

Ordinance No. 2020-286

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KEOTA, IOWA, 2017, BY AMENDING PROVISIONS PERTAINING TO THE COMMUNITY PROTECTION; FIREWORKS.

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

SECTION 1. Title III, Chapter 1, Section 5(8)(f) of the Keota Municipal Code, 2017, is hereby repealed and the following adopted in lieu thereof:

3-5-8-f: FIREWORKS. The use or exploding of fireworks within the City of Keota is subject to the following:

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 he or she owns or on property where consent has been given. Novelties, including snakes, sparklers, or caps, may be discharged on a public place so long as all trash, wrappers, and wires are properly disposed of.

C. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.

D. 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.

E. No person shall discharge a consumer fireworks device outside the following dates and hours:

(1) July 1 through July 7 from the hours of 9:00 a.m. until 11:00 p.m.

F. It is unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.

G. Sky lantern open flame devices are not permitted to be released within the City limits, except if tethered by a retrievable rope so long as the person discharging has control over the sky lantern.

H. No person shall discharge a consumer fireworks device during a state, county, or local burn ban.

Violations. All violations of any provisions of this section are hereby declared simple misdemeanors and/or municipal infractions. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the Police Officer. Violations of this chapter shall be reported to the State Fire Marshal.

Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer, or jobber of fireworks that are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

SECTION 2. REPEALER. That all other ordinances or parts of ordinances in conflict herewith are repealed.

SECTION 3. SEVERABILITY CLAUSE. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect


the validity of the remaining portions of this ordinance. The City Council of the City of Keota, Iowa, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.


ANTHONY CANSLER, MAYOR

FIRST READING: SEPTEMBER 2, 2020
SECOND READING: SEPTEMBER 21, 2020
THIRD READING: OCTOBER 5, 2020

ATTEST:


TOMISHA HAMMES, CITY CLERK

ORDINANCE APPROVAL

MOTION MADE BY: Matt Greiner 2ND BY: Mike Bender

ROLL CALL VOTE				
COUNCIL MEMBER NAME	AYES	NAYS	ABSTAIN	ABSENT
MIKE BENDER	✓			
KEITH CONRAD	✓			
ROD HILL	✓			
MATT GREINER				✓
HEATH MCDONALD	✓			