

ORDINANCE 2022-5

AN ORDINANCE ADDING A NEW SECTION TO TITLE III COMMUNITY PROTECTION CHAPTER 4 OF THE MILES MUNICIPAL CODE

- 3-4-1 DEFINITION
- 3-4-2 FIREWORKS USE REGULATIONS
- 3-4-3 FIREWORKS SALE
- 3-4-4 EXCEPTIONS
- 3-4-5 PENALTIES REGULATIONS

3-4-1 DEFINITIONS. The following words and phrase whenever used in ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- 1. "Fireworks" includes any item or class of items as defined in Iowa Code Section 727.2(1).

3-4-2 FIREWORKS USE REGULATIONS. It is unlawful for any person to use or explode any fireworks as defined herein, except for on the following dates:

- 1. July 1<sup>st</sup> – July 6<sup>th</sup> 9:00 a.m. to 10:00 p.m.
  - a. Exception: Discharge hours are extended to 11 p.m. on July 4<sup>th</sup> only.
- 2. December 28<sup>th</sup> thru January 3<sup>rd</sup> from 9:00 a.m. until 10:00 p.m. Exception: Discharge hours are extended to 12:30 a.m. to January 1<sup>st</sup>.

All remaining limitations and exceptions stated in Senate File 489, including but not limited to Iowa Code § 100.19 and 727.2(3)-(5), shall remain in full force and effect.

With respect to "display fireworks" as defined in Iowa Code § 727.2(1)(b) the city may, upon application in writing, grant a permit for the display by the City agency, fair associations, amusement parks and other organizations or groups of individuals approved by the 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:

Personal injury.....	\$250,000 per person
Property Damage .....	\$50,000
Total Exposure .....	1,000,000

(Code of Iowa 727.2.2; 364.2 (6))

3-4-2 FIREWORKS SALE REGULATIONS. The City hereby adopts all standards, rules, regulations, and the like promulgated or that will be promulgated by the State Fire Marshall regarding the sale of fireworks pursuant to Iowa Code §§ 100.1; 100.19; 727.2. The city specifically adopts National Fire Protection Association standard 1123 with respect to the requirements for the handling, storage, transportation, display, and retail sale of fireworks.

All other provision of the City Code of Ordinances not in conflict with this Section or with the laws of the State of Iowa remain valid and enforceable.

(Code of Iowa, Sections 727.2; 364.2(6))

3-4-3 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.

(Code of Iowa, Section 727.2)

3-5-4 PENALTIES. Any person who violates the provisions of the fireworks ordinance shall be guilty of a scheduled simple misdemeanor violation punishable by a \$500 fine in addition to established courts costs. Persons who cause injury as a result of reckless discharging of fireworks shall be guilty of a simple misdemeanor charge with appearance before a magistrate required.

(Code of Iowa, Sections 100.19; 727.2)

PASSED, APPROVED AND ADOPTED by the City Council of the City of Miles, Iowa on this 7<sup>th</sup>, day of the September, 2022.

Date of 1<sup>st</sup> Reading: August 3, 2022

Date of 2<sup>nd</sup> Reading: Sept. 7, 2022

Date of 3<sup>rd</sup> Reading: Sept. 7, 2022

Date of Publication: Sept. 14, 2022