

**DES MOINES COUNTY ORDINANCE
#6F – FIREWORKS (AMENDED)**

6F-1. Purpose. The purpose of this Ordinance is to further the stated purpose of the Fireworks Resolution for Des Moines County by adding specific requirements for the application, providing for the consideration of conduct under permits, and making other related amendments.

6F-2. Definitions.

(a) **Fireworks:** 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 blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance which meets the definition contained in Code of Iowa Section 727.2 (2013).

(b) **Operator:** A person eighteen (18) years of age or older trained in fireworks safety who will set up and explode the fireworks.

(c) **Applicant:** The municipality, organization, fair association, amusement park, or group of individuals requesting a fireworks permit.

(d) **Fireworks display:** The explosion of fireworks regulated hereunder. The test firing of fireworks by a person certified by the ATF to build fireworks shall not be considered a fireworks display so long as said person's name and address are on file with the Des Moines County Board of Supervisors for that purpose.

6F-3. Prohibition.

(a) No person shall conduct or cause to conduct a fireworks display in the unincorporated areas within Des Moines County, Iowa unless a permit for such display is first obtained from the Des Moines County Board of Supervisors.

(b) No person shall conduct or cause to conduct a fireworks display or engage in the testing of fireworks in the unincorporated areas within Des Moines County, Iowa during any time in which a burn ban or other applicable burn restriction(s) has/have been issued or otherwise placed in effect by any lawful authority.

6F-4. Application.

Application for a permit under this Ordinance shall be made in writing on a form prescribed by the Board of Supervisors no later than 14 days before the anticipated fireworks display. The Board may, in its discretion, accept applications filed beyond the deadline set out herein.

The application shall include such information as deemed by the Board to be necessary for its consideration, including but not limited to the name, address and telephone number of the applicant; the name, age, address, and telephone number of the person signing the application; the name, age, address and telephone number of the operator; an explanation of the operator's proficiency or training in the use of fireworks; a drawing of the shoot site and drop zone, including their distance from spectators and any buildings; and the proposed approximate time of the display.

Additionally, the application shall be accompanied by a signed hold harmless agreement in favor of the County; and a copy of any necessary ATF permits or certifications.

6F-5. Age and Qualifications of the Applicant and Operator.

Permits may be granted to municipalities, fair associations, amusement parks, organizations or groups of individuals. Any applicant requesting a permit for a display of "display fireworks" shall have an operator eighteen (18) years of age or older who possesses a current and valid ATF permit as set forth by the Safe Explosives Act and is certified by a nationally-recognized fireworks safety organization such as the American Pyrotechnic Association or the Pyrotechnics Guild International, Inc.. The representative signing the application on behalf of a municipality,

fair association, amusement park, and/or organization or group of individuals shall be at least eighteen (18) years of age.

6F-6. Fireworks Displays, Search for and Disposal of Unexploded Fireworks.

The discharge of fireworks under a permit granted pursuant to this Ordinance will not be allowed before sunrise or after eleven o'clock (11:00) p.m. of the date of the display unless otherwise permitted by the Des Moines County Board of Supervisors at the time the permit application is approved. Any fireworks that remain unexploded after the display shall be immediately disposed of or removed for storage or disposal in a safe manner by the operator who, as soon as practicable after the conclusion of the display, shall make a complete and thorough search for any fireworks or fuses, or parts thereof, which have not exploded or functioned.

6F-7. Permit Suspension and Burn Bans.

The Des Moines County Sheriff, area Fire Chief, Fire Marshal and/or their respective designee(s) may suspend any permit issued pursuant to this Ordinance and/or any fireworks testing should any such individuals determine that the health, safety, welfare of the public would require the suspension, or should the applicant and/or operator fail to meet the qualifications as set out in this Ordinance. In the event of any such suspension, the Sheriff and appropriate Fire Chief shall promptly file a report thereof with the Board of Supervisors. Thereupon, the Board of Supervisors shall, at its next formal meeting, affirm the suspension of the permit or reinstate the same.

In the event a burn ban is issued for Des Moines County by the State Fire Marshal or other appropriate authority, all approved permits shall be automatically suspended and test firing of fireworks otherwise allowed without a permit shall be not conducted until such time as the burn ban is lifted or expires by order of the Fire Marshal or other appropriate authority, unless the area Fire Chief, Fire Marshal, or designee issues a written exception for a particular display or test firing.

6F-8. Consideration of Prior Permits.

In determining whether the application for a fireworks permit should be granted, the Board may consider an applicant's or operator's conduct in association with prior fireworks permits.

6F-9. Penalty.

Violation of any of the provisions of this Ordinance shall constitute a simple misdemeanor.

6F-10. Repealer.

All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

6F-11. Savings Clause.

If any section, provision, or part of this Ordinance shall be adjudged invalid, illegal or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not be adjudged invalid, illegal or unconstitutional.

6F-12. Effective Date.

This Ordinance shall be in effect after its final passage and publication as part of the proceedings of the Board of Supervisors.

First Reading Date: April 7, 2015

Second Reading Date: April 14, 2015

Third Reading Date: April 21, 2015

County Ordinance 6, and specifically Ordinance 6-F is hereby approved, amended, effective, and adopted on the 21st day of April, 2015.

By:

Jim Cary, Chairman
Des Moines County Supervisors

Thomas L. Broeker, Vice-Chairman
Des Moines County Supervisors

Robert Beck, Member
Des Moines County Supervisors

ATTEST:
Carol Copeland
Des Moines County Auditor