

ORDINANCE NO. 2017-500

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF POLK CITY, IOWA, BY
AMENDING PROVISIONS OF THE ORDINANCE REGARDING FIREWORKS USE**

WHEREAS, the City of Polk City deems the use of certain consumer fireworks as a threat to public safety and a nuisance to landowners.

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

SECTION 1. Section 41.11, Fireworks, is hereby amended by deleting the current definition and inserting in lieu thereof the following:

1. Definition.

a. "Consumer Fireworks" means those fireworks as defined by Iowa Code Section 727.2 that may be sold within the City even though the use of those items is prohibited.

b. "First-class Consumer Fireworks" means the following Consumer Fireworks, as described in the American Pyrotechnics Association's standard 87-1, Chapter 3:

1. Serial shell kits and reloadable tubes.

2. Chasers.

3. Helicopter and aerial spinners.

4. Firecrackers.

5. Mine and shell devices.

6. Missile type rockets.

7. Roman candles.

8. Skyrockets and bottle rockets.

9. Multiple tube devices under this paragraph (b) that are manufactured in accordance with APA 87-1, Section 3.5.

c. "Second-class Consumer Fireworks" means the following Consumer Fireworks, as described in APA 87-1, Chapter 3:

1. Cone fountains.

2. Cylindrical fountains.

3. Flitter sparklers.

4. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, Section 3.5.

5. Ground spinners.

6. Illuminating torches.

7. Toy smoke devices that are not classified as novelties pursuant to APA 87-1, Section 3.2.

8. Wheels.

9. Wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, section 3.2.

d. "Display Fireworks" means those fireworks as defined by Iowa Code Section 727.2(1)(b).

e. "Novelties" includes all novelties enumerated in chapter 3 of the American pyrotechnics association's standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

SECTION 2. Section 41.11, Fireworks, is hereby amended by deleting the current regulations and inserting in lieu thereof the following:

2. Regulations.

a. Except between 9:00 a.m. – 10:00 p.m. on June 30, July 1, 2, 3, 5, 6 and 7 and except between 9:00 a.m. – 11:00 p.m. on July 4 where persons 18 years and older may use or explode, it shall be unlawful for any person to use or explode any explosive, explosive material, First-class Consumer Fireworks or Second-class Consumer Fireworks within the corporate limits of the City.

b. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any explosive, explosive material, First-class Consumer Fireworks or Second-class Consumer Fireworks within the corporate limits of the City unless granted a permit as provided in Section 192.13 of the Polk City Municipal Code. Sales of Display Fireworks may be made for that purpose only.

c. It shall be unlawful for any person to use or explode any Display Fireworks within the corporate limits of the City unless, upon application in writing, the City has issued a permit to a City agency, fair association, amusement park or other organizations or groups of individuals approved by City authorities to display fireworks and such display will be handled by a competent operator.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall be effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this 26th day of June 2017.

Jason Morse, Mayor

ATTEST:

Jenny Gibbons, City Clerk

First Reading 5/22/2017

2nd 6/12/2017

3rd 6/26/2017

Date adopted 6/26/2017

Published by posting 6/27/2017