

ORDINANCE NO. 940

**AN ORDINANCE AMENDING THE CITY CODE OF PERRY, IOWA, BY AMENDING
CHAPTER 125 (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 Perry, Iowa as follows:

SECTION 1. AMEND CHAPTER 125 (FIREWORKS). The Code of Ordinances of the City of Perry, Iowa, is amended by repealing Section 125 and adopting the new section stated as follows:

125 FIREWORKS

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

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** - 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 Perry.

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

A. No person under the age of 18 shall discharge a consumer fireworks device.

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 hospital or 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 4th between the hours of 9:00 a.m. and 11:00 p.m.

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 not less than two hundred and fifty dollars (\$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 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 effect from and after its final passage, approval and publication as provided by law.

Final Passage of Ordinance Number 940 adopted by the City Council of Perry, Iowa, the 4th day of June, 2018.

/s/ John Andorf, Mayor

ATTEST:

/s/ Paula Rychnovsky, City Clerk