

ORDINANCE NO. 2022-03

**AN ORDINANCE AMENDING TITLE III: PUBLIC ORDER, PROTECTION, AND
LAW ENFORCEMENT, CHAPTER 1: MISDEMEANORS, ARTICLE 4: PUBLIC
HEALTH AND SAFETY, SECTION 4.04 (3) FIREWORKS -DISCHARGING GENERAL
REQUIREMENTS**

WHEREAS, the General Assembly of the State of Iowa has taken measures to allow the sale and use of consumer fireworks in the State of Iowa during specific timeframes and pursuant to applicable state licensure; and

WHEREAS, the new legislation provides for city councils, by ordinance, to prohibit or limit the use of consumer fireworks within their jurisdiction, if determined a public safety risk or a nuisance to neighbors.

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

SECTION 1. AMEND TITLE III, CHAPTER 1, ARTICLE 4, SECTION 4.04 (3) FIREWORKS- DISCHARGING GENERAL REQUIREMENTS. The Code of Ordinances of the City of Primghar, Iowa, is amended by repealing III-1-4-4.04 (3) and adopting the new section stated as follows:

3. Fireworks - Discharging General Requirements.

- A. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework without parental supervision.
- B. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given. Novelties, including snakes, sparklers, or caps, can be discharged on a public place so long as all trash, wrappers, and wires are properly disposed of.
- C. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.
- D. Any person discharging a consumer fireworks device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.
- E. No person shall discharge a consumer fireworks device outside the following dates and hours:

- A. July 3 thru July 4 from the hours of 9 am until 11 pm.

B. December 31 through January 1 from the hours of 9am through 10pm.

F. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.

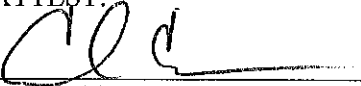
SECTION 2. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

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 this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council of Primghar, Iowa, the 10th day of June 2022.


Kurt Edwards, Mayor

ATTEST:

Carol Chicoine, City Clerk/Administrator

Read First Time: June 10, 2022

Waived Second Reading: June 10, 2022

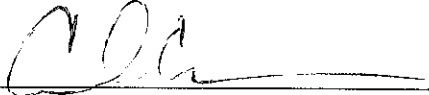
Waived Third Reading: June 10, 2022

PASSED AND APPROVED: June 10, 2022

CERTIFICATE OF CITY CLERK

I hereby certify that the above council proceedings were duly and legally made and adopted at a legal meeting of the City Council of the City of Primghar, Iowa and were properly journalized in the minutes thereof on the 10 day of June 2022

I do further certify that the ordinance contained in said proceeding, being Ordinance No. 2022-03 of the City of Primghar, Iowa, was published in accordance with Iowa Code.



Carol Chicoine, City Clerk