

ORDINANCE NO. 343

AN ORDINANCE AMENDING CHAPTER 41 "PUBLIC HEALTH AND SAFETY" OF THE CODE OF ORDINANCES OF THE CITY OF FAIRBANK, IOWA

Be it enacted by the City Council of Fairbank Iowa:

SECTION 1. AMENDED SECTION. Chapter 41.14 is stricken in its entirety and replaced with the following:

41.14 FIREWORKS. The sale, use and exploding of fireworks with the City are subject to the following:

(Code of Iowa, Sec. 272.2)

1. Definitions. For purpose of this section:
 - A. "Consumer fireworks" includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in Code of Iowa, Sec 100.19(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.
2. Display fireworks.
 - A. It is unlawful for any person to offer for sale, expose for sale, 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 association, amusement park, other organization, or group of individuals approved by the City. If a permit is granted, such fireworks displays must 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 per person
 - (2) Property Damage: \$50,000
 - (3) Total Exposure: \$1,000,000
 - B. A person who offers for sale, exposes for sale, uses, or explodes display fireworks in violation of this chapter commits a municipal infraction and shall be assessed a civil penalty of not less than two hundred fifty dollars (\$250).
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 municipal infraction and shall be assessed a civil penalty of not less than two hundred fifty dollars (\$250).
 - C. A person who is less than eighteen years of age who purchases consumer fireworks commits a municipal infraction and shall be assessed a civil penalty of not less than two hundred fifty dollars (\$250).
4. Limitations.
 - A. A person shall not use or explode consumer fireworks on days other than June 30 through July 8 and December 24 through January 3 of each year, all dates inclusive.

B. A person shall not use or explode consumer fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:

(1) Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.

(2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.

(3) Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.

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 municipal infraction and shall be assessed a civil penalty of not less than two hundred fifty dollars (\$250).

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 ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

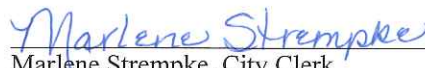
SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 11th day of June, 2018, and approved this 11th day of June, 2018.


Mike Harter, Mayor

ATTEST:


Marlene Strempeke, City Clerk

First Reading: May 14, 2018
Second Reading: May 29, 2018
Third Reading: June 11, 2018