

CITY OF MARTENSDALE

ORDINANCE NO. 12.01.2017

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

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

SECTION 1. Section 45.08 of the Code of Ordinances of the City of Martensdale, Iowa, is repealed and the following adopted in lieu thereof:

45.08 FIREWORKS The sale, use and exploding of fireworks with in 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 June 30th – July 8th of each year, all dates inclusive.
- b. A person shall not use or explode consumer fireworks at times other than between the hours of 12 o'clock noon 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

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 4th day of December 2017, and APPROVED this 4th day of December, 2017.

John Ralls, MAYOR

ATTEST:

Donna Bahun, CITY CLERK