

**ORDINANCE NO. 2286**

**AN ORDINANCE AMENDING THE CITY OF FORT DODGE, IOWA, CODE OF ORDINANCES BY AMENDING  
CHAPTER 9.24 (PYROTECHNICS)**

**AMEND CHAPTER 9.24 (PYROTECHNICS).** The Code of Ordinances of the City of Fort Dodge, Iowa is amended by repealing Chapter 9.24 and adopting the new section stated as follows:

**Chapter 9.24 FIREWORKS**

**9.24.010. Purpose.** The purpose of this chapter is to provide standards for the sales and usage of fireworks within the City. *All State of Iowa Codes for fireworks shall comply within the ordinance.*

**9.24.020. Definitions:** For the use of this chapter the following terms are defined:

**Consumer Fireworks:** For purposes of this section, the definition of “Consumer fireworks” as enumerated in Iowa Code section 100, which is incorporated herein by reference.

**Display Fireworks:** For purposes of this section, the definition of “Display fireworks” as enumerated in Iowa Code section 100, which is incorporated herein by reference.

**Novelties:** For purposes of this section, the definition of “Novelties” as enumerated in Iowa Code section 100, which is incorporated herein by reference.

**Person:** Any individual, firm, partnership, or corporation.

**Retailer:** Any Person engaged in the business of making retail sales of Consumer Fireworks to the general public.

**Sales:** The exchange of articles of fireworks for money and also includes barter, exchange, gift or offer and each such transaction made by any Person, whether as principle proprietor, salesperson, agent, association, co-partnership, or one (1) or more individual(s).

**State Fire Marshal’s Permit:** The appropriate fireworks permit issued by the State of Iowa Fire Marshal’s Office.

**9.24.030. Permits.**

All Sales sites shall comply with State of Iowa codes and City of Fort Dodge Code of Ordinance.

- 1) It is unlawful for any Person to sell or to offer for sale in the City of Fort Dodge any item of Consumer Fireworks without first having a secured State Fire Marshal’s Permit.
- 2) All Sales sites shall comply with the City of Fort Dodge Site Plan Ordinance, Zoning Code, and Building Code.

**9.24.050. Usage of Fireworks within the City limits of Fort Dodge.**

It shall be unlawful for any Person to use fireworks in the City of Fort Dodge without complying with the State of Iowa codes, this Chapter, and the following:

- 1) No Person under the age of 18 shall possess or discharge Consumer Fireworks without parental supervision. If any Person under the age of 18 is found in possession of or discharging Consumer Fireworks without parental supervision, in addition to any other penalty provided for by law or this Chapter, such Consumer Fireworks shall be confiscated.
- 2) A Person shall not use Consumer Fireworks on real property other than that Person's real property.
- 3) A Person shall not discharge Consumer Fireworks in any parks, public lands, buildings, or right-of-way without a permit through the City of Fort Dodge.
- 4) 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.
- 5) Any Person discharging Consumer Fireworks assumes all responsibility for its operation and the consequences thereof. No Person shall discharge Consumer Fireworks in a reckless manner or manner likely to cause death, injury, fire, or property damage.
- 6) No Person shall discharge Consumer Fireworks outside the following dates and hours:
  - a. July 1 thru July 4 from the hours of 5:00 pm until 10pm.  
*Exception: discharge hours are extended to 11pm on July 4<sup>th</sup> and discharge hours are extended to 11pm for July 1, 2, or 3 when such date falls on a Saturday or Sunday.*
  - b. December 31 thru January 1 from the hours of 5:00 pm on December 31 until 12:30 am on January 1.
- 7) It shall be unlawful to alter, remove, or discharge components of a Consumer Fireworks device from its intended method of discharging.
- 8) Due to the serious threat of fire or injury posed by the use of fireworks on or at dates, times, and/or locations other than those permitted under the Municipal Code, this Section imposes strict civil liability upon owners or legal tenants of real property for all violations of this Section occurring on the owner's or legal tenant's property and shall subject such individuals or entities to the penalties in 9.24.070. Each contiguous use, display, or possession shall constitute a separate violation and shall be subject to separate penalties as defined in 9.27.070.
- 9) It shall be unlawful for any Person to use Display Fireworks. However, the City may, upon application in writing, grant a permit for the display of Display Fireworks by municipalities, fair associations, amusement parks, and other organizations or groups or individuals approved by the City when the Display Fireworks will be handled by a competent operator.

**9.24.060. Exclusions**

Nothing in this chapter prohibits the sale by a resident, dealer, manufacturer, or jobber of such fireworks as are not prohibited by this Chapter or State of Iowa codes, or the sale of any kind of fireworks if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization. This chapter does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes. Unless specifically provided otherwise, this chapter does not apply to Novelties.

**9.24.070.        Violations and Penalties**

All violations of any provisions of this Chapter are declared municipal infractions, punishable by a minimum fine of five hundred dollars for the first offense and seven hundred fifty dollars for the second and any subsequent offense.

This Ordinance shall be in effect after its final passage, approval, and publication, as by law provided.  
Adopted by the City Council of the City of Fort Dodge, Iowa, this 21st day of May, AD, 2018.

City of Fort Dodge, Iowa

/s/ Matt Bemrich, Mayor  
Matt Bemrich, Mayor

ATTEST:

/s/ Jeff Nemmers, City Clerk  
Jeff Nemmers, City Clerk

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