

ORDINANCE 03-2018

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRINGVILLE, IOWA, 2016 BY AMENDING PARTIALLY SECTIONS OF CHAPTER 41.

BE IT ENACTED by the City Council of the City of Springville, in the County of Linn, in the state of Iowa:

Section 1: The Code of Ordinances is amended by amending section 41.12, which is hereby adopted to read as follows:

1. Definitions. For purposes of this section:

- a. “Consumer fireworks” includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in section 100.19, subsection 1. “Consumer fireworks” does not include novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1 or display fireworks enumerated in chapter 4 of the American pyrotechnics association’s standard 87-1.
- b. “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. “Display fireworks” does not include novelties or consumer fireworks enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1.
- c. “Novelties” includes all novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

Exempt from these definitions and general intent of this ordinance are those blasting products and agents used by licensed blaster for the extraction of construction aggregates and associated stone products in the M-2 Class.

2. Display fireworks.

a. It is unlawful for any person to use or explode any Display 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.

Any permit holder granted hereunder must file evidence of insurance within two week prior to the use or display of fireworks in the following amounts:

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

A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

3. Consumer Fireworks and Novelties

a. A person or a firm, partnership, or corporation may possess, use, or explode Consumer fireworks in accordance with this subsection and subsection 4.

b. A person, firm, partnership, or corporation who sells Consumer fireworks to a person who is less than eighteen years of age commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. A person who is less than eighteen years of age who purchases Consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

c. (1) A person who uses or explodes Consumer fireworks or Novelties while the use of such devices is prohibited or limited by an ordinance adopted by the county or city in which the fireworks are used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(2) A person who uses or explodes Consumer fireworks or novelties while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

4. Limitations.

- a. A person shall not use or explode Consumer fireworks on days other than July 4th each year.
- b. A person shall not use or explode Consumer fireworks at times other than between the hours of 4 (four) p.m. and 11 (eleven) p.m.
- c. A person shall not use Consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer fireworks on that property.
- d. A person who violates this subsection commits a simple misdemeanor. A court shall not order imprisonment for violation of this subsection.

5. Applicability.

- a. This section does not prohibit the sale by a resident, dealer, manufacturer, or jobber of such fireworks as are not prohibited by this section, or the sale of any kind of fireworks if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization.
- b. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.
- c. Unless specifically provided otherwise, this section does not apply to Novelties.

Section 2: REPEALER. All ordinances or parts 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 become effective on June 12th, 2018.

Roger Shebetka, Mayor

ATTEST: _____

City Clerk/Treasurer

First Reading: May 21, 2018

Second Reading: June 4, 2018

Third Reading: June 4, 2018

I certify that the foregoing was posted as Ordinance # 03-2018 on the _____ day of _____ 2018.

City Clerk/Treasurer