

# CITY OF TOLEDO

## ORDINANCE NO. 2020-03

### AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 41 OF THE TOLEDO CITY CODE

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

SECTION 1. Purpose. The purpose of this Ordinance is to regulate fireworks within the City of Toledo.

SECTION 2. Facts found. The Council of the City of Toledo, Iowa, hereby makes the following findings:

1. The current Chapter 41 of the City of Toledo Code of Ordinances should be amended to incorporate certain changes.
2. The proposed amendments are in the best interests of the City of Toledo and the citizens of Toledo.
3. Notice of the proposed amendments to Chapter 41 has been published as required by law.

SECTION 3. Adoption of Amended Chapter 41.12. Chapter 41.12 of the City of Toledo Code of Ordinances is amended to read as follows:

#### **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. Even when a permit has been granted the Fire Chief shall have the discretion to prohibit all use of fireworks if, in his or her judgment, it would be too dangerous under the particular conditions to use them. 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. Though they may be sold within the corporate limits of the City of Toledo by a properly authorized dealer, no consumer fireworks or novelties shall be used within the City at any time. A properly authorized dealer shall post a copy of this Ordinance in a location easily visible to customers at the place of sale.

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

SECTION 4. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. 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 6. When effective. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Dated this 22<sup>nd</sup> day of June, 2020.

First reading: June 22, 2020 ;  
 Second reading: Waived ;  
 Third reading: Waived .

  
 Brian Sokol, Mayor

ATTEST:

  
 Kim McAdoo, City Clerk

City Seal

**Present:**

X Cremeans  
X Cook  
 \_\_\_\_\_ Pansegrau  
X Boll  
X Graham

**Vote:**

Aye X Nay \_\_\_\_\_  
 Aye X Nay \_\_\_\_\_  
 Aye \_\_\_\_\_ Nay \_\_\_\_\_  
 Aye X Nay \_\_\_\_\_  
 Aye X Nay \_\_\_\_\_