

The City of Sibley, Iowa met in regular session in the council chambers, Sibley, Iowa at 5:00 o'clock p.m. on April 26, 2021. There were present Mayor Jerry L. Johnson in the chair, and the following named councilmembers:

Absent: _____

Councilmember _____ introduced the Ordinance entitled AN ORDINANCE AMENDING TITLE 4: PUBLIC HEALTH AND SAFETY; CHAPTER 4: FIREWORKS; SECTION 9: FIREWORKS LIMITATIONS and moved that the requirement that the ordinance be considered at two prior council meetings be waived.

Councilmember _____ seconded the motion to waive the requirement that the ordinance be considered at two prior council meetings. The roll was called and the vote was as follows:

AYES: _____

NAYS: _____

The Mayor declared that the motion to waive the requirement that the ordinance be considered at two prior council meetings has been passed by a vote of not less than three-fourths of the council.

Councilmember _____ the moved that the proposed ordinance be adopted. Councilmember _____ seconded the motion to adopt. The roll was called and the vote was:

AYES: _____

NAYS: _____

WHEREUPON, the Mayor declared this ordinance to be adopted by a vote of not less than three-fourths of the council.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 4: PUBLIC HEALTH AND SAFETY; CHAPTER 4:
FIREWORKS; SECTION 9: FIREWORKS LIMITATIONS**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SIBLEY, IOWA

SECTION I. ENACTMENT. The City Code of the City of Sibley, Title 4: Public Health and Safety; Chapter 4: Fireworks; Section 9: Fireworks Limitations is amended by deleting the strikethroughs and adding the underlined provisions as follows:

4-4-9: FIREWORKS LIMITATIONS:

- A. Consumer fireworks shall be allowed only in accordance with the State of Iowa regulations.
- B. The use of display fireworks, as defined by the State of Iowa, shall be prohibited within the city limits of Sibley without a valid permit. The city may issue a permit to any city agency, fair association, or other non-profit organization or other group approved by the city council when such display fireworks shall be discharged by a qualified operator.
- C. A person shall not use or explode consumer fireworks on days other than June 24th through July 4th; and December 31st and January 1st of each year.
- D. A person shall not use or explode consumer fireworks at times other than between the hours of twelve (12:00) P.M. and eleven (11:00) P.M. on permitted weekends, July 4th and December 31st; and from Twelve (12:00) P.M. and nine (9:00) P.M. on permitted weekdays.
- E. A person shall not use consumer fireworks on real property other than that person's real property or the real property of a person who has consented to the use of consumer fireworks on that property.
- F. No spent fireworks or fireworks debris may travel onto a neighboring property or any city owned property or any city right-of-way. All spent fireworks and fireworks debris must be picked up, cleaned up, and removed from all properties within 24 hours of a fireworks event.
- G. A person shall not use or explode consumer fireworks within fifty (50) feet of any dwelling unless the owner or tenant has given consent.
- H. A person shall not use or explode consumer fireworks in the direction of any dwelling or building that is within one hundred and fifty (150) feet unless the owner or tenant has given consent.
- I. No person shall discharge consumer fireworks if they are over the legal alcohol limit, or by any person under the influence of drugs or narcotics.
- J. For purposes of this section, a "dwelling" is any building or structure, permanent or temporary, or any land, water or air vehicle, adapted for overnight accommodation of persons, and actually in use by some person or persons as permanent or temporary sleeping quarters, whether such person is present or not.

- K. Consumer fireworks shall not be sold to anyone under eighteen (18) years of age.
- L. A person who violates this section commits a simple misdemeanor, punishable by a civil fine of not less than \$250.00 but not more than \$750 on the first offense and not less than \$250 but not more than \$1,000 on the second and repeat offenses. A court shall not order imprisonment for violations of this section. A fine shall be imposed on a first and any subsequent offense.

SECTION II. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

SECTION IV. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED, by the council the _____ day of _____, 2023.

Jerry L. Johnson, Mayor

ATTEST:

Susan Sembach, City Manager/City Clerk

I certify the foregoing was posted and published as Ordinance No. _____ on the _____ day of _____, 2023, as required by law.

Susan Sembach, City Manager/City Clerk