

ORDINANCE NO. 2025-____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA, BY AMENDING PROVISIONS PERTAINING TO FIREWORKS

Be It Enacted by the City Council of the City of Independence, Iowa:

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 Section 41.14 of the Code of Ordinances of the City of Independence, Iowa, is repealed and the following adopted in lieu thereof:

41.14 FIREWORKS.

(Code of Iowa, Sec. 727.2)

1. Definitions. The following terms are defined for use in this section.
 - A. “Consumer fireworks” means the following fireworks, as described in Chapter 3 of the American Pyrotechnics Association (“APA”) Standard 87-1:
 - (1) First-class consumer fireworks:
 - a. Aerial shell kits and reloadable tubes;
 - b. Chasers;
 - c. Helicopters and aerial spinners;
 - d. Firecrackers;
 - e. Mine and shell devices;
 - f. Missile-type rockets;
 - g. Roman candles;
 - h. Sky rockets and bottle rockets;
 - i. Multiple tube devices under this paragraph which are manufactured in accordance with APA Standard 87-1, Section 3.5.
 - (2) Second-class consumer fireworks:
 - a. Cone fountains;
 - b. Cylindrical fountains;
 - c. Flitter sparklers;
 - d. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA Standard 87-1, Section 3.5;
 - e. Ground spinners;
 - f. Illuminating torches;
 - g. Toy smoke devices that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2;
 - h. Wheels;
 - i. Wire or dipped sparklers that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2.
 - B. “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. “Display fireworks” does not include novelties or consumer fireworks enumerated in Chapter 3 of the APA Standard 87-1.
 - C. “Novelties” includes all novelties enumerated in Chapter 3 of the APA Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.
2. Consumer Fireworks Use Regulations. It is unlawful for any person to use or explode consumer fireworks within the City outside of the following dates:

- A. State Code Dates. Allowed by Section 364.2(6) of the *Code of Iowa*:
 - (1) July 3 between the hours of 9:00 a.m. and 10:00 p.m.
 - a. Except when July 3 falls on a Saturday or Sunday preceding July 4, in which fireworks shall be allowed between the hours of 9:00 a.m. and 11:00 p.m.
 - (2) July 4 between the hours of 9:00 a.m. and 11:00 p.m.
 - (3) December 31 between the hours of 9:00 a.m. and 12:00 a.m. on the immediately following day.
- B. City Allowed Dates.
 - (1) No other dates or times permitted.

3. Display Fireworks Use Regulations. All remaining restrictions, exemptions, or requirements imposed by Section 727.2 of the *Code of Iowa* and the applicable regulations promulgated by the State Fire Marshal shall remain in full force and effect. With respect to “display fireworks,” the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such 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:

- A. Personal Injury: \$250,000.00 per person
- B. Property Damage: \$50,000.00
- C. Total Exposure: \$1,000,000.00

4. Fireworks Sale Regulations. The retail sale of fireworks with the City in either a permanent building or temporary structure shall be prohibited in any residential zoning district as defined in Chapter 170. A copy of the City’s Zoning Map can be found on the City’s website or can be obtained upon request from the Clerk’s office. Except for the limitations stated above, the City hereby adopts all standards, rules, and regulations promulgated or that will be promulgated by the State Fire Marshal regarding the licensure of fireworks retailers and the retail sale of fireworks pursuant to Sections 100.1, 100.19, and 727.2 of the *Code of Iowa*. The City specifically adopts National Fire Protection Association Standard 1124 with respect to the requirements for the handling, storage, transportation, display, and retail sale of fireworks. All other provisions of this Code not in conflict with this section or with the State remain valid and enforceable.

5. Exceptions. This section does not prohibit the same by a resident, dealer, manufacturer, or jobber of such fireworks that are not prohibited, or the sale of any kind of fireworks if they are to be shipped out of State, or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance prepared and sold for medicinal or fumigation purposes.

5. Penalties. Any person who violates the provisions of Subsection 2 or 3 shall be guilty of simple misdemeanor, punishable by fine in an amount set out in Section 1.15, in addition to established court costs. Any person or firm who violates the provisions of Subsection 4 shall be guilty of a municipal infraction and subject to the penalties provided for in Chapter 4. Nothing in this section shall be construed to limit or infringe upon the ability of the State to impose additional sanctions with respect to any fireworks retailer license held by the violator.

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 _____ 2025.

Brad Bleichner, Mayor of the City of Independence, IA

ATTEST:

Susi Lampe, IaCMC, IaCFO, Assistant City Manager/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. 2025-_____ on the _____ day of _____ 2025.

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

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