

ORDINANCE NO. 2018-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HORNICK, IOWA BY AMENDING SECTION 3-1-5 PERTAINING TO FIREWORKS AND ADDITION OF CHAPTER FIREWORKS.

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

SECTION 1: SECTION AMENDED. Section 3-1-5 (6), (7) of the Code of Ordinances of the City of Hornick, Iowa is hereby referenced and amended to remain consistent with the following language as adopted into Title III Community Protection, Chapter 12 Fireworks:

Section 3-1-5 Amended (changes shown):

6. Discharging firearms and prohibited fireworks.

(Code of Iowa, Sec. 727.2)

a. No person, firm, or corporation shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes or sky rockets, roman candles, fireworks other than those expressly permitted by the State of Iowa, or other of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive.

7. Possession of Fireworks.

c. Prohibition. No person shall possess fireworks except as provided in this Chapter and in Chapter 12 Fireworks Ordinance and in accordance with the Code of Iowa.

SECTION 2: CHAPTER ADDED

Chapter 12 to be adopted as follows:

**TITLE III COMMUNITY PROTECTION
CHAPTER 12 FIREWORKS ORDINANCE**

An Ordinance regulating the sale, use, or exploding of fireworks within the City.

3-7-1 **DEFINITIONS.** The sale, use or exploding of fireworks within the City is subject to the definitions enumerated in Iowa Code §727.2 and Iowa Code §100.19, which definitions are incorporated herein by reference. (Code of Iowa, Sec. 727.2 and 100.19)

3-7-2 **SALE OF FIREWORKS.** The sale of fireworks within the City limits shall be governed by Iowa State Code and applicable regulations.

3-7-3 **USE OF FIREWORKS.** The use of fireworks shall be governed by Iowa State Code and applicable regulations and the following additional requirements:

1. No person under the age of eighteen (18) shall possess or discharge a consumer firework without adult supervision;
2. A person shall only discharge a consumer fireworks device on real property they own or on property

where written consent has been given. Discharge of consumer fireworks in a public park, or city owned property, or on a public roadway, street, or alley is strictly prohibited. The possession of consumer fireworks in a public park is strictly prohibited.

3. Consumer fireworks shall not be possessed or discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.

4. 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.

5. No person shall discharge a consumer fireworks device outside the following dates and hours:

6. June 30th through July 8th from the hours of 12:00 p.m. until 10:00 p.m. (exception: discharge hours are extended to 11:00 p.m. on July 4th and the Fridays and Saturdays immediately preceding and following July 4th if within the use time period).

7. December 31st between the hours of 12:00 p.m. and 12:30 a.m. on the immediate following day.

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

9. Sky lantern open flame devices are not permitted to be released within the City limits, except if tethered by a retrievable rope so that the person discharging has control over the sky lantern.

3-7-4 **COMMERCIAL DISPLAY.** The City may, upon application in writing, grant a permit for the display of fireworks on public property 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 herein unless the operator or sponsoring organization has filed with the City evidence of insurance as required by Iowa Code §727.2.

3-7-5 **DECLARATION OF EMERGENCY AND SUSPENSION OF THE DISCHARGE OF FIREWORKS.** Declaration of Emergency and Suspension of the Discharge of Fireworks. Whenever drought, high winds, or other natural phenomenon create, or are likely to create, hazardous conditions and increased chance of fire danger and the Fire Chief determines that adverse conditions exist for the use and exploding of fireworks, the Fire Chief, Mayor, or their designee, may issue a temporary ban on the use of fireworks within the City of Hornick. The Fire Chief, Mayor, or their designee, shall have the authority to declare an emergency and temporarily halt the use and exploding of fireworks.

The Fire Chief, Mayor, or their designee, shall inform the area radio and television stations and the local press of the emergency declaration and when the emergency will be in effect and ask that public service announcements be made.

SECTION 3: REPEALER. The remainder of Title III Community Protection, Chapter 1 Offenses shall remain the same. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4: 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.

WHEREUPON, the Mayor declared the foregoing ordinance passed and adopted this 12th day of November, 2018.

Mayor

ATTEST:

Candi Gress, City Clerk

Passed First Reading: _____

Passed Second Reading: _____

Passed Third Reading: _____

Passed and Approved: _____