

ORDINANCE NO. 2262

**AN ORDINANCE AMENDING THE CITY OF FORT DODGE, IOWA, CODE OF ORDINANCES BY AMENDING
CHAPTER 9.24 (PYROTECHNICS)**

AMEND CHAPTER 9.24 (PYROTECHNICS). The Code of Ordinances of the City of Fort Dodge, Iowa is amended by repealing Chapter 9.24 and adopting the new section stated as follows:

Chapter 9.24 FIREWORKS

9.24.010. Purpose. The purpose of this chapter is to provide standards for the sales and usage of fireworks within the City. *All State of Iowa Codes for fireworks shall comply within the ordinance.*

9.24.020. Definitions: For the use of this chapter the following terms are defined:

Consumer Fireworks: For purposes of this section, the definition of “Consumer fireworks” as enumerated in the Iowa Code section 727.2 is incorporated herein by reference.

Display Fireworks: For purposes of this section, the definition of “Display fireworks” as enumerated in the Iowa Code section 727.2 is incorporated herein by reference.

Novelties: For purposes of this section, the definition of “Novelties” as enumerated in the Iowa Code section 727.2 is incorporated herein by reference.

Person: Any individual, firm, partnership, or corporation.

Retailer: Any Person engaged in the business of making retail sales of Consumer Fireworks to the general public.

Sales: The exchange of articles of fireworks for money and also includes barter, exchange, gift or offer and each such transaction made by any Person, whether as principle proprietor, salesperson, agent, association, co-partnership, or one (1) or more individual(s).

State Fire Marshal’s Permit: The appropriate fireworks permit issued by the State of Iowa Fire Marshal’s Office.

9.24.30. Permits and Permit fees.

All Sales sites shall comply with State of Iowa codes and City of Fort Dodge Code of Ordinance.

- 1) It is unlawful for any Person to sell or to offer for sale in the City of Fort Dodge any item of Consumer Fireworks without first having a secured State Fire Marshal’s Permit and a permit issued by the City of Fort Dodge.
- 2) Permits issued by the City of Fort Dodge are not transferable.
- 3) Permits to sell Consumer Fireworks from a permanent structure that meets requirements is valid only from June 1 through July 8 and December 10 through January 3 each year, all dates inclusive. For a temporary structure that meets requirements it is valid from June 13 through July 8 each year, both dates inclusive.
- 4) The City of Fort Dodge fireworks permit fee is established by resolution of the Fort Dodge City Council.

- 5) A permit to sell Consumer Fireworks in the City of Fort Dodge must be issued. The application shall be obtained through the Fort Dodge Fire Department and shall contain the following
 - a. Name, address and telephone number of applicant.
 - b. List physical address of Sales location.
 - c. The applicant shall be the natural person who will operate or be responsible for Sales.
 - d. The applicant shall be the same as the name on the State Fire Marshal's Permit.
 - e. Acknowledgement that applicant is liable for all violations of this chapter by Persons under his/her supervision.
- 6) A copy of the State Fire Marshal's Permit shall be submitted to the City of Fort Dodge Fire Department.
- 7) A Person that applies for a permit from the City of Fort Dodge must show proof that a state sales tax number has been obtained for sales tax purposes.
- 8) All permits and plan reviews as required by the City of Fort Dodge Site Plan Ordinance, Zoning Code, or Building Code shall be obtained.
- 9) The application must contain evidence that a general liability insurance has been obtained by applicant naming the City of Fort Dodge as additional insured for at least \$2,000,000 for each occurrence, whether in respect to bodily injury liability or property damage liability and property damage liability combined.
- 10) The application must disclose the location where the applicant will conduct the business of selling Consumer Fireworks and the dates for which the right to business is desired.
- 11) The State Fire Marshal's Permit and the permit from the City of Fort Dodge shall be posted in visible locations at Sales sites.
- 12) After the application has been submitted and approved for a permit from the City of Fort Dodge, a city codes inspector shall inspect the site for compliance with applicable codes and ordinances.

9.24.40. Permit Revocation.

The City of Fort Dodge may revoke any permit upon failure of the Retailer to correct any of the following violations within thirty-six (36) hours after the Retailer is given written notice by a City of Fort Dodge code official:

- 1) When the permittee or the permittee's operator violates any lawful rule, regulation, or order of the City of Fort Dodge.
- 2) When the permittee's application contains and false or untrue statements.
- 3) When the permittee fails to timely file any report or pay any tax, fee, fine or charge.
- 4) When the permittee or permittee's operator violates any Fireworks ordinance or statute.
- 5) When any activities of the permittee constitute a distinct hazard to life or property, the City of Fort Dodge code official may revoke the permit immediately.

9.24.50. Usage of Fireworks within the City limits of Fort Dodge.

It shall be unlawful for any Person to use fireworks in the City of Fort Dodge without complying with the State of Iowa codes, this Chapter, and the following:

- 1) No Person under the age of 18 shall possess or discharge Consumer Fireworks without parental supervision. If any Person under the age of 18 is found in possession of or discharging Consumer Fireworks without parental supervision, in addition to any other penalty provided for by law or this Chapter, such Consumer Fireworks shall be confiscated.

- 2) A Person shall not use Consumer Fireworks on real property other than that Person's real property or on the real property of a Person who has consented to the use of Consumer Fireworks on that property.
- 3) A Person shall not discharge Consumer Fireworks in any parks, public lands, buildings, or right-of-way without a permit through the City of Fort Dodge.
- 4) 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.
- 5) Any Person discharging Consumer Fireworks assumes all responsibility for its operation and the consequences thereof. No Person shall discharge Consumer Fireworks in a reckless manner or manner likely to cause death, injury, fire, or property damage.
- 6) No Person shall discharge Consumer Fireworks outside the following dates and hours:
 - a. June 1 thru July 8 from the hours of 9am until 10pm.
Exception: discharge hours are extended to 11pm on July 4th and the Saturdays and Sundays immediately preceding and following July 4.
 - b. December 10 thru January 3 from the hours of 9am until 10pm.
Exception: discharge hours are between the hours of 9am on December 31 and 12:30 am on the immediately following day; and between the hours of 9am and 11pm on the Saturdays and Sundays immediately preceding and following December 31.
- 7) It shall be unlawful for any Person to use Display Fireworks. However, the City may, upon application in writing, grant a permit for the display of Display Fireworks by municipalities, fair associations, amusement parks, and other organizations or groups or individuals approved by the City when the Display Fireworks will be handled by a competent operator.

9.24.060. Exclusions

Nothing in this chapter prohibits the sale by a resident, dealer, manufacturer, or jobber of such fireworks as are not prohibited by this Chapter or State of Iowa codes, or the sale of any kind of fireworks if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization. This chapter does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes. Unless specifically provided otherwise, this chapter does not apply to Novelties.

9.24.070. Violations and Penalties

All violations of any provisions of this Chapter are declared municipal infractions, punishable by a minimum fine of two hundred fifty dollars for the first offense and seven hundred fifty dollars for the second and any subsequent offense.

This Ordinance shall be in effect after its final passage, approval, and publication, as by law provided. Passed and approved by the City Council of the City of Fort Dodge, Iowa, this 22nd day of May, AD, 2017.

City of Fort Dodge, Iowa

/s/ Matt Bemrich, Mayor
Matt Bemrich, Mayor

ATTEST:

/s/ Jeff Nemmers, City Clerk
Jeff Nemmers, City Clerk