

41.10 FIREWORKS.

The sale, use and exploding of fireworks within the City are subject to the following:

(Code of Iowa, Sec. 727.2)

1. Definitions.

A. "Fireworks" shall mean any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

B. "Consumer fireworks" shall mean first-class consumer fireworks and second class consumer fireworks as those terms defined by state law, NFPA 1124 and American Pyrotechnics Association (APA) standard 87-1, chapter 3.

C. "Display fireworks" shall mean 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 explosives or flammable compound, or other devices containing any explosive substance.

D. "Novelty fireworks" shall mean novelties or novelty devices defined by American Pyrotechnics Association (APA) standard 87-1, chapter 3.

E. "Permanent" as applied to buildings or structures shall mean a building or structure affixed to a foundation on a site and having fixed utility connections that is intended to remain on the site for more than 180 consecutive calendar days.

F. "Temporary" as applied to buildings or structures shall mean a building or structure not meeting the definition for permanent structure.

2. Regulations. The use of or explosion of consumer fireworks within the City is hereby prohibited.

3. Sale. The sale of consumer fireworks is permitted in accordance with state law and applicable provisions of the North Liberty Code of Ordinances, including but not limited to Chapters 122 (Peddlers, Solicitors, and Transient Merchants), 157 (Building Code), Chapter 158 (Fire Code); and Chapters 165-173 (Zoning Code). The sale of consumer fireworks shall be limited to the dates established by state law.

A. Each applicant shall provide a valid and current license issued by the State Fire Marshal.

B. The retailer or community group shall obtain all required permits to ensure compliance with city regulations. The insurance requirements for sales from a permanent structure or a temporary structure shall be the same as set in Paragraph 4 of this section.

C. The insurance requirements for sales from a permanent structure or a temporary structure shall be the same as set in Paragraph 4 of this section.

D. Sales are allowed only in those zoning districts where consumer fireworks is a specifically permitted use.

E. All permanent and temporary structures used for the sales of consumer fireworks shall meet all requirements set out in National Fire Protection Association (NFPA) Standard 1124 (2006 Edition) and all applicable provisions of the North Liberty Code of Ordinances, including but not limited to Chapter 122 ("Peddlers, Solicitors and Transient Merchants"); Chapter 157 ("Building Code"); Chapter 158 ("Fire Code"); and Section 171.03 ("Temporary Uses").

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F. Approved signage shall be posted in approved locations for all permanent and temporary structures used for the sale of consumer fireworks stating that the use of consumer fireworks is prohibited within the city.

G. Approved exit signs, emergency lighting, fire extinguishers and warning signage shall be installed in all permanent and temporary structures used for the sale of consumer fireworks.

H. Peddlers and solicitors, as defined in North Liberty Code Section 122.02, shall not sell consumer fireworks.

I. The sale of consumer fireworks from temporary structures shall be considered a zoning temporary use, as set out in North Liberty Code Section 171.03(3), and regulated accordingly. The sale of consumer fireworks is not permissible as a

minor temporary use or a special event under North Liberty Code Sections 171.03(1) and North Liberty Code Sections 171.03(2).

4. The City may, upon application in writing, grant a permit for the use of display fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a qualified operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

A. Bodily Injury: \$2,000,000 per person

B. Property Damage \$2,000,000

C. Total Liability Coverage: \$4,000,000

D. Additionally, applicants shall provide as part of the evidence of insurance a non-waiver of governmental immunities endorsement.

5. Exceptions. This section does not prohibit the sale of novelty fireworks; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

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