

ORDINANCE NO. 2-2018

AN ORDINANCE CREATING A NEW CHAPTER 9.23.010 ENTITLED “FIREWORKS” TO THE DENVER MUNICIPAL CODE.

BE IT ORDAINED by the City Council of the City of Denver, Iowa, that:

Section 1. Section 9.23.010 Fireworks of the Denver Municipal Code is added. The use of fireworks within the city shall be subject to the following

1. Definition. The term “fireworks” include 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 include blank cartridges, firecrackers, torpedoes, skyrocketes, roman candles, or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other devise containing any explosive substance. The term “fireworks” does not include star-producing sparklers or wires which contain no magnesium or chlorate perchlorate, flitter sparklers and paper tubes that do not exceed one-eighth of an inch in diameter, toy snakes which contain no mercury, or caps using cap pistols.

Section 2. Fireworks – Discharging General Requirements

- A. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework without parental supervision.
- B. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given.
- C. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of alcohol, drug or narcotic.
- D. Any person discharging a consumer fireworks device assumes all responsibility for its operation and consequences thereof. No person shall discharge a consumer fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.
- E. No person shall discharge a consumer fireworks device outside the following dates and times:
 - 1.Starting the weekend before the Fourth of July thru the weekend after the Fourth of July
 - 2.Christmas Eve to New Year’s Day
 - 3.Between the Hours of Noon and 10:00 p.m. on weeknights Sunday-Thursday
 - 4.Between the Hours of Noon and 11:00 p.m. on Friday and Saturday
 - 5.If July 3 and July 4 fall on weeknight Noon to 11:00 p.m.
 - 6.New Year’s Eve – Hours from Noon to 12:30 a.m. on January 1

Section 3. Violations. All violations of any provisions of this Chapter are hereby declared simple misdemeanors.

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| 1 st offense | A written warning citation will be issued. |
| 2 nd Offense | \$50.00 fine plus surcharge and court costs. |
| 3 rd Offense | \$100.00 fine plus surcharge and court costs. |

4th Offense \$250.00 fine plus surcharge and court costs.

Section 4. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. The Ordinance shall be in effect from its final passage, approval, and publication as provided by law.

Passed, approved and adopted the Third and Final Reading by the city council of the City of Denver, Iowa on this 2nd day of April, 2018.

1st Reading was Passed, approved and adopted the 5th day of March, 2018.

2nd Reading was Passed, approved and adopted the 19th day of March, 2018.

3rd Reading was Passed, approved and adopted the 2nd day of April, 2018.

Rod Diercks, Mayor

ATTEST:

Larry Farley, City Clerk/Admin.