHARGING FIREWORKS – GENERAL REQUIREMENTS.

- A. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework without parental supervision.
- B. A person shall only discharge a consumer firework device on real property they own or on property where consent has been given. 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. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.
- D. Any person discharging a consumer firework device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer firework device in a reckless manner or manner likely to cause death, injury, fire or property damage.
- E. No person shall discharge a consumer fireworks device outside the following dates and hours:
 - 1) June 15 through July 8 from the hours of 9 A.M. until 10 P.M.
Exception: discharge hours are extended to 11pm on July 4th only.
 - 2) December 10 through January 3 from the hours of 9 A.M. until 10 P.M.
Exception: discharge hours are extended to 12:30am on January 1.
- F. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.

G. The City may, upon application in writing, grant a permit for the display of display fireworks on public property by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such display 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.
- 3) Total Exposure: \$1,000,000.00.

4. VIOLATIONS. All violations of any provisions of this chapter are hereby declared a simple misdemeanor with a fine not to exceed \$250.00. Violations of this chapter will also 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 shown 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 or part of ordinances 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 the 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 from and after its final passage, approval and publication as provided by law.

Passed and approved this 12th day of June, 2017

Duane Van Veldhuizen, Mayor

ATTEST: _____
Peg Japenga, City Clerk