**ORDINANCE NO. 2020-02**

**“AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GILMORE CITY, IOWA BY AMENDING CHAPTER 41, SECTION 13 PERTAINING TO FIREWORKS.”**

WHEREAS, the General Assembly of the State of Iowa has taken measures to allow the sale and use of consumer fireworks in the State of Iowa during specific timeframes and pursuant to applicable state licensure requirements; and

WHEREAS, the new legislation provides for city councils, by ordinance, to prohibit or limit the use of consumer fireworks within their jurisdiction in the interest of public health and safety;

THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF GILMORE CITY, IOWA:

SECTION 1. The Gilmore City Municipal Code is hereby amended by deleting the current Chapter 41.13 in its entirety, and replacing it with the following:

**41.13 FIREWORKS.**

**1. Definitions.**

**2. Sales - General Requirements.**

**3. Fireworks –Restrictions on Discharging.**

**4. Manufacture of Fireworks.**

**5. Violations.**

**1. Definitions.** The definitions enumerated in Iowa Code Section 727.2 and Iowa Code Section 100.19, are incorporated herein by reference.

**2.** **Sales –** No sales of fireworks are to be sold within the city limits of Gilmore City, IA.

**3. Fireworks –Restrictions on Discharging.**

A. No person shall discharge a consumer fireworks device within the city limits outside the following dates and hours, July 3rd from 10 a.m. until 11:00 p.m. and July 4th from 10 a.m. until 11:00p.m.

B. The City may, upon application in writing, grant a permit for the display of display fireworks on public property by a City agency, fair associations, and such other organizations or groups of individuals approved by City authorities when such display fireworks display will be handled by a licensed operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance as required under Iowa Code Section 727.2 and under this Chapter.

C. Sky lantern open flame devices are not permitted to be released within the city limits.

**4. Manufacture of Fireworks.** It shall be unlawful for a person to manufacture fireworks within the city limits without a permit as may be required by local, state, or federal laws and regulations.

**5. Violations.** All violations of any provisions of this Chapter may be prosecuted by the City either as simple misdemeanors or municipal infractions. A landowner who knowingly allows persons to discharge fireworks on their property in violation of this Ordinance shall also be deemed to be in violation. Violations of this chapter shall be reported to the state fire marshal. The fines for violating any section of this ordinance after 1st warning shall be the following:

**a.** First Offense: $250

**b.** Second Offense: $500

**c.** Third & Final Offense: $1,000

SECTION 2. 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 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved by the GILMORE City, City Council this 15th day of July, 2020.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Lowell Johnson, Mayor

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Melissa Ubben, City Clerk

I certify the foregoing was published as Ordinance No. 2020-03 on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 2020.

First Reading: 7-15-2020 All ayes

Second Reading: 8-17-2020 All ayes

Final Reading: Waived

Date Published :