

ORDINANCE NO. 107

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SUPERIOR, IOWA, BY AMENDING CHAPTER 45.23 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 time frames and pursuant to applicable state licensure; and

WHEREAS, the new 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 Superior, Iowa as follows:

SECTION 1. AMEND CHAPTER 45.23 (FIREWORKS). The Code of Ordinances of the City of Superior, Iowa, is amended by repealing Section 45.23 and adopting the new section as follows:

45.23 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 Regulations.** It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any 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 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.

(Code of Iowa, Sec. 727.2)

3. **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 theatre, 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.

4. **Dates of Use.** No person shall explode a consumer fireworks device outside the following dates and hours:

A. One weekend immediately preceding and following July 4 between the hours of 9:00 a.m. and 11:00 p.m.

B. July 3rd and July 4th between the hours of 9:00 a.m. and 11:00 p.m.

5. Discharging General Requirements.

A. No person under the age of 18 shall discharge a DOT 1.4 class consumer fireworks without parental supervision.

B. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given. 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. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.

D. 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.

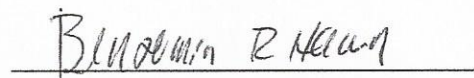
E. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.

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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

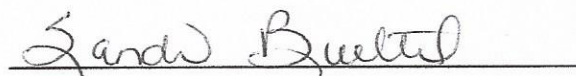
SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication by law.

Passed and Approved by the Superior City Council this 5th day of June, 2017.



Mayor

Attest:



City Clerk

First Reading of Ordinance: June 5, 2017
Second Reading of Ordinance: July 3, 2017
Third Reading of Ordinance: Waived
Published/Posted Date: July 6, 2017

Roll Call Vote: R. Hawn, Mains, Otto, Swalve Absent: Nelson
Roll Call Vote: R. Hawn, Mains, Nelson, Otto Absent: Swalve