CITY OF TOLEDO

ORDINANCE NO. 2017-04

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOLEDO, IOWA, BY REPEALING AND REPLACING SECTION 41.12, PERTAINING TO FIREWORKS.**

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

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of Toledo, Iowa, is hereby amended by repealing Section 41.12, which pertains to the sale, use, or exploding of fireworks within the City.

SECTION 2. SECTION 41.12 IS HEREBY ENACTED.

**41.12 FIREWORKS**

1. Definition. The term “fireworks” includes “consumer fireworks”, “display fireworks”, and “novelties” as defined by Iowa Code Section 727.2(1).
2. Regulations. All fireworks are subject to the following regulations:

 a. Display fireworks shall not be used within the City unless a permit for such use has been granted by the City Council, after appropriate application has been made in writing. Any use of display fireworks shall be overseen by a competent operator at all times. No permit shall be granted unless the applicant provides proof of insurance in the following amounts:

 i. Personal Injury - $250,000.00 per person.

 ii. Property Damage - $50,000.00 per occurrence.

 iii. Total Exposure - $1,000,000.00.

 b. Consumer fireworks and novelties shall only be allowed to be used within the City on dates between June 1 and July 8, and December 10 and January 3, all dates inclusive. On said dates, consumer fireworks and novelties generally may only be used between 9:00 a.m. and 10:00 p.m. However, on July 4, the Saturdays both preceding and following July 4, and the Saturdays both preceding and following December 31, consumer fireworks and novelties may be used between 9:00 a.m. and 11:00 p.m. Additionally, consumer fireworks and novelties may be used between 9:00 a.m. on December 31 and 12:30 a.m. January 1.

 c. No fireworks shall be used on real property where the owner has not consented to the use of said fireworks.

 d. The Fire Chief shall have the discretion in all situations to prohibit all use of fireworks if, in his or her judgment, it would be too dangerous under the particular conditions to do use them.

 e. Any violation of this Section is punishable by a civil penalty of $250.00 per violation.

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

Passed by the Council the 22ND day of May , 2017, and approved this 31st day of May , 2017 .