

CHAPTER 43

REGULATING THE DISCHARGE OF FIREWORKS
WITHIN THE CITY OF CRESTON, IOWA

43.01 Fireworks

43.02 Definitions

43.03 Discharging Requirements

43.04 Fireworks Permit

43.05 Violations

43.01 FIREWORKS. The use or explosion of fireworks within the City of Creston is subject to the following rules and restrictions.

43.02 DEFINITIONS. For purposes of this Code section, the definitions enumerated in Iowa Code 727.2 are adopted. Such definitions are incorporated, as though fully set forth herein, by this reference.

43.03 DISCHARGING REQUIREMENTS.

1. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework without the direct supervision of his or her parent or legal guardian.
2. A person shall only discharge a consumer fireworks device on real property owned by them or on real property where the owner of the real property has given consent to the discharge except no consumer fireworks may be discharged on real property within the Creston Business District, as defined by Chapter 60.02(1). Novelties, including snakes, sparklers or caps, may be discharged on public property so long as all trash, wrappers and wires are disposed of properly.
3. Consumer fireworks shall not be discharged by any person showing visible signs of, or who is determined to be, intoxicated; or by persons under the influence of a drug or narcotic.
4. All persons discharging a consumer fireworks device assume all responsibility for its operation and the 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.
5. No person shall discharge a consumer fireworks device other than during the following date and times:
 - A. July 2 through July 5 between the hours of 5:00 p.m. and 11:00 p.m.
6. It shall be unlawful to alter, remove or discharge components of a consumer fireworks device from its intended method of discharging.

7. Sky lantern open flame devices are not permitted to be released within the corporate limits of the City, except if tethered by a retrievable and only for so long as the person discharging the device has control over the sky lantern.

43.04 FIREWORKS PERMIT. It is unlawful for any person to use or explode any fireworks as defined in Section 727.2 of the *Code of Iowa*; provided the City may, upon application in writing, grant a permit for the display of 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 competent 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:

1. Bodily Injury and Property Damage - \$1,000,000.
2. List "City of Creston" as "Additional Insured."
(*Code of Iowa, Sec. 727.2*)

43.05 VIOLATIONS.

1. The Chief of Police or designee is charged with the duty of enforcing the provisions of this chapter.
2. Any person who violates this chapter or any of its provisions shall be guilty of a scheduled simple misdemeanor. The penalty shall include confiscation or destruction of any fireworks and, in addition, a fine of \$250.00 per violation, or an amount not to exceed that allowed for a municipal infraction.
3. The City may elect to enforce said violation(s) as a municipal infraction as set forth in the Code of Ordinances.

(*Ch. 43 – Ord. 21-194 – Feb. 21 Supp.*)

[The next page is 225]