

CITY OF TIFFIN ORDINANCE NO. 2017- 420

AN ORDINANCE AMENDING CHAPTER 41 HEALTH AND SAFETY OF THE CITY OF TIFFIN CODE OF ORDINANCES AND THE CITY OF TIFFIN ZONING ORDINANCE TO ALLOW FOR THE SALE OF CONSUMER FIREWORKS

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

Section I. Purpose: The purpose of this ordinance is to allow for the sale of consumer fireworks as set forth in the amendment to Section 41.13 (3) Exceptions of the Tiffin Code of Ordinances, and allow for the sale of consumer fireworks from a permanent building as set forth in the amendment to the Tiffin Zoning Ordinance.

Section II. Amendment: Section **41.13 FIREWORKS**. 3. Exceptions. of the Tiffin Code of Ordinances is hereby revoked and replaced with the following:

3. Exceptions.

A. 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 theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization.

B. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

C. Sale of consumer fireworks

1. It shall be unlawful for a person to offer for sale, expose for sale, or sell at a retail consumer fireworks, unless a person is a retailer or community group as defined in Iowa Code Chapter 100 and possesses and complies with all requirements of a consumer fireworks seller license issued by the state fire marshal. Consumer fireworks may only be sold during the dates and times as allowed under Iowa Code Chapter 100 and in zoning districts permitted by the Tiffin Zoning Ordinance.

2. It shall be unlawful for a person to sell consumer fireworks to a person less than 18 years of age and it shall be unlawful for a person who is less than 18 years of age to purchase consumer fireworks.

3. The following information must be stated in an easily readable type size and prominently posted at the place of payment at each location selling consumer fireworks:

a. The prohibition of use of fireworks described in Section 41.13 (2) of the Tiffin Code of Ordinances; and

b. A statement that a violation of Section 41.13 (2) of the Tiffin Code of Ordinances constitutes a simple misdemeanor, punishable by a fine of \$625.00.

D. Violations

1. Any person who fails to perform an act required by the provisions of Section 41.13 (3) (C), or who commits an act prohibited by the provisions of Section 41.13 (3) (C), shall be guilty of a simple misdemeanor, or shall be guilty of a municipal infraction, subject to the simple misdemeanor minimum fines below in subsection 2.
2. A person who sells consumer fireworks to a person who is less than 18 years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00. A person who is less than 18 years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

Section III. Amendment: The Tiffin Zoning Ordinance is amended as follows:

A. **Section 1.05 RULES AND DEFINITIONS B. Definitions** is amended to include:

Consumer Fireworks: means those fireworks as defined by Iowa Code Chapter 727 and includes the below described first-class consumer fireworks and second-class consumer fireworks.

First-class consumer fireworks means the following consumer fireworks, as described in American Pyrotechnics Association Standard 87-1, Chapter 3:

1. Aerial shell kits and reloadable tubes
2. Chasers
3. Helicopters and aerial spinners
4. Firecrackers
5. Mine and shell devices
6. Missile-type rockets
7. Roman candles
8. Sky rockets and bottle rockets
9. Multiple tube devices under this definition that are manufactured in accordance with American Pyrotechnics Association Standard APA 87-1, Section 3.5.

Second-class consumer fireworks means the following consumer fireworks, as described in American Pyrotechnics Association Standard 87-1, Chapter 3:

1. Cone fountains
2. Cylindrical fountains
3. Flitter sparklers
4. Ground and hand held sparkling devices, including multiple tube ground and hand held sparkling devices that are manufactured in accordance with American Pyrotechnics Association Standard 87-1, Section 3.5.
5. Ground spinners
6. Illuminating torches
7. Toy smoke devices that are not classified as novelties pursuant to American Pyrotechnics Association Standard 87-1, Section 3.2
8. Wheels
9. Wire or dipped sparklers that are not classified as novelties pursuant to American Pyrotechnics Association Standard 87-1, Section 3.2.

B. **TABLE M-1 Permitted Principal Uses and Structures** **9. MISCELLANEOUS USES**

is amended to include the following:

- a.** Retail sales of consumer fireworks, as defined in Section 1.05 in the Tiffin Zoning Ordinance, only during the dates and times as allowed under Iowa Code Chapter 100.

C. TABLE M-2 Permitted Principal Uses and Structures 7. MISCELLANEOUS USES
is hereby revoked and replaced with the following:

- a.** Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on an existing building or structure as a permitted use subject to the provisions of Section 9.17 of this Ordinance.
- b.** Retail sales of consumer fireworks, as defined in Section 1.05 in the Tiffin Zoning Ordinance, only during the dates and times allowed by Iowa Code after 100.

Section IV. Repealer. All ordinances or parts of ordinance in conflict with the provisions of this Ordinance are hereby repealed.

Section V. 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 V. When Effective. This ordinance shall be in effect after its final passage, approval, and posting as provided by law.