

ORDINANCE NO. 963

AN ORDINANCE AMENDING THE CITY CODE OF PERRY, IOWA, BY AMENDING CHAPTER 125 (FIREWORKS)

WHEREAS, the General Assembly of the State of Iowa has taken measures to allow the sale and use of consumer fireworks in the State of Iowa during specific timeframes and pursuant to applicable state licensure; and

WHEREAS, the legislation provides for city councils, by ordinance, to prohibit or limit the use of consumer fireworks within their jurisdiction, if determined a public safety risk or a nuisance to neighbors.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Perry, Iowa as follows:

SECTION 1. AMEND CHAPTER 125 (FIREWORKS). The Code of Ordinances of the City of Perry, Iowa, is amended by repealing Section 125 and adopting the new section stated as follows:

125 FIREWORKS

The sale, use or exploding of fireworks within the City is subject to the following:

1. **Definition.** For purposes of this section, definitions are enumerated in the Iowa Code section 727.2, which definitions are incorporated herein by reference.

(Code of Iowa, Sec. 727.2)

2. **Sales:**

A. All Consumer Fireworks Sellers must abide by the licensing requirements and rules for sales as set by the State of Iowa.

B. All Consumer Fireworks Sellers must complete the City of Perry's information request form, providing proof of liability insurance, State of Iowa's Retail License, and sales tax permit as well as site maps.

3. **Fireworks - Discharging Regulations:** The City of Perry deems the use of consumer fireworks as a threat to public safety or a nuisance to landowners and therefore prohibits the use of consumer fireworks within the Perry City limits, except for commercial displays that have received a permit from the City of Perry.

4. **Permitting of Display Fireworks:** The City may, upon application in writing, grant a permit for the display of display fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by the City Council when such fireworks display will be handled by a competent operator. A competent operator is an individual who has been trained in the proper use of display fireworks and holds a valid pyrotechnics license. 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. Personal Injury: \$250,000.00 per person
2. Property Damage: \$50,000.00 per person
3. Total Exposure: \$1,000,000.00

5. **Violations.** The penalty for a violation of this chapter is a simple misdemeanor punishable by a fine of not less than two hundred and fifty dollars \$250. A Municipal Infraction of \$250 may be issued in lieu of the simple misdemeanor violation.

6. **Exceptions.** This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as 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 by railroads 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.

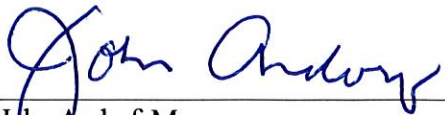
SECTION 2. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

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 this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

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


PASSED AND APPROVED by the City Council of the City of Perry, Dallas County, Iowa on the 3rd day of January, 2022.

First Reading: December 06, 2021 Ayes: Berkland, McCaulley, Wolling, Klein Nays: Schott
Second Reading: December 20, 2021 Ayes: Berkland, McCaulley, Wolling, Klein Nays: Schott
Final Reading: January 03, 2022 Ayes: Berkland, Wolling, Klein Nays: Hite, Schott



John Andorf, Mayor

ATTEST:



Elizabeth Hix, City Clerk

Clerk's Certification

I certify that the foregoing was published as Ordinance No. 963 on the 13th day of January 2022.


Elizabeth Hix, City Clerk

Proof Of Publication In
PERRY CHIEF

CITY OF PERRY
PO BOX 545
PERRY, IA 502200545

STATE OF WISCONSIN, BROWN COUNTY

I, Nicole Jacobs, on oath depose and say that I am the Legal Clerk of PERRY CHIEF, a weekly newspaper, published at ; Perry, Dallas County, Iowa that the annexed printed:

CITY OF PERRY
Ordinance No 963

was published in said newspaper 1 time(s) in issues dated:

January 13, 2022

the last day of said publication being the
13th day of January, 2022

Nicole Jacobs
Legal Clerk

Amy Kokott
Notary Public, State of Wisconsin, County of Brown

1/30/2025
My commission expires

sworn to before me and subscribed in my presence by this the
13th day of January, 2022

FEE: \$62.06
AD #: 0001439812
ACCT: 38099

AMY KOKOTT
Notary Public
State of Wisconsin

#1439812
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John Andorf, Mayor
ATTEST:
Elizabeth Hix, City Clerk

Clerk's Certification
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Elizabeth Hix, City Clerk

Published in the Perry Chief on January 13, 2022 (1T)