

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE POSSESSION AND DISCHARGE OF FIREWORKS BY AMENDING FONTANELLE CITY CODE SECTION 41.14.

BE IT ENACTED by the City Council of the City of Fontanelle, Iowa:

SECTION 1. Chapter 41, Section 14, of the Fontanelle City Code is hereby amended to read as follows:

41.14 FIREWORKS.

1. Definitions. For purposes of this section:
 - A. “Consumer fireworks” means the following fireworks, as described in Chapter 3 of the American Pyrotechnics Association (“APA”) Standard 87-1:
 - (1) First-class consumer fireworks:
 - a. Aerial shell kits and reloadable tubes;
 - b. Chasers;
 - c. Helicopters and aerial spinners;
 - d. Firecrackers;
 - e. Mine and shell devices;
 - f. Missile-type rockets;
 - g. Roman candles;
 - h. Sky rockets and bottle rockets;
 - i. Multiple tube devices under this paragraph which are manufactured in accordance with APA Standard 87-1, Section 3.5.
 - (2) Second-class consumer fireworks:
 - a. Cone fountains;
 - b. Cylindrical fountains;
 - c. Flitter sparklers;
 - d. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA Standard 87-1, Section 3.5;
 - e. Ground spinners;

- f. Illuminating torches;
- g. Toy smoke devices that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2;
- h. Wheels;
- i. Wire or dipped sparklers that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2.

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 APA Standard 87-1

C. “Novelties” includes all novelties enumerated in Chapter 3 of APA Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

2. Display Fireworks. It is unlawful for any person to use or explode any display fireworks; provided, the City Council may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the City when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa State Fairgrounds by the Iowa State Fair Board, at incorporated county fairs, or at district fairs receiving State aid.. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- A. Personal Injury:\$250,000.00 per person
- B. Property Damage:\$50,000.00
- C. Total Exposure:\$1,000,000.00

3. Consumer Fireworks. It is unlawful for any person to use or explode consumer fireworks within the City, except as permitted below:

- A. No person under age 18 shall use or explode fireworks at any time.
- B. Adults over the age of 18 may use or explode consumer fireworks only on the following dates, times, and locations:

(1) Dates. December 31st through and including January 1st and July 3rd through and including July 5th of each year, all dates inclusive.

(2) Times. A person shall not use or explode fireworks at times other than between the hours of 10:00 a.m. CST and 12:00 a.m. CST

(3) Locations.

(i) No person may use or explode fireworks on real property other than that person or organization's real property or on the real property of a person who has consented to the use of fireworks on that property.

(ii) No person or organization may use or explode fireworks on any publicly-owned property unless approved in a permit granted by the City Council.

4. Coordination with City, County or State "burn ban" orders. Notwithstanding anything set forth above, no person or organization may use or explode fireworks during any period or in any location deemed hazardous by a "burn ban" order issued by City, County, or State Fire Officials.

5. Novelties. This section does not apply to novelties.

(Code of Iowa, Sec. 727.2)

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

First Reading _____

Second Reading: _____

Third Reading: _____

Passed and approved this _____ day of _____.

Mary Sturdy-Martin, Mayor

Attest: Amanda Held, City Clerk / CFO