

ORDINANCE NO. 358

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHELL ROCK, IOWA, BY AMENDING PROVISIONS PERTAINING TO THE PROHIBITION AND REGULATION OF FIREWORKS

Be It Enacted by the City Council of the City of Shell Rock, Iowa;

SECTION 1. Chapter 41, Section 41.14 of the Code of Ordinances of City of Shell Rock, Iowa, 2013, as amended, is repealed and the following adopted in lieu thereof:

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

1. Definitions.

- a. The term "First-class consumer fireworks" shall have the meaning defined in Iowa Code Section 100.19.
- b. The term "Second-class consumer fireworks" shall have the meaning defined in Iowa Code Section 100.19.
- c. The term "Display fireworks" shall have the meaning defined in Iowa Code Section 727.2(b).

2. Regulations. The City may, upon application in writing, grant a permit for the display of First class consumer fireworks and/or Display 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. 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. Except as allowed pursuant to paragraph 2, the sale, use and exploding of First-class consumer fireworks in the City is prohibited on all City property including but not limited to parks and right-of-way.

Except as allowed pursuant to paragraph 2, the use and exploding of First-class consumer fireworks in the City is prohibited at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that 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 Saturday and Sunday immediately preceding 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.

These time restrictions are subject to the following date restrictions.

Except as allowed pursuant to paragraph 2, the sale, use and exploding of First-class consumer fireworks in the City is prohibited on days other than from June 30 through July 4, and December 21 through January 1 of each year.

4. The use of all fireworks including First-class consumer fireworks, Second-class consumer fireworks, and Display fireworks, is prohibited at all times that a burn ban is in effect under the authority (direct or delegated) of the Butler County Supervisors, the State Fire Marshall, or the Shell Rock Fire Chief.

5. A violation of this section is a simple misdemeanor punishable by a fine of not less than two hundred fifty dollars.

SECTION 2. WHEN EFFECTIVE. This ordinance shall be in effect immediately upon its final passage, approval, and publication as provided by law.

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.

Passed by the Council this 23rd day of May, 2017, and approved this 23rd day of May, 2017.