

## CHAPTER 19

### FIREWORKS

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#### SEC. 19-1. DEFINITIONS

- A. The term "fireworks" shall mean and 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 shall include blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other device containing any explosive substance. The term "fireworks" shall not include gold star producing sparklers on wires which contain no magnesium or chlorate or perchlorate, no flutter sparklers in paper tubes that do not exceed one-eighth of an inch in diameter, nor toy snakes which contain no mercury nor caps used in cap pistols.
- B. The term "Organized Group" shall mean any firm, partnership, corporation, association, or other organization of individuals which was not formed solely or primarily for the purpose of obtaining a fireworks permit as hereinafter provided.

#### SEC. 19-2 SALE OR DISPLAY OF FIREWORKS PROHIBITED

Except as hereinafter provided, it shall be unlawful for any person or association of persons to offer for sale, expose for sale, sell at retail, or use to explode any fireworks within the unincorporated boundaries of Scott County, Iowa.

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### SEC. 19-3 PERMIT FOR PUBLIC FIREWORKS DISPLAY

The authority to grant permits for the supervised public display of fireworks which is granted to the County Board of Supervisors in accordance with the provisions of Chapter 727 of the Code of Iowa is specifically delegated to the Sheriff's Department. The Sheriff's Department may upon application grant a permit for the supervised public display of fireworks by a municipality, fair association, amusement park, government entity, or other organized group. If such permit is granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferrable.

The County Board of Supervisors may upon its own motion review any application for a permit which has been granted or denied by the Sheriff's Department, and may affirm or reverse the decision of the Sheriff's Department.

### SEC. 19-4 REQUIREMENTS OF APPLICATION FOR PERMIT

An application for a permit shall be available in the Sheriff's Department. Application for permit shall be made in writing at least fourteen (14) days in advance of date of the display to the Sheriff's Department and include:

- A. A request for permit and a statement concerning the reason for proposed display:
- B. The name of the organized group applying for the permit and the name(s), social security number, date of birth and the address of the person or persons who will act as its agent or representative(s);
- C. Location, date and time of the proposed display in case of rain, an alternative date may be indicated;
- D. The name of the person or persons who will conduct the proposed display and a copy of the current certificate or license as a pyrotechnician.
- E. An agreement indemnifying and holding harmless Scott County from any liability which may arise as a result of the proposed display.
- F. A signed and dated bond or certificate of insurance in the required sum as set out below for the payment of damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the applicant, its agents, employees or sub-contractors:

(1) A minimum of \$500,000 for fireworks displays expected to

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attract fewer than 100 spectators; and

- (2) A minimum of \$1,000,000 for fireworks displays expected to attract more than 100 spectators.
- G. A ten dollar (\$10.00) fee. Said fee shall be refundable if the application is denied. Subject to approval of said application, the fee shall be deposited in the county general fund.

### SEC. 19-5. SHERIFF'S INVESTIGATION

The Sheriff's Department who may conduct any investigation deemed necessary to determine whether a permit should be granted. The applicant shall immediately provide to the Sheriff's Department all additional information requested to further this investigation. The Sheriff's Department shall grant or deny the application within seven (7) days of the date it is received. Upon making its determination, the Sheriff's Department shall immediately inform the applicant whether the application was granted or denied.

### SEC. 19-6. CRITERIA FOR DETERMINATION AND BASIS FOR DENIAL

The Sheriff's Department shall consider each of the following criteria in making its determination whether to grant or deny an application. In the event that an application is denied, the Sheriff's Department shall submit to the applicant a written statement which will briefly detail which of the following criteria the denial was based upon, as well as any other factors which were considered as basis for denying the application.

- A. The size and location of the proposed display site as each relates to the potential for damage to nearby property or injury to persons;

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- B. The training, experience and past reliability of the person or persons named in the application to conduct the proposed display. Specifically, whether a certified and licensed pyrotechnician will conduct the display may be taken under consideration.
- C. The manner in which the organized group making the application conducted past fireworks displays;
- D. Whether or not all of the requirements of an application per permit as set forth in Section 19-4 were complied with by the applicant. Specifically, any application which is not accompanied by a bond or certificate of insurance as required in Section 19-4 (F) shall be denied;
- E. The likelihood that the time or date of the display would unreasonably disturb nearby residents;
- F. Any special safety considerations which the Sheriff's Department might determine to be unique to the particular proposed display and the applicant's proposed manner of dealing with those special safety considerations.

If an application is denied, the applicant shall be given an opportunity to amend the application and to resubmit it to the Sheriff's Department. The Sheriff's Department shall consider the amended application in light of its written statement of the reasons for denial of the original application. If it appears that the amendments to the application adequately remedy the situation or situations which gave rise to denial of the original application, then the amended application for a permit shall be granted.

### SEC. 19-7. UNUSED FIREWORKS

Any fireworks that remain unexploded or unfired after the permitted display is concluded shall be immediately disposed of in a safe manner considering the particular type of fireworks remaining.

### SEC. 19-8. EXCEPTED FIREWORKS APPLICATIONS

Nothing in this Chapter shall be construed to prohibit or regulate the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal for ceremonial purposes in athletics or sports events, or for use by military organizations or for use for medicinal or fumigation purposes. Nor shall this Chapter be construed to prohibit any resident, dealer, manufacturer or jobber from selling fireworks, provided that the same are to be shipped out of state.

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### SEC. 19-9. SEIZURE OF PROHIBITED FIREWORKS

The Sheriff's Office shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this Chapter.

### SEC. 19-10. PENALTY PROVISION

Violation of this Chapter shall be punishable by a fine not to exceed one hundred dollars (\$100) or by imprisonment not to exceed thirty (30) days.