

ORDINANCE NO. 657

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 June 28 to July 4 of each year the permitted hours shall start at 12:00 p.m. and end at 11:00 p.m., then again 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 75 feet of another person or within 75 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 a 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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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 June 18, 2018

Ronald Cumberledge, Mayor

ATTEST:

Jackie Stender, City Clerk