

## ORDINANCE NO. 20-A

(Iowa Code Section 727.2)

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CAMBRIDGE, IOWA, BY AMENDING CHAPTER 41 (PYROTECHNICS)

**BE IT ENACTED** by the City Council of the City of Cambridge, Iowa that the Code of Ordinances of the City of Cambridge, Iowa is amended by repealing Chapter 41 and adopting the new section stated as follows:

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

1. Definition: For purposes of this section, definitions are enumerated in Iowa Code Section 727.2, which definitions are incorporated herein by reference in their entirety.
2. Regulation: It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks, provided the City may, upon application in writing, 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: \$250,000.00 per person
  - B. Property damage: \$50,000.00
  - C. Total Exposure: \$1,000,000.00
3. Fireworks – Discharging General Requirements:
  - A. No person under the age of 18 shall discharge a consumer fireworks device.
  - B. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given by the property owner and the property owner is present. Consumer fireworks devices may not be discharged on any public street, public sidewalk, public park or cemetery.

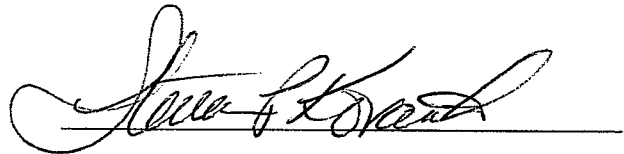
- C. A person shall not discharge a consumer fireworks device within two hundred (200) yards of a hospital or senior center.
- D. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, over the legal alcohol limit or under the influence of a drug or narcotic.
- E. 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.
- F. No person shall discharge a consumer fireworks devices outside the following dates and hours:
  - 1. July 3<sup>rd</sup> and 4<sup>th</sup> between the hours of 9:00 a.m. and 11:00 p.m.
- G. Sky lantern open flame devices are not permitted to be released within the city limits, except as tethered by a retrievable rope so long as the person discharging has control over the sky lantern.
- H. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device form its intended method of discharging.

4. Violations: All violations of any provisions of this Chapter are hereby declared to be simple misdemeanors. The penalty for the violation by property address in a twelve month calendar year from January 1 to December 31 is as follows:

- A. First offense: \$100.00
- B. Second offense: \$250.00
- C. Third offense: \$625.00

5. Exceptions: This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale of 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.

Passed by the Council the 8th day of September, 2020 and approved this 8th day of September, 2020.

A handwritten signature in cursive script, reading "Steven P. Kovarik", written over a horizontal line.

Steven P. Kovarik, Mayor

ATTEST:

A handwritten signature in cursive script, reading "Debra L. Thompson", written over a horizontal line.

Debra L. Thompson, City Clerk