

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 Section 45.22 of the Code of Ordinances of the City of Hartford, Iowa, is repealed and the following adopted in lieu thereof: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 3rd and July 4th 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 1st offense for any violation shall be \$100.00, 2nd offense shall be \$250.00 and 3rd 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.

Caroline McNamar, MAYOR

ATTEST:

Brad Herrold, CITY CLERK

ORDINANCE NO. 091719-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTFORD, IOWA, 2019, BY AMENDING ORDINANCE CHAPTER 45.22.02.B FIREWORKS.

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

SECTION 1. NEW SECTION. The Code of Ordinances of the City of HARTFORD, Iowa, 2019 is amended by amending Chapter 45, numbered 45.22.02.B, entitled FIREWORKS, which is hereby adopted to read as follows:

45.22.02.B. A person shall not use or explode consumer fireworks at times other than between the hours of 6:00 P.M. and 10:00 P.M.

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 by the Council the 17th day of September, 2019, and approved this 17th day of September, 2019.

Mayor

ATTEST:

City Clerk

1st Reading –

Motion by Council Member Eckert, seconded by Council Member Goldsberry, first reading of Ordinance No. 091719-01.

AYES: Clark, Goldsberry, Eckert

NAYS:

ABSENT: Smith

2nd Reading – SKIP

Motion by Council Member Eckert, seconded by Council Member Clark, second reading of Ordinance No. 091719-01.

AYES: Clark, Goldsberry, Eckert

NAYS:

ABSENT: Smith

3rd Reading –Skipped

Motion by Council Member _____, seconded by Council Member _____, third reading of Ordinance No. 091719-01.

AYES:

NAYS:

ABSENT:

Motion by Eckert, seconded by Goldsberry, to accept Ordinance No. 091719-01 Chapter 45.22.02.B as written.

AYES: Clark, Goldsberry, Eckert

NAYS:

ABSENT: Smith

The Mayor declared Ordinance No. 091719-01 was passed on September 17, 2019.

I certify that the foregoing was published as Ordinance No. 091719-01 on the ____ day of September, 2019.

City Clerk

ORDINANCE NO. 061620-02

AN ORDINANCE AMENDING CHAPTER 45 IN THE CODE OF ORDINANCES OF THE CITY OF HARTFORD, IOWA, BY ADDING A NEW SUBSECTION 23 AND RENUMBERING AFFECTED SUBSECTIONS

WHEREAS, the use or possession of dangerous or illegal fireworks continues to increase within the City limits; and,

WHEREAS, fireworks may pose a serious risk to the public's safety, given the potential for personal bodily injury and property damage and loss;

WHEREAS, law enforcement personnel have been unable to hold users and possessors of property fully accountable for the unlawful possession or use of fireworks; and

WHEREAS, the City recognizes the need to adopt further restrictions and appropriate civil penalties for the users or possessors of property who permit the unlawful use or discharge of fireworks; and

WHEREAS, it is the intent of the Hartford City Council to reasonably regulate the possession and use or discharge of fireworks within the City to protect the public health, safety, and general welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hartford, Iowa as follows:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Hartford, Iowa, is amended by adding a new section in Chapter 45, numbered 45.23 titled OWNER/OCCUPANT LIABILITY which is hereby adopted to read as follows:

45.23 OWNER/OCCUPANT RESPONSIBILITY.

1. No person or responsible party shall allow, permit, or otherwise consent to the display of consumer or display fireworks on the private property or an adjacent public way if such possession or display is in violation of City or State Code.
2. A person or responsible party with control of the private property shall be presumed to have consented to the display of fireworks on the property or adjacent way if law enforcement or fire officials observe and document the existence of the remnants of unlawful fireworks on the premises indicative of the use or display of such fireworks.
3. For purposes of this section, **RESPONSIBLE PARTY** includes, but is not limited to:
 - A. The person(s) who owns, rents, leases, or otherwise has possession of the residence or other private property;
 - B. The person(s) in immediate control of the residence or other private property; and
 - C. The person(s) who organizes, supervises, sponsors, conducts, allows, controls, or controls access to the illegal discharge or illegal storage of fireworks.
4. If the residence or other private property is rented or leased, the landlord or lessor is not covered by this section unless they fall within the category of persons described under

division (3)(A) or (C) of this definition. A landlord or lessor can only be held responsible under division (3)(C) of this definition if he or she has knowledge that fireworks are being unlawfully discharged or stored on the property.

Any person or responsible party who violates the restrictions in division (1) or (2) above will be guilty of a municipal infraction and subject to a civil penalty of \$100 for each offense. The City may elect to initially charge these violations as a notice of violation pursuant to City Code 3.04A.

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 by the Council on the 16th day of, June, 2020, and approved this 16th day of June, 2020.

Kandi S. Petry, Mayor

ATTEST:

City Clerk

1st Reading –

Motion by Council Member Eckert, seconded by Council Member Goldsberry, first reading of Ordinance No. 061620-02.

AYES: Jors, Barton, Goldsberry, Eckert

NAYS: –

ABSENT: –

2nd Reading – Waived

Motion by Council Member Eckert, seconded Council Member Jors, to approve the second reading of Ordinance No. 061620-02.

AYES: Jors, Barton, Goldsberry, Eckert

NAYS: —

ABSENT: —

3rd Reading – Waived

Motion by Council Member Eckert, seconded by Council Member Jors, to approve the third reading of Ordinance No. 061620-02.

AYES: Jors, Barton, Goldsberry, Eckert

NAYS: —

ABSENT: —

The Mayor declared Ordinance No. 061620-02 was passed on June 16th, 2020.

I certify that the foregoing was published as Ordinance No. 061620-02 on _____ the day of _____ 2020.

City Clerk