

**CITY OF IDA GROVE**  
**Special City Council Meeting**  
**May 31<sup>st</sup>, 2018 – 5:00 P.M.**  
**City Council Chambers**

Mayor Whiteing called the meeting to order at 5:06 p.m. with the following council members present: Gregor Ernst and Ryan Goodman. Council member Scott Tomlinson was also in attendance via phone. Council members Doug Clough and Paul Cates were absent.

Motion by Goodman to approve the agenda, second by Ernst. On a unanimous vote, motion carried.

Mayor Whiteing read Ordinance 2018-558 An Ordinance Regarding the Use and Timing of “First-Class Consumer Fireworks” Within the City of Ida Grove, Iowa – second reading; including the suggested amendments made after the first reading on May 21, 2018. The only changes were to the permitted hours and days of use.

Motion by Tomlinson to approve the second reading of Ordinance 2018-558 with no further changes, second by Goodman. On a unanimous vote, motion carried.

**ORDINANCE NUMBER 2018-558**

**AN ORDINANCE REGARDING THE USE AND TIMING OF “FIRST-CLASS  
CONSUMER FIREWORKS” WITHIN THE CITY OF IDA GROVE, IOWA**

BE IT ENACTED by the City Council of the City of Ida Grove, Iowa.

Section 1.

There is adopted a new Title III, Chapter 1, Article 4 of the Ida Grove City Code as follows:

3-1.0401. Fireworks. It is the judgment of the Ida Grove City Council that the use and timing of “First-Class Consumer Fireworks” in the City of Ida Grove can constitute a threat to the public safety and to private property and a nuisance to the neighboring landowners.

3-1.0402. First-Class Consumer Fireworks. Use or exploding of any “First-Class Consumer Fireworks” as described in American Pyrotechnics Association Standard 87-1 chapter 3 within the corporate limits of the City of Ida Grove, Iowa, except as otherwise provided in this article, as prohibited.

3-1.0403. Permitted Hours. Fireworks are allowed only during the following times:

- A) From the Saturday before July 4<sup>th</sup> until the Sunday after July 4<sup>th</sup>.
- B) Between 9:00 a.m. and 10:00 p.m. with the exception of July 4<sup>th</sup> or any Saturday within the permitted days, the hours are expanded to be between 9:00 a.m. to 11:00 p.m.

C) Noon on December 31<sup>st</sup> until 1:00 a.m. on January 1<sup>st</sup>.

D) The Mayor, in consultation with the fire chief or any other persons, has the authority to suspend the use of fireworks during the above hours, when the Mayor determines it is in the public interest to suspend the use of fireworks. A person shall not be convicted of a violation, for use during such suspension, unless it is proven that such person had actual knowledge of the suspension. Actual knowledge may be proven by testimony that the person was given a verbal warning.

3-1.0404. Permitted Places of Use.

A) Fireworks may only be detonated on private property where the owner has given permission for their use. Fireworks may not be detonated on public property, including, but not limited to, parks, streets and alleys.

B) It is unlawful to shoot fireworks at public or private property where either: 1) the fireworks are still aflame when landing; or 2) the fireworks will cause any damage to property upon or after landing.

3-1.0405. Penalty. A violation of this section is a simple misdemeanor punishable by a fine of not less than \$250. The City also may enforce a violation of this section by any other lawful means including injunctive relief.

3-1.0406. Permit. The City may, upon application in writing, grant a permit for the display of First-Class Consumer Fireworks by a city agency, fair association, amusement park or other organizations or groups of individuals approved by City authorities when the fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsor organization has:

A. filed with the City evidence of insurance, an adequate safety plan that will protect persons and property and any other requirements; and

B. received prior approval by a resolution or ordinance of the City Council.

Section 2.

When Effective. This ordinance will be in effect after its final passage and approval and publication as provided by law.

Section 3.

If any portion of this ordinance is determined to be invalid, such determination will not affect the remainder of the ordinance.

APPROVED AND SIGNED by the Mayor of the City of Ida Grove, Iowa, on the \_\_\_\_\_ of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Devlun Whiteing, Mayor

ATTEST:

\_\_\_\_\_  
Heather Sweeden, City Clerk

1<sup>st</sup> Reading- May 21, 2018  
2<sup>nd</sup> Reading- May 31, 2018  
3<sup>rd</sup> Reading-

Motion by Goodman to adjourn, second by Ernst. On a unanimous vote, motion carried.

Meeting adjourned at 5:08 p.m.

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Heather Sweeden, City Clerk

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Devlun Whiteing, Mayor