

**CITY OF IDA GROVE
Special City Council Meeting
June 1st, 2018 – Noon
City Council Chambers**

Mayor Whiteing called the meeting to order at 12:00 p.m. with the following council members present: Gregor Ernst, Paul Cates and Doug Clough. Council members Ryan Goodman and Scott Tomlinson were absent. Mike Thornhill was also present; however no members of the community were in attendance.

Motion by Clough to approve the agenda, second by Cates. On a unanimous vote, motion carried.

Motion by Ernst to approve the third and final reading of Ordinance 2018-558 An Ordinance Regarding the Use and Timing of “First-Class Consumer Fireworks” Within the City of Ida Grove, Iowa, second by Clough. 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 4th until the Sunday after July 4th.
- B) Between 9:00 a.m. and 10:00 p.m. with the exception of July 4th 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 31st until 1:00 a.m. on January 1st.
- 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

1st Reading- May 21, 2018
2nd Reading- May 31, 2018
3rd Reading- June 1, 2018

Motion by Cates to approve Resolution 2018-10 Amending the Code of Ordinances for the City of Ida Grove by Enacting an Ordinance Regarding the Use and Timing of "First-Class Consumer Fireworks" Within the City of Ida Grove, Iowa, second by Ernst. On a unanimous vote, motion carried.

RESOLUTION NUMBER 2018-10

RESOLUTION AMENDING THE CODE OF ORDINANCES FOR THE CITY OF IDA GROVE, IOWA BY ENACTING AN ORDINANCE REGARDING THE USE OF "FIRST-CLASS CONSUMER FIREWORKS" WITHIN THE CITY OF IDA GROVE, IOWA

WHEREAS, the City of Ida Grove, Iowa has determined that the timing and use of some fireworks can be a threat to the public safety and private property and a nuisance to neighboring land owners; and

WHEREAS, an ordinance has been presented to the City Council that allows limited use of fireworks in the City of Ida Grove.

IT WAS THEREFORE moved by council member _____ and seconded by council member _____ that the ordinance set forth in the attached Exhibit A be approved.

Said resolution is passed by city council by a vote of _____ in favor and _____ opposed.

Ayes - in favor of enactment of the resolution. _____

Nays - namely opposed to the enactment of the resolution. _____

APPROVED by the City Council and SIGNED by the Mayor on the _____ day of

_____, 2018

Devlun Whiteing, Mayor

ATTEST:

Heather Sweeden, City Clerk

Motion by Clough to adjourn, second by Cates. On a unanimous vote, motion carried.

Meeting adjourned at 12:04 p.m.

Heather Sweeden, City Clerk

Devlun Whiteing, Mayor