

## ORDINANCE NO. 312

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EARLY, IOWA, BY AMENDING PROVISIONS PERTAINING TO ALL-TERRAIN VEHICLES AND FIREWORKS

BE IT ENACTED by the City Council of the City of Early, Iowa:

**SECTION 1. SECTION MODIFIED.** Section 75.05(1) of the Code of Ordinances of the City of Early, Iowa, is repealed and the following adopted in lieu thereof:

**75.05 OPERATION OF ALL-TERRAIN VEHICLES.** The operators of ATVs shall comply with the following restrictions as to where ATVs and off-road utility vehicles may be operated within the City:

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

*(Code of Iowa, Sec. 321I.10[1 & 3])*

A. Permit Required.

(1) No person shall operate an ATV and off-road utility vehicles on any City street without first obtaining a permit from the City. The permit application shall be accompanied by a permit fee in the amount of \$ 25.00, which shall be an annual fee due on January 1 of each year.

(3) A permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the license fee.

B. ATVs and off-road utility vehicles may be operated upon the streets of the City, by persons possessing a valid Iowa operator's license and at least 16 years of age, except as otherwise prohibited by this Chapter, the Code of Iowa or Iowa DNR regulations.

C. Proof of \$50,000.00/100,000.00 liability insurance covering operation on City Streets is required.

**SECTION 2. SECTION MODIFIED.** Section 41.14 of the Code of Ordinances of the City of Early, Iowa, is repealed and the following adopted in lieu thereof:

**41.14 FIREWORKS.** The sale use and exploding of fireworks within the City are subject to the following:

*(Code of Iowa, Sec. 727.2)*

1. Definitions. For purposes of this section:

A. "Consumer fireworks" means fireworks, as described in Chapter 3 of the American Pyrotechnics Association ("APA") Standard 87-1.

B. "Display fireworks" includes 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 fireworks

containing any explosive or flammable compound, or other device containing any explosive substance. "Display fireworks" does not include novelties or consumer fireworks enumerated in Chapter 3 of the APA Standard 87-1.

C. "Novelties" includes all novelties enumerated in Chapter 3 of the APA Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

2. Display Fireworks. It is unlawful for any person to use or explode any display fireworks; provided, the City Council may, upon application in writing, grant a permit for the display of display fireworks by municipalities and other organizations or groups of individuals approved by the City when the display fireworks 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:

- A. Personal Injury: .....\$250,000.00 per person
- B. Property Damage:.....\$50,000.00
- C. Total Exposure: .....\$1,000,000.00

3. Consumer Fireworks. The City allows the use of consumer fireworks per Code of Iowa, Sec. 727.2 with the following limitations:

- A. A person shall not use or explode consumer fireworks on days other than July 1 through July 8 between the hours of 7:00 pm and 11:00 pm and December 31<sup>st</sup> through January 1<sup>st</sup> from 7:00 pm to 12:01 am of each year, all dates inclusive.
- B. No person under the age 18 shall possess or discharge a consumer firework without parental supervision.
- C. A person shall not use consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property.
- D. A person shall not use consumer firework in public parks or streets.
- E. Consumer fireworks shall not be possessed or discharged by person showing visible signs of or determined to be intoxicated or under the influence of a drug or narcotic.
- F. Any person discharging a consumer fireworks device assumes 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.
- G. It is unlawful to alter, remove or discharge components of a consumer fireworks device from its intended method of discharging

4. Sky Lantern. A person shall not release or cause to be released an untethered sky lantern within the City.

**SECTION 3. SEVERABILITY CLAUSE.** 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 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the 4th day of September, 2018, and approved this 4<sup>th</sup> day of September, 2018.

Sharon Amodeo  
Mayor

ATTEST:

Samara Quintales  
City Clerk

First Reading: 8/7/2018

Second Reading: 9/4/2018

Third Reading: Waived

I certify that the foregoing was published as Ordinance No. 312 on the 4 day of September, 2018.

Samara Quintales  
City Clerk