

ORDINANCE NO. 685

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE  
CITY OF CHEROKEE, IOWA, RELATING TO FIREWORKS.

WHEREAS, the Iowa Legislature has modified provisions within the Code of Iowa regarding fireworks, and the City of Cherokee finds it necessary to public safety to modify its provisions to enforce the ongoing prohibition of the use of fireworks within City limits; and

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

SECTION 1. SECTION MODIFIED. Chapter 41.11 of the Code of Ordinances of the City of Cherokee, Iowa, is repealed and the following adopted in lieu thereof;

**41.11 FIREWORKS PERMIT.**

2. 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 they own or on property where consent has been given. Novelties, including snakes, sparklers, or caps, can 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 3 from the hours of 12pm until 10pm.
  - 2) July 4 from the hours of 12pm until 11pm.
- F. It shall be 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. The fine for a violation of this section is \$100 (one hundred) dollars.

SECTION 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication by law.


Passed and approved this 11th day of August, 2020.

  
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Craig Schmidt – Mayor

ATTEST:

  
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City Clerk – Treasurer

I certify that the foregoing was published as Ordinance No. 685 on the 21st day of Sept, 2020.

  
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City Clerk - Treasurer