

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REGULATING THE USE OF FIREWORKS WITHIN THE CITY OF SPIRIT LAKE, IOWA

WHEREAS, the Iowa Legislature has amended Iowa Code Section 364.2 by adopting a new Subsection 6 which provides that “a city council may by ordinance or resolution prohibit or limit the use of consumer fireworks, display fireworks, or novelties, as described in Section 727.2”; and,

WHEREAS, it is the judgment of the Spirit Lake City Council that the use of “First-class Consumer Fireworks” in the City of Spirit Lake, Iowa constitute a threat to the public safety and to private property and a nuisance to neighboring land owners.

NOW, THEREFORE, BE IT ORDAINED by the Spirit Lake City Council as follows:

Section 1. There is hereby adopted an amendment to the Spirit Lake Code of Ordinances as follows:

“40.08 FIREWORKS. The use of any fireworks as defined in the Iowa Code, section 727.2 within the corporate limits of the City of Spirit Lake, Iowa, except as otherwise provided in this Article, is prohibited. A violation of this section is a simple misdemeanor punishable by a fine of not less than \$250.00.

Consumer fireworks as defined by Iowa Code 727.1(a) may be used or exploded between the hours of 11:00 a.m. and 10:00 p.m. on July 3 and July 4, and at no other time. The use of consumer fireworks is allowed only on private property and with the permission of the private property owner.

Use of consumer fireworks on public property, including streets, parks and rights of way, is expressly prohibited and use of consumer fireworks on public property is a simple misdemeanor punishable by a fine of not less than \$500.00.”

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. 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 5. This ordinance shall be in effect following its final passage, approval and publication as provided by law.

