

ORDINANCE NO. 807

AN ORDINANCE AMENDING THE CODE OF THE ORDINANCES OF THE CITY OF ORANGE CITY, IOWA, BY AMENDING TITLE 5, CHAPTER 3, ARTICLE 4 – FIREWORKS AND TITLE 11, ARTICLES 9, 10, AND 11

BE IT ENACTED by the City Council of the City of Orange City, Iowa:

SECTION 1. AMEND CHAPTER 3, ARTICLE 4 - FIREWORKS. The Code of Ordinances of the City of Orange City, Iowa, is amended by repealing Sections 4.01 and 4.02 and adopting the following wording stated as follows:

4.01 FIREWORKS. The use or exploding of fireworks within the City is subject to the following:

4.02 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)

1. Fireworks – Discharging General Requirements.
 - A. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework 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. No person shall discharge a consumer fireworks device outside the following dates and hours:
 1. June 1 thru July 8 from the hours of 9 am until 10 pm.
Exception: discharge hours are extended to 11 pm on July 4th only.
 2. December 10 thru January 3 from the hours of 9 am until 10 pm.
Exception: discharge hours are extended to 12:30 am on January 1.
 - F. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.
 - G. Sky lantern open flame devices are not permitted to be released within the city limits, except if tethered by a retrievable rope so long as the person discharging has control over the sky lantern.

2. Violations. All violations of any provisions of this Chapter are hereby declared simple misdemeanors and/or municipal infractions. Violations may be prosecuted as either a misdemeanor criminal offense or municipal infractions. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the fire chief or peace officer. Fines shall be set by resolution of the City Council. Violations of this chapter shall be reported to the state fire marshal.
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 theater, 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.

SECTION 2. AMEND CHAPTER 11, ARTICLE 9, COMMERCIAL TYPE USES, ARTICLE 10, HIGHWAY COMMERCIAL, and ARTICLE 11, LIGHT INDUSTRIAL by adding the following wording to Section 2: Principal Permitted Uses/Commercial Type Uses: Firework sales.

SECTION 3. REPEALER. All ordinance or parts thereof 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 this 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.

Passed and approved this 26th day of May, 2017.

Deb De Haan, Mayor

ATTEST:

Janet Brown, City Clerk

1st reading: May 26, 2017

2nd reading: waived

3rd reading: waived