

ORDINANCE NO. 2017-494

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA, 2011, BY REPLACING SECTION 41.13 ON FIREWORKS

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

SECTION 1. SECTION 41.13. The Code of Ordinances of the City of Independence, Iowa, is repealed in its entirety and is amended and replaced as follows:

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

1. Definition. The term "fireworks: includes the following:

a. Consumer fireworks, which are first class consumer fireworks and second class consumer fireworks, as those terms are defined in §100.19(I) "consumer fireworks" does not include novelties enumerated in Chapter 3 of the American Pyrotechnics Association Standard 87-1, or display fireworks enumerated in Chapter 4 of the American Pyrotechnics Association Standard 87-1.

b. Display fireworks includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or denotation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. Display fireworks does not include novelties or consumer fireworks enumerated in Chapter 3 of the American Pyrotechnics Association Standard 87-1.

c. Novelties include all novelties enumerated in Chapter 3 of the American Pyrotechnics Association Standard 87-1 and that comply with the regulating legislation promulgated by the United States Consumer Products Safety Commission.

d. The term "fireworks" includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

2. Regulations. It is unlawful for any person to use or explode any fireworks; provided the City may, upon application in writing, and payment of a permit fee, grant a permit for the display of fireworks 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 hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- A. Personal Injury: \$250,000 per person.
- B. Property Damage:..... \$50,000
- C. Total Exposure: \$2,000,000

4. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of any kind of fireworks that are permissible for sale under the Code of Iowa. A resident, dealer, manufacturer or jobber must file with the City evidence of insurance in an

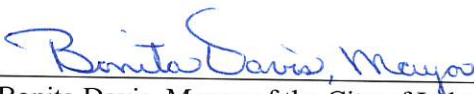
amount that meets the requirements of the Code of Iowa and shall otherwise comply with all State requirements related to the sale of fireworks.

SECTION 2. REPEALER. 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.

PASSED AND APPROVED by the City Council of Independence, Iowa, on this 23rd day of October, 2017.



Bonita Davis, Mayor of the City of Independence, IA

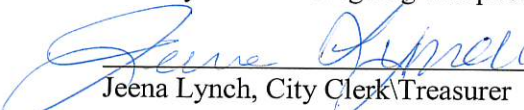
ATTEST:



Jeena Lynch, City Clerk/Treasurer of the City of Independence, IA

First Reading: 9/25/2017
Second Reading: 10/09/2017
Third Reading: 10/23/2017

I certify that the foregoing was published as Ordinance No.2017-494 on the 28th day of October, 2017.



Jeena Lynch, City Clerk/Treasurer