

ORDINANCE NO. 664

AN ORDINANCE TO AMEND TITLE 48 CARTER LAKE PUBLIC HEALTH AND SAFETY OF THE 2013 MUNICIPAL CODE OF CARTER LAKE, IOWA, BY AMENDING “SECTION 48.04 (1).”

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF CARTER LAKE, IOWA**

SECTION 1. That Title 48 “CARTER LAKE Fire Code of the 2013 Municipal Code of CARTER LAKE, Iowa, be and the same is hereby enacted by amending “Section 48.04 (1) to read as follows:

48.04(1) amended.

Fireworks: The use of fireworks within the City limits are prohibited.

Exceptions: The discharging of consumer fireworks (as defined in the newly adopted Section 110.19 of the Code of Iowa) that are permitted to be sold within the state of Iowa shall be permitted from July 1 of each year under the following schedule:

When July 1st falls on a Friday, fireworks may be discharged through July 4

When July 1st falls on a Saturday, fireworks may be discharged through July 4

When July 1st falls on a Sunday, fireworks may be discharged through July 7

When July 1st falls on a Monday, fireworks may be discharged through July 6

When July 1st falls on a Tuesday, fireworks may be discharged through July 5

When July 1st falls on a Wednesday, fireworks may be discharged through July 4

When July 1st falls on a Thursday, fireworks may be discharged through July 4

AND

Fireworks may ONLY be discharged starting at 12:00 p.m. and ending by 10:00 p.m. each day according to the above schedule

EXCEPT on the July 4th holiday fireworks may be discharged starting at 9:00 a.m. and ending by 11:00 p.m.

Fireworks may be discharged each year from December 31 starting at 12:00 p.m. to 12:30 a.m. on January 1 of the following year.

Restriction as to age. Consumer fireworks that are identified as being class one or class two may only be discharged by individuals that are 18 years of age and older. Fireworks that are classified as novelties (APAS 87-1) may be discharged by individuals 5 years of age and older but only when supervised by an adult.

Restrictions as to locations. An individual shall not use consumer fireworks on real property other than that individual's real property or on real property of a person who has consented to the use of consumer fireworks on that property.

No fireworks shall be permitted to be discharged in areas zoned C-3/Commercial District or C-4/Commercial District at any time.

No individual shall discharge any consumer fireworks **within 30 feet of another person or within 30 feet of a structure.**

Restrictions due to drought conditions. No person shall discharge consumer fireworks at any time when Pottawattamie County has issued a burn ban.

Penalty: Any discharging of the above referenced consumer fireworks outside of the excepted dates, hours or locations or under conditions restricted above shall be deemed simple misdemeanor and shall be punishable by a fine of not less than \$250.00.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED and APPROVED: March 18, 2019.

ATTEST:

Ronald Cumberledge, Mayor

Jackie Stender City Clerk