

ORDINANCE NO. 868

AN ORDINANCE AMENDING CHAPTER 41 OF THE ELDORA MUNICIPAL CODE

BE IT ENACTED by the City Council for the city of Eldora, Iowa:

Section 1. **Purpose:** The purpose of this ordinance is to amend portions of current Chapter 41 by deleting current section 41.11(3) (A) through (H) and substituting in lieu thereof the following:

41.11(3) (A) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

“Consumer fireworks” means first-class consumer fireworks and second-class consumer fireworks as those terms are defined in this subsection.

“Display fireworks” means any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "display fireworks" does not include novelties or consumer fireworks enumerated in chapter 3 of the American Pyrotechnics Association (APA) standard 87-1.

“First-class consumer fireworks” means the following consumer fireworks, as described in APA standard 87-1, chapter 3:

- (1) Aerial shell kits and reloadable tubes.
- (2) Chasers.
- (3) Helicopter and aerial spinners.
- (4) Firecrackers.
- (5) Mine and shell devices.
- (6) Missile-type rockets.
- (7) Roman candles.
- (8) Sky rockets and bottle rockets.

(9) Multiple tube devices set forth under this definition that are manufactured in accordance with APA standard 87-1, section 3.5.

“Novelties” means all novelties, enumerated in chapter 3 of the APA standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission. The term "novelties" includes party poppers, snappers, toy smoke devices, snakes and glow worms, and wire sparklers as defined in APA standard 87-1, section 3.2.

“Second-class consumer fireworks” means the following consumer fireworks, as described in APA standard 87-1, chapter 3:

- (1) Cone fountains.
- (2) Cylindrical fountains.

- (3) Flitter sparklers.
- (4) Ground and handheld sparkling devices, including multiple tube ground and handheld sparkling devices that are manufactured in accordance with APA standard 87-1, section 3.5.
- (5) Ground spinners.
- (6) Illuminating torches.
- (7) Toy smoke devices that are not classified as novelties pursuant to APA standard 87-1, section 3.2.
- (8) Wheels.
- (9) Wire or dipped sparklers that are not classified as novelties pursuant to APA standard 87-1, section 3.2.

B. **Prohibitions.** The use or exploding of consumer fireworks or display fireworks within the city limits is prohibited, unless a permit is properly obtained as set forth in subsection (C) of this section. A violation of this section constitutes a municipal infraction and may be enforced according to the provisions of Chapter 4 of this Ordinance.

C. **Tenant.** No tenant, party in possession or landlord shall permit, allow or engage in the use of explosion of consumer fireworks.

D. **Permits.** The City may, upon written application, grant a permit for the display of fireworks on private or public property by a City agency, fair associations, amusement parks, individual and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. The City may impose such restrictions on the permit as are necessary for public safety and welfare. The permit fee shall be set by resolution of the council. No permit is required for the displaying of novelties.

Section 2. **Effect.** All other Sections of said Chapter shall remain unchanged and in full force and effect.

Section 3. **Severability.** If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of the Code is, for any reason, held to be invalid or unenforceable as to any person or circumstances, the application of such section, subsection, paragraph, subparagraph, sentence, clause or phrase to persons or circumstances other than those as to which it shall be held invalid or unenforceable, shall not be affected thereby, and all other provisions of the Code, in all other respects, shall be and remain valid and enforceable.

Section 4. **Effective Date.** This ordinance and the Eldora Municipal Code shall be in full force and shall take effect, from and after the adoption a publication of this ordinance.

Passed and approved by the City Council of the City of Eldora, Iowa, this 14th day of July, 2020.

David W. Dunn, Mayor

ATTEST:

Chandra Kyte, City Clerk
Introduced: 06-23-2020
Passed 1st Consideration 06-23-2020
Passed 2nd Consideration 06-29-2020
Passed 3rd Consideration 07-14-2020