

## CITY OF ODEBOLT

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### Ordinance 03.18 Fireworks

An ordinance amending the code of ordinances of the City of Odebolt, Iowa, to add Community Protection-exploding of fireworks.

Be it enacted by the City Council of the City of Odebolt, Iowa that Title III be amended to add Exploding of Fireworks.

### TITLE III COMMUNITY PROTECTION

#### CHAPTER 12 FIRE WORKS

##### 3-12-1 Definitions

##### 3-12-2 Fireworks Discharging

##### 3-12-1 Definitions.

- A. Consumer Fireworks. (American Pyrotechnics Association (APA) standard 87-1, chapter 3) Any device, other than a novelty or theatrical pyrotechnic article, intended to produce visible and/or audible effects by combustion, deflagration, or detonation. Fireworks are further described as fireworks UN0336 (formerly Common Fireworks and now referred to in this standard as Display Fireworks.) Fireworks may also be described as UN0337 if examination and testing in accordance with Title 49 CFR 173.56 is performed that warrants that classification.

For purposes of this section, the term "fireworks" includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any sparklers on wires which contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed one-eighth of an inch in diameter, toy snakes which contain no mercury or caps used in cap pistols.

- B. Novelty Fireworks. (American Pyrotechnics Association (APA) standard 87-1) A device containing small amounts of pyrotechnic and/or explosive composition. Such devices product limited visible or audible effects. These items must be approved by DOT, and are normally classed as 1.4G.
- (1) Novelty fireworks typically produce a much weaker explosion and sound. A few examples include: Party poppers (once a string is pulled to activate the charge, confetti

is thrust into the air and produces a report.), Snaps ( a small paper bag typically filled with gravel and a few milligrams of silver fulminate will produce a report when thrown at a hard surface or stepped on, Flying Lanterns (sky lantern- these paper lanterns float into the sky when lit. they emit a slight glow and are very commonly used at weddings and celebrations, Paper Tanks & Vehicles (when lit, these small paper vehicles emit sparks that cause them to move around on the ground and commonly produce a loud bang at the end, Ground Bloom Flowers (a small cylinder that spins on the ground and changes color, spinning in such a way that it resembles a flower. Could be described as large jumping jack, Snakes (black snake, a small compressed pellet that, when lit, expands into a long snake-like object.

- C. Display or theatrical Fireworks/Pyrotechnics. (American Pyrotechnics Association APA standard 87-1. Pyrotechnic devices for professional use in the entertainment industry similar to consumer fireworks in chemical composition and construction but not intended for consumer use. Examples include: Aerial Shell, Salute, all other fireworks that are not considered Novelty or Consumer.

## 2. Fireworks Discharging General Requirements.

It is the intention that the citizens be allowed to enjoy the use of novelty and consumer fireworks. It is in the best interest of public safety that these restrictions are included to prevent or limit injuries and/or fire(s) caused by fireworks and their use in and around individuals, large gatherings or events, structures and the environment.

- A. No person under the age of 18 shall discharge a consumer firework without the direct supervision by a parent or legal guardian.
- B. A person shall only discharge a firework device on real property they own or on property where consent has been expressly given. Fireworks shall not be discharged on City-owned or public property without authorization.
- C. Fireworks shall not be discharged by persons showing visible signs of, or who are determined to be, intoxicated or under the influence of a drug or narcotic.
- D. Any person discharging a fireworks device assumes responsibility for its operation and the consequences thereof. No person shall discharge a fireworks device in a reckless manner likely to cause death, injury, fire, or property damage.
- E. No person shall discharge a fireworks device outside the following dates and hours:
  - 1) July 3rd from 9am to 10pm and July 4<sup>th</sup> from 9am to 11pm.
  - 2) December 24 & 25<sup>th</sup> from 1-10pm and December 31<sup>st</sup> 1-10pm.
- F. It shall be unlawful to alter, remove, or discharge components of a fireworks device from its intended method of discharging.
- G. Sky lantern open flame devices are not permitted to be released within the city limits.
- H. No person shall discharge fireworks of any type- novelty, consumer or display- within areas set aside for special events i.e. Creek Days unless it is the City holding the event.
- I. No person shall discharge or allow the use of fireworks to occur within 50 feet of an occupied structure in the city limits.

- J. No person shall discharge or allow the use of fireworks, including novelty, consumer or display types, within the proximity of others, or in areas where large public gatherings are present.
- K. No person shall discharge or allow the use, explosion or other discharge of fireworks in any commercial or industrial rated building zone within city limits.
- L. Proximity for definition of this section shall mean within 10 feet of another individual, building/structure, or vehicle, unless further distance is specifically given.
- M. Notwithstanding the above subsections, no person shall discharge a fireworks device at any time upon declaration from the fire chief or police chief that discharging a fireworks device is temporarily banned due to severe dry weather conditions that create heightened fire dangers. Any such declaration by the fire chief or police chief shall be published at least once in a newspaper calculated to bring such declaration to the notice of the residents of the City. Any declaration issued by the fire chief or police chief under this subsection shall take effect immediately upon its being published and shall be effective until rescinded by a declaration from the issuing chief indicating a termination of the ban.

It was then moved by Council Member Bengford that said proposed ordinance be adopted and published as by law required. Said motion was seconded by Council Member Pierce.

Ayes: Mohr, Pierce, Bengford, Scott

Nays: None

Absent: Hemer

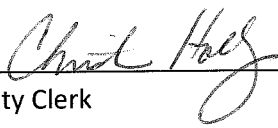
1<sup>st</sup> Reading: August 7, 2017

2<sup>nd</sup> Reading: September 12, 2017

3<sup>rd</sup>/Final Reading: November 6, 2017

The Mayor then declared the ordinance duly adopted and in full force and effect from and after the publication of this ordinance, as required by law. Passed by the Council of the City of Odebolt, Iowa the 6<sup>th</sup> day of November.

Attest:

  
City Clerk

ODEBOLT, IOWA

  
Mayor