

ORDINANCE NO. 017-~~3226~~

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHELDON, IOWA, BY AMENDING PROVISIONS OF SECTION 41.11 PERTAINING TO THE SALE, POSSESSION, USE, AND EXPLOSION OF FIREWORKS WITHIN THE CITY OF SHELDON, IOWA.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SHELDON, IOWA:

SECTION 1. REPEALED AND REVISED SECTION. Section 41.11 of Chapter 41 of the Code of Ordinances of the City of Sheldon, Iowa, is repealed and the following new section is adopted in lieu thereof:

41.11 FIREWORKS. *The sale, possession, use, and explosion of fireworks within the city limits of the City of Sheldon, Iowa are subject to the following provisions:*

1. *Definitions. The definitions for “consumer fireworks,” “display fireworks,” and “novelties” shall be as set forth in section 727.2 of the Code of Iowa, which definitions are incorporated herein by reference.*

2. *Consumer fireworks.*

A. *Possession, use, and explosion. A person may only possess, use, or explode consumer fireworks in accordance with the limitations set forth in this section:*

i. *A person shall not use or explode consumer fireworks on days other than June 20 through July 5 and December 17 through January 2 of each year.*

ii. *A person shall not use or explode consumer fireworks at times other than between the hours of 12:00 p.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 below:*

1. *Between the hours of 12:00 p.m. and 11:00 p.m. on July 4; and*

2. *Between the hours of 12:00 p.m. on December 31 and 12:30 a.m. on the immediately following January 1.*

iii. *A person shall not use or explode 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.*

iv. *A person who is less than eighteen (18) years of age may only use or explode consumer fireworks if that minor child is under the direct supervision*

of his or her parent or guardian during such use or explosion of consumer fireworks.

v. A person shall not possess, use, or explode consumer fireworks while appearing or determined to be under the influence of alcohol and/or a controlled substance.

vi. A person shall not possess, use, or explode consumer fireworks in a reckless manner or a manner that is likely to cause death, injury, or property damage.

B. Sale. The sale of consumer fireworks may only be conducted in accordance with the Code of Iowa and any applicable administrative rules adopted by the Iowa Department of Public Safety or other state agency. Before selling consumer fireworks, the proposed seller shall provide the City Manager a copy of that proposed seller's current and valid state license to sell consumer fireworks and evidence that the proposed seller has obtained commercial general liability insurance in the amount required by state law. A proposed seller shall also be subject to and comply with Chapter 122 of the Code of Ordinances if that proposed seller would be a "transient merchant" as defined by section 122.02 of the Code of Ordinances. Any person who sells consumer fireworks shall prominently display at the location those fireworks are sold a notice that the possession, use, and explosion of consumer fireworks within the City is subject to the date, time, and other limitations set forth in this section of the Code of Ordinances.

3. Display fireworks. It is unlawful for any person to sell, 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 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 liability insurance in the following amounts: Personal Injury: \$500,000.00 per person; Property Damage \$500,000.00 per occurrence; and Total Exposure: \$1,000,000.00.

4. Novelties. This section shall not apply to the sale, possession, use, or explosion of novelties.

5. A person who violates this section commits a simple misdemeanor, punishable by a fine of \$250.00, and the violation may be reported to the state fire marshal.

SECTION 2. 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 4. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.


PASSED, APPROVED, AND ADOPTED, this 21 day of June, 2017.


Katricia Meendering, Mayor

ATTEST:


Angela Beckman, City Clerk

I certify that the foregoing was published as Ordinance No. O17-322b on the 24 day of June, 2017.


Angela Beckman, City Clerk
Sheldon, Iowa