

ORDINANCE NO. 109

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTFORD, IOWA BY AMENDING PROVISIONS PERTAINING TO FIREWORKS

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

SECTION 1. Section 45.22 of the Code of Ordinances of the City of Hartford, Iowa, is repealed and the following adopted in lieu thereof:

45.22 FIREWORKS The sale, use and exploding of fireworks within the city are subject to the following:

1. Definition

- a. "CONSUMER FIREWORKS" as defined in Iowa Code Section 727.2(1a) is hereby adopted.
- b. "DISPLAY FIREWORKS" as defined in Iowa Code Section 727.2(1b) is hereby adopted.

2. Limitations

- a. A person shall not use or explode consumer fireworks on days other than July 3<sup>rd</sup> and July 4<sup>th</sup> of each year, all dates inclusive.
- b. A person shall not use or explode consumer fireworks at times other than between the hours of 6:00 P.M. and 11:00 P.M.
- c. 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.
- d. A person who violates this section commits a simple misdemeanor. A court shall not order imprisonment for violation of this section.

3. Regulations. The City may, upon application in writing, grant a permit for the use of "DISPLAY FIREWORKS", as defined in this ordinance, by a city agency and other organization and groups of individuals approved by city authorities when such "DISPLAY FIREWORKS" 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: \$500,000 per person / \$1,000,000 per occurrence
  - b. Property Damage: \$100,000
4. The special use permit fee for such fireworks display shall be \$250.00
5. The special use permit fee for consumer fireworks sales for fireworks displays within the corporate city limits shall be \$2,000.00 annually.
6. Fireworks displays are prohibited on public property including parks, schools, streets, alleys or public right of ways.
7. A person who violates this section commits a simple misdemeanor. A court shall not order imprisonment for violation of this section.
  - a. Scheduled fines for 1<sup>st</sup> offense for any violation shall be \$100.00, 2<sup>nd</sup> offense shall be \$250.00 and 3<sup>rd</sup> offense and any subsequent offense shall be \$500.00.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED by the City Council this 26 day of June, 2017, and APPROVED this 26 day of June, 2017.

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Caroline McNamar, MAYOR

ATTEST:

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Brad Herrold, CITY CLERK