

**ORDINANCE NO. 960**

**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 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.**

- A. All Consumer Fireworks Sellers must abide by the licensing requirements and rules for sales as set by the State of Iowa.
- B. All Consumer Fireworks Sellers must complete the City of Perry's information request form, providing proof of liability insurance, State of Iowa's Retail License, and sales tax permit as well as site maps.

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. A person shall not discharge a consumer fireworks device in any area zoned as Arterial Commercial or Central Business Commercial as declared by the City's Zoning Map.
- E. Consumer fireworks shall not be discharged by persons over the legal alcohol limit or under the influence of a drug or a narcotic.
- F. 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.
- G. No person shall discharge a consumer fireworks device outside the following dates and hours:
  - 1. July 4<sup>th</sup> between the hours of 9:00 a.m. and 11:00 p.m.
- H. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.
- I. 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
- J. Any property owner or those persons renting, leasing or in control of real property that knowingly permits any violation of this chapter shall also be in violation of this chapter.

4. **Violations.** The penalty for a violation of this chapter is a simple misdemeanor punishable by a fine of not less than two hundred and fifty dollars \$250. A Municipal Infraction of \$250 may be issued in lieu of the simple misdemeanor violation.

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.

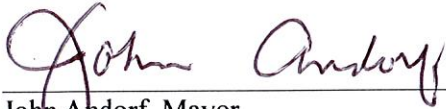
**SECTION 2. REPEALER.** All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

**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.

**PASSED AND APPROVED** by the City Council of the City of Perry, Dallas County, Iowa on the 7th day of June, 2021.

1<sup>st</sup> Reading: May 25, 2021 MCU  
2<sup>nd</sup> and Final Reading: June 07, 2021 MCU

  
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John Andorf, Mayor

ATTEST:

  
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Elizabeth Hix, City Clerk

**Clerk's Certification**

I certify that the foregoing was published as Ordinance No. 960 on the 17th day of June 2021.

  
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Elizabeth Hix, City Clerk