

ORDINANCE NO. 2024-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA, BY AMENDING PROVISIONS PERTAINING TO PUBLIC HEALTH AND SAFETY – FIREWORKS.

BE IT ENACTED by the City Council of the City of Independence, Iowa:

Section 1. SUBSECTION MODIFIED. Subsection 41.14(2) of the Code of Ordinances of the City of Independence, Iowa, is repealed and the following is adopted in lieu thereof:

2. Fireworks – Discharging General Requirements
 - a. No person under the age of 18 shall discharge any consumer firework without parental supervision.
 - b. No person shall discharge any consumer firework on any sidewalk, street, or any public right of way or public property including parks.
 - c. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given in writing.
 - d. 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.
 - e. 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.
 - f. No person shall discharge a consumer fireworks device outside the following dates and hours:
 - 1) July 3rd: 12:00 PM to 10:00 PM
 - 2) July 4th: 12:00 PM to 10:00 PM
 - Exception: discharge hours are extended to 11 pm if either date falls on a Friday or Saturday.*
 - 3) December 25th: 4:00 PM to 10:00 PM
 - 4) December 30th: 4:00 PM to 10:00 PM
 - 5) December 31st: 4:00 PM to January 1st at 12:30 AM
 - g. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.
 - h. Sky lantern open flame devices are not permitted to be released within the city limits, except if tethered by a retrievable rope so long as the person discharging has control over the sky lantern.
 - i. The City may, upon application in writing, grant a permit for the display of display fireworks on public property by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such display fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:
 - 1) Personal Injury: \$250,000 per person.
 - 2) Property Damage: \$50,000.
 - 3) Total Exposure: \$1,000,000.

Section 2. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council of Independence, Iowa, on this _____ day of _____ 202__.

Brad Bleichner, Mayor of the City of Independence, IA

ATTEST:

Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, IA

First Reading: _____
Second Reading: _____
Third Reading: _____

I certify that the foregoing was published as Ordinance No. 2024- on the _____ day of _____ 202__.

Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, IA