

PUBLIC HEARING NOTICE

The Howard County Board of Supervisors will be conducting a public hearing on a proposed ordinance concerning Fireworks in the unincorporated areas in Howard County, Iowa on July 25, 2017 at 9:30 a.m. in the Howard County Board of Supervisors Office. The proposed ordinance is on file for review in the Howard County Auditor's from 8:00 a.m. to 4:30 p.m. Monday thru Friday or you may view it on the Howard County website at www.co.howard.ia.us Any written or oral comments will be accepted until 9:30 a.m. on July 25, 2017.

Howard County Board of Supervisors
Don Burnikel, Chairman

ORDINANCE NO. 43-2017

Fireworks

5-9-1 Purpose. The purpose of this Chapter is to ensure the safety of Howard County citizens and to enforce Iowa Code Chapter 727.

5-9-2 Definitions.

- (a) Display Fireworks: Display Fireworks is defined as 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 which meets the definition of Display Fireworks contained in Iowa Code Section 727.2(1)(b) (2017). Display Fireworks does not include Consumer Fireworks or Novelties as defined in Iowa Code Sections 727.2(1)(a) or 727.2(1)(c) (2017).
- (b) Consumer Fireworks: Consumer Fireworks is defined to include first-class consumer fireworks and second-class consumer fireworks as those terms are defined in Iowa Code Section 100.19(1) (2017).
- (c) Novelties: Novelties is defined to include all novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.
- (d) Operator: A person eighteen (18) years of age or older trained in fireworks safety who will set up and explode the Display Fireworks.
- (e) Applicant: The municipality, organization, fair association, amusement park, or group of individuals requesting a Display Fireworks permit.
- (f) Fireworks Display: The explosion of Display Fireworks regulated hereunder. The test firing of Display Fireworks by a person certified by the ATF to build Display Fireworks shall not be considered a fireworks display so long as said person's name and address are on file with the Howard County Board of Supervisors for that purpose.

5-9-3 Prohibition.

- (a) No person shall conduct or cause to conduct a Fireworks Display in the unincorporated areas within Howard County, Iowa, unless a permit for such display is first obtained from the Howard County Conservation Board (For real property that falls under the Conservation Board's authority) and Howard County Board of Supervisors.

(b) No person shall conduct or cause to conduct a Fireworks Display or engage in the testing of Display Fireworks in the unincorporated areas within Howard County, Iowa during any time in which a burn ban or other applicable burn restriction(s) has/have been issued or otherwise placed in effect by any lawful authority.

(c) No person shall use Consumer Fireworks in the unincorporated areas within Howard County, Iowa, during any time in which a burn ban or other applicable burn restriction(s) has/have been issued or otherwise placed in effect by any lawful authority.

5-9-4 Application.

Application for a permit to conduct a Fireworks Display under this Ordinance shall be made in writing on a form prescribed by the Board of Supervisors no later than 14 days before the anticipated fireworks display. The Board may, in its discretion, accept applications filed beyond the deadline set out herein.

The application shall include such information as deemed by the Board to be necessary for its consideration, including but not limited to the name, address and telephone number of the applicant; the name, age, address and telephone number of the operator; the location of the Fireworks Display; and the proposed approximate time and date of the Fireworks Display. The application must be signed by the fire chief of the jurisdiction in which the display will be located. Additionally, the application shall be accompanied by proof of \$1,000,000 in liability insurance and a copy of proof of training or certification. It is recommended that the application be submitted to the Howard County Auditor at least 14 days prior to the proposed display date. The application will then be scheduled for consideration on the next available meeting date before the Howard County Conservation Board (if applicable) and the Howard County Board of Supervisors. Applicants will be notified of the Board's decision.

5-9-5 Age and Qualifications of the Applicant and Operator.

Permits for a Fireworks Display may be granted to municipalities, fair associations, amusement parks, organizations or groups of individuals. Any applicant requesting a permit for a Fireworks Display shall have an operator eighteen (18) years of age or older who possesses a current and valid ATF permit as set forth by the Safe Explosives Act and is certified by a nationally-recognized fireworks safety organization such as the American Pyrotechnic Association or the Pyrotechnics Guild International, Inc. The representative signing the application on behalf of a municipality, fair association, amusement park, and/or organization or group of individuals shall be at least eighteen (18) years of age.

5-9-6 Fireworks Displays, Search for and Disposal of Unexploded Fireworks.

The discharge of fireworks under a permit granted pursuant to this Ordinance will not be allowed before sunrise or after eleven o'clock (11:00) p.m. of the date of the Fireworks Display unless otherwise permitted by the Howard County Board of Supervisors at the time the permit application is approved. Any Display Fireworks that remain unexploded after the Fireworks Display shall be immediately disposed of or removed for storage or disposal in a safe manner by the operator who, as soon as practicable after the conclusion of the Fireworks Display, shall make a complete and thorough search for any Display Fireworks or fuses, or parts thereof, which have not exploded or functioned.

5-9-7 Permit Suspension and Burn Bans.

The Howard County Sheriff, area Fire Chief, Fire Marshal and/or their respective designee(s) may suspend any permit issued pursuant to this Ordinance and/or any Display Fireworks testing should any

such individuals determine that the health, safety, welfare of the public would require the suspension, or should the applicant and/or operator fail to meet the qualifications as set out in this Ordinance. In the event of any such suspension, the Sheriff and appropriate Fire Chief shall promptly file a report thereof with the Board of Supervisors. Thereupon, the Board of Supervisors shall, at its next formal meeting, affirm the suspension of the permit or reinstate the same. In the event a burn ban is issued for Howard County by the State Fire Marshal or other appropriate authority, all approved permits shall be automatically suspended and test firing of Display Fireworks otherwise allowed without a permit shall be not conducted until such time as the burn ban is lifted or expires by order of the Fire Marshal or other appropriate authority, unless the area Fire Chief, Fire Marshal, or designee issues a written exception for a particular Fireworks Display or test firing.

5-9-8 Consideration of Prior Permits.

In determining whether the application for a Fireworks Display permit should be granted, the Board may consider an applicant's or operator's conduct in association with prior Fireworks Display permits.

5-9-9 Use of Consumer Fireworks Permitted.

(a) A person may use or explode Consumer Fireworks during the dates of June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive, so long as the use of Consumer Fireworks is not prohibited pursuant to Section 5-9-3(c).

(b) A person shall not use or explode Consumer Fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates Consumer Fireworks shall not be used at times other than between the hours specified:

(1) Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.

(2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.

(3) Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.

(c) A person shall not use Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property.

5-9-10 Use of Novelties Permitted.

Unless specifically provided otherwise, this Ordinance does not apply to the use of Novelties.

5-9-10 Penalty.

Violation of any of the provisions of this Ordinance shall constitute a simple misdemeanor.

5-9-11 Repealer.

All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

5-9-12 Savings Clause.

If any section, provision, or part of this Ordinance shall be adjudged invalid, illegal or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not be adjudged invalid, illegal or unconstitutional.

5-9-13 Effective Date.

This Ordinance shall be in effect after its final passage and publication as part of the proceedings of the Board of Supervisors.

First Reading Date:

Second Reading Date:

Third Reading Date:

Ordinance _____ is hereby approved and adopted on the _____ day of June, 2017.

By:

Don Burnikel, Chairman
Howard County Board of Supervisors

Attest: _____
Julie Chapman, Howard County Auditor

Pat Murray, Member
Howard County Board of Supervisors

Jan McGovern, Member
Howard County Board of Supervisors