

ORDINANCE NO. 2018-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SLOAN, IOWA BY AMENDING SECTION 41.14 PERTAINING TO FIREWORKS

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

SECTION 1. SECTION AMENDED. Section 41.14 of the Code of Ordinances of the City of Sloan, Iowa is hereby repealed and the following adopted in lieu thereof:

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

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)

2. *Sale of Fireworks.* The sale of fireworks within the City limits shall be governed by Iowa State Code and applicable regulations.

3. *Use of Fireworks.* The use of fireworks shall be governed by Iowa State Code and applicable regulations and the following additional requirements:

a. No person under the age of eighteen (18) shall possess or discharge a consumer firework without parental supervision;

b. 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.

c. 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.

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 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 Saturdays and Sundays immediately preceding and following July 4th if within the use time period).

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

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 that the person discharging has control over the sky lantern.

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.

5. *Declaration of Emergency and Suspension of the Discharge of Fireworks.*

a. 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 Sloan. The Fire Chief, Mayor, or their designee, shall have the authority to declare an emergency and temporarily halt the use and exploding of fireworks.

b. 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 2. REPEALER. The remainder of Chapter 41 shall remain the same. All ordinances or parts of ordinances 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.

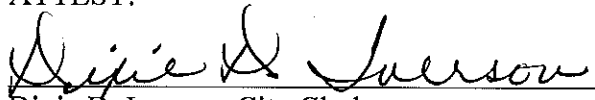
SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

WHEREUPON, the Mayor declared the foregoing ordinance passed and adopted

this 17th day of MAY, 2018


Charles M. Thorpe, Mayor

ATTEST:


Dixie D. Iverson, City Clerk

Passed First Reading: April 19, 2018
Passed Second Reading: May 17, 2018
Passed Third Reading: Waived
Passed and Approved: May 17, 2018