

ORDINANCE NO. 04-O-2017-2018

AN ORDINANCE AMENDING CHAPTER 8-2 OF TITLE VIII OF THE CITY CODE OF THE CITY OF STORM LAKE, IOWA, TITLED "PUBLIC ORDER," TO REPEAL CERTAIN PROVISIONS PROHIBITING THE POSSESSION OF FIREWORKS, AND TO PROHIBIT THE USE OF "FIRST-CLASS CONSUMER FIREWORKS" AND LIMIT THE USE OF "SECOND-CLASS CONSUMER FIREWORKS" WITHIN THE CITY OF STORM LAKE, IOWA

WHEREAS, the Iowa Legislature has adopted and the Governor has signed Senate File 489 (SF 489), Eighty-Seventh General Assembly, which permits the sale and use of "first-class consumer fireworks" as now defined in Iowa Code Section 100.19(1)(c) and "second-class consumer fireworks" as now defined in Iowa Code Section 100.19(1)(e);

WHEREAS, SF 489 amends 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";

WHEREAS, it is the judgment of the Storm Lake City Council that the use of "first-class consumer fireworks" and "second-class consumer fireworks" in the City of Storm Lake, Iowa constitutes a threat to the public safety and private property and a nuisance to neighboring land owners;

WHEREAS, SF 489 amends Iowa Code Section 727.2 by, among other changes and additions, adding Section 727.2(3)(c)(1) which provides: "A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited by an ordinance adopted by the county or city in which the fireworks are used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.";

WHEREAS, the City of Storm Lake, Iowa desires to prohibit the use of "first-class consumer fireworks," as now defined in Iowa Code Section 100.19(1)(c), and limit the use of "second-class consumer fireworks," as now defined in Iowa Code Section 100.19(1)(e), and to have the provisions of Section 727.2 (3)(c)(1) apply to unlawful use of "first-class consumer fireworks" and "second-class consumer fireworks" in the city of Storm Lake, Iowa; and

WHEREAS, the provisions of subsection I, headed, "Possession of Fireworks," of Section 8-2-1, headed "Misdemeanors" of the City Code of the City of Storm Lake, Iowa are now inconsistent with the provisions of SF 489.

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

Section 1. Subsection (I) of Section 8-2-1, headed, "Possession of Fireworks," including such subsection heading and both subparagraphs 1 and 2 thereunder, being a part of Chapter 8-2 of Title VIII of the City Code of the City of Storm Lake, Iowa, is hereby repealed.

Section 2. The following new subsection (I) of Section 8-2-1, now headed, "Use of Consumer Fireworks'," is inserted in lieu of the subsection (I) of said Section 8-2-1 repealed by this ordinance:

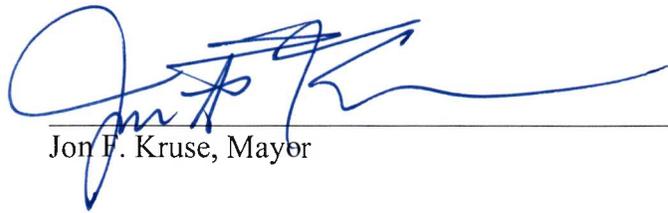
(I) Use of Consumer Fireworks:

1. The use of "first-class consumer fireworks," as defined in Section 100.19(1)(c) of the Code of Iowa, within the corporate limits of the City of Storm Lake, Iowa is prohibited.
2. The use of "second-class consumer fireworks," as defined in Section 100.19(1)(e) of the Code of Iowa, within the corporate limits of the City of Storm Lake, Iowa is prohibited except between the hours of 5:00 p.m. and 10:00 p.m. Central Time on July 3 of each year and between the hours of 5:00 p.m. and 10:00 p.m. Central Time on July 4 of each year.
3. A person who violates a provision of this subsection (I) of Section 8-2-1 commits a simple misdemeanor punishable by a fine of not less than two hundred fifty dollars and not more than five hundred dollars. A court shall not order imprisonment for a violation of this subsection.

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

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

Passed by the Council the 6th day of November, 2017, and approved this 6th day of November, 2017.



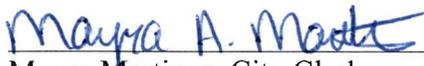
Jon F. Kruse, Mayor

ATTEST:



Mayra Martinez, City Clerk

I hereby certify that the foregoing was published as Ordinance No. 040-2017-2018 in the Storm Lake Times on the 17th day of November, 2017.



Mayra Martinez, City Clerk