
FIRE DEPARTMENT**Fireworks 2018 recap and suggestions**

The following is the best information available to the Fire Department regarding various aspects of fireworks sales and use for 2017 and 2018. All call for service statistics are from the time period of the first legal tent sales in the City limits through July 5th. In 2017 the first tent sales were approved June 19th. In 2018 the first tent sales were approved on June 19th.

Number of sales locations:

2017 – 6 tents approved, 3 tents began the process but did not finish (their choice); 4 inside (store) sales, 1 additional one was approved but did not place product for sale

2018 – 8 tents approved, one began process but did not finish or sell; two inside sales, 2 others began process but decided not to place product for sale

Inspections:

2017 – 10 permit/state inspections performed, 10 permit/state inspections performed. Approximately 60 site visits during operations (estimated, exact numbers not tracked). Permit fees collected totaled \$2,000.00.

2018 – 10 permit/state inspections performed with 6 re-inspections. Total time for inspections was 8 hours and 15 minutes; re inspect time was 2 hours 40 minutes (10 hours 55 minutes total). There were 66 site visits during operations. Seven compliance checks were performed (organized and lead by MPD) with four tents selling to underage buyers, which is a 43% compliance rate. Permit fees were again \$2,000.00, and the State Fire Marshal was invoiced an additional \$1,000.00 for performing inspections on their behalf. That was a new allowance this year. Total permit/inspection income was \$3,000.00.

Enforcement:

MPD has been the enforcement agent for all criminal-related activities. Enforcement of civil aspects (i.e. hours of use) also fall to MPD. Sales complaints are investigated by the FD.

2017 – There were 228 calls classified as 'Fireworks'. Additionally, there were 8 fireworks-related arrests. Recurring sales complaints included selling to minors, no safety/hours of use flyers being included with sales, exposed fuses, tent cleanliness, and sales of sky lanterns.

2018 – This year there were 185 classified as fireworks. Three fireworks arrests were made, plus four more for selling to underage subjects – seven total. There may have been more arrests (these numbers are through July 2; I don't have access to arrest records so I cannot

confirm), but nothing was listed in the dispatch CAD system. From July 1 through July 5 there were 13 instances where a fireworks-related call was received yet no units were assigned to the call. Recurring sales complaints included flyers not being provided with sales, tent cleanliness (better this year), selling of sky lanterns, and exposed fuses (again – better this year).

Negative events:

2017 – No reports of fires being caused by fireworks, no injuries responded to by the ambulance.

2018 – One vehicle was a total loss due to fireworks, and we did have a small brush fire from them as well. Again, no injuries where an ambulance was called.

Suggestions for next year:

Schedule compliance checks – the dismal compliance percentage this year shows we have an issue. If we schedule things out and hit them soon after opening and at least one more time hopefully the point will be made.

Consider flyer compliance checks – I think we could go civil on this (which would not tie up PD) and use it to address an ongoing issue. A question is the legality of requiring the flyer (some sellers may push back on this if they are fined). A benefit is higher confidence that anyone who bought in Muscatine knows the rules. This could help PD with enforcement later – if they have a subject that says they bought in town but claim they didn't know usage hours.

Decide on exposed fuses – do we need stronger compliance or does the tent check process may it relatively safe? Compliance was better this year, so it may be that we just continue doing what we have been doing.

Consider using FD staff to assist enforcement – especially when we are looking at civil situations (City Code items related to use?) this may be an option. I presently write civil citations for other fire code violations and look at this as being similar to an illegal burn cite. If we had 1-3 FD out helping with the fireworks calls that should help with the PD workload. My assumption is the 13+ calls that were never assigned were because of call volume and/or other calls of higher priority for the PD. The FD staff could be assigned solely to assisting with these calls during certain time periods.

Consider banning use completely – This has been the recommendation from City Staff since the inception of the State Law. Several other cities have done this, and I believe part of the reduction in complaints this year is related to a shorter use time period. Banning use will not eliminate use, but should cut down on the volume.

Mike Hartman, Assistant Fire Chief
August 2, 2018

Statistics from Phil Sargent Assistant Police Chief:

January 1, 2018 - July 31, 2018

223 fireworks complaints in shield

171 GOA or UTL

52 Verbal warnings

9 arrests which include 4 for selling fireworks to minors

FIRE DEPARTMENT

To: Chief Ewers
From: FM Hartman
Re: 2017 Fireworks
Date: July 6, 2017

Here are a few quick thoughts on fireworks this year.

- Many complaints regarding noise, hours, days – big increase when ‘legal’ to use
- Four online complaints referred from B&Z
- Concerns voiced about damage to property – scorches, holes in siding, damaged items in back yards (trampolines)
- Debris spread all over (had some firecrackers in my back yard...)
- Sky lantern use – several complaints
- Tents selling underage; PD did check and caught one, many other under age bought from that tent
- Lack of ability to enforce – SFM offered help but couldn’t enforce
- Unable to pull SFM license – 31-day process, 90 with appeal
- Questions on authority – can AHJ cite for NFPA infractions or not due to state law stating locals can’t restrict sales?
- Ability to pull local permit and shut down tents – can we???
- Confusion on flyer, not handed out regularly... (enforcement question)
- 90% of complaints and 100% of underage sales due to one tent
- 10 permits, 11 inspections (and 10 re inspects) performed for SFM
- FD visits on daily (almost) basis to all tents
- Off hours, Saturday, Sunday inspections performed
- Approximately 90 site visits
- AHJ needs enforcement power
- State needs to set sales hours – none listed, could have been 24/7?
- Tent operator request to have a ‘fake ID’ class from PD and what to do with fakes
- Need to develop guidelines for tent operators (i.e. exposed fuses, sky lanterns, etc.)
- Three burn patients

Fireworks survey of other communities

- Boone: In discussion, planning to shorten if not ban the shooting.
- Clinton: Still illegal to use in Clinton.
- Des Moines voted on Monday to ban the use.
- Ottumwa: Shortening period for use. December/January use period to December 29th and 30th from 4:00-10:00 and December 31st 4:00-1:00.
- Marion: Two ordinances are going to the council next week....
 - Total ban of the use of fireworks
 - Use of fireworks July 3rd from 3:00 PM to 11:00 PM, July 4th from 12:00 PM to 11:00 PM and December 31st from 9:00 PM to 12:30 PM
Times of day are not for sure.....let you know which they choose. Vote is the 19th.
- Storm Lake: Allowed class one and two to be discharged this summer and followed the state law for the entire time period allowed. In other words "no holds barred". Currently in the process of adopting an ordinance that would only allow class two fireworks to be discharged on the evening of the 4th of July from 5p until 10p. If they proceed, fireworks will not be allowed at all in the winter months.
- Iowa City: Ordinance restricting sales to Industrial Zones is going before Council this month. Ban on use remains.
- Hiawatha: Planning to go from no limits to limited dates. July 3-4, Dec 31 and Jan 1.
- Waukee: Previously, few limitations. Now - July 3 through July 4, all dates inclusive, between the hours of 9:00 a.m. and 11:00 p.m. No winter use.
- Cedar Rapids: Plans to bring forward an ordinance banning sales and restricting sales to certain zoned areas.
- Nevada: Changed the winter session of use to 2 days before and the day of New Year's eve. They plan to change the spring one as it gets closer if the

legislature does nothing. Plan to still allow shooting and sales just fewer less days.

- Dubuque: No new action.
- Bettendorf: Planning at next council meeting to vote on allowing fireworks on July 3rd and 4th, 2pm to 11pm and on Dec. 31st 10pm until 12:30am the morning of Jan 1st. The council is asking that offenders charge the offenders. Few if any warnings will be given. Plan to have a lot of information go out to the public. These days and times will hopefully be similar to Davenport and Scott County.
- Marshalltown: Use not allowed.
- Cedar Falls: Staff recommending a total ban. Council discussion forthcoming.
- West Des Moines: Switched from 6 hours on the 4th to no use at all.
- Urbandale: Fireworks remain banned for use.
- Johnston: Working on refining their policy as they were sued by one vendor. It has not been finalized yet.
- Clive: No change. Still illegal.
- Knoxville: Use not allowed.
- Waterloo: Nothing finalized, but it would appear they will restrict use of to one day, July 4th only.
- Coralville: No change, no use allowed.

MUSCATINE POLICE DEPARTMENT FIREWORKS CALLS FOR YEARS 2016 AND 2017

2016 CALLS FOR SERVICE	2017 CALLS FOR SERVICE
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TOTAL CALLS 97

TOTAL CALLS 266 (THRU SEPT. 12)

174 % INCREASE

TOTAL ARRESTS 2016	TOTAL ARRESTS 2017
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3

11

266 % INCREASE

ARRESTS June 1 thru July 8	ARRESTS June 1 thru July 8
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0

10

CALLS June 1 thru July 8	CALLS June 1 thru July 8
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59

233

295 % INCREASE

CALLS July 9 thru Sept. 12

22



Legal Consumer Fireworks in Iowa Corresponds with a Dramatic Uptick in Injuries

October 2017

THE UNIVERSITY OF IOWA
IPRC
INJURY PREVENTION RESEARCH CENTER

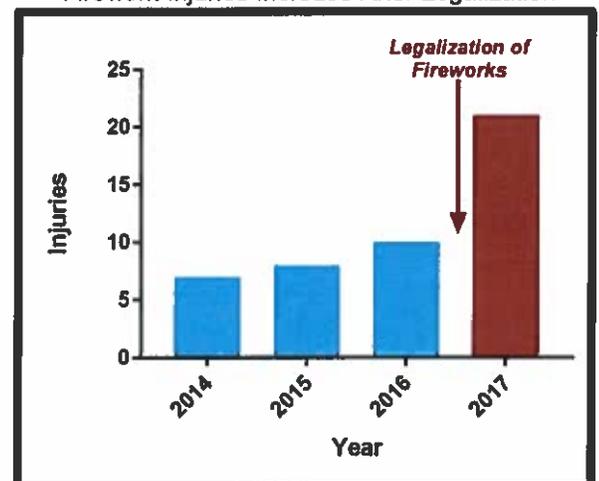
UNIVERSITY OF IOWA
HOSPITALS & CLINICS
University of Iowa Health Care

On May 9, 2017, the Iowa legislature approved SB489, which for the first time allowed the sale of fireworks in Iowa from June 1 through July 8 and December 10 through January 3. Although sales during these periods are legal statewide, counties and municipalities are able to restrict sales locally. We examine trends in emergency department visits to Iowa's largest trauma hospital before and after implementation of the law. Researchers at The University of Iowa Hospitals and Clinics (UIHC) Department of Emergency Medicine, in association with the Injury Prevention Research Center and the Department of Surgery, examined trends of firework injuries at University of Iowa Hospitals and Clinics, for the years 2014-2017 in order to identify the public health implications of the new law.

Key Findings:

- ◆ Firework related injuries were fairly consistent (seven to ten injuries per year) in years prior to the legalization of consumer fireworks (2014-2016). In 2017 (the year of legalization) firework injuries more than doubled to 21.
- ◆ Injuries after legalization were more severe, with 57% of encounters requiring surgery compared to just 20% in the years prior to legalization.
- ◆ Patients under the age of 18 increased by 26%, with 5 times more firework handlers being under 18 years old.
- ◆ The proportion of injured patients who were bystanders increased compared to that of firework handlers.

Firework Injuries Increase After Legalization



Recommendations:

- ◆ Establish safety campaign messages to alert all potential fireworks handlers and bystanders of hazards
- ◆ Fund research to examine statewide data
- ◆ Establish a firework sales/injury surveillance system with annual reporting of trends
- ◆ Explore options for targeted interventions for high risk populations
- ◆ Engage stakeholders such as the Iowa Department of Public Health and the State Fire Marshal to prioritize prevention approaches.

Firework Injuries More Than Double in 2017 as Compared to Previous 3 Years

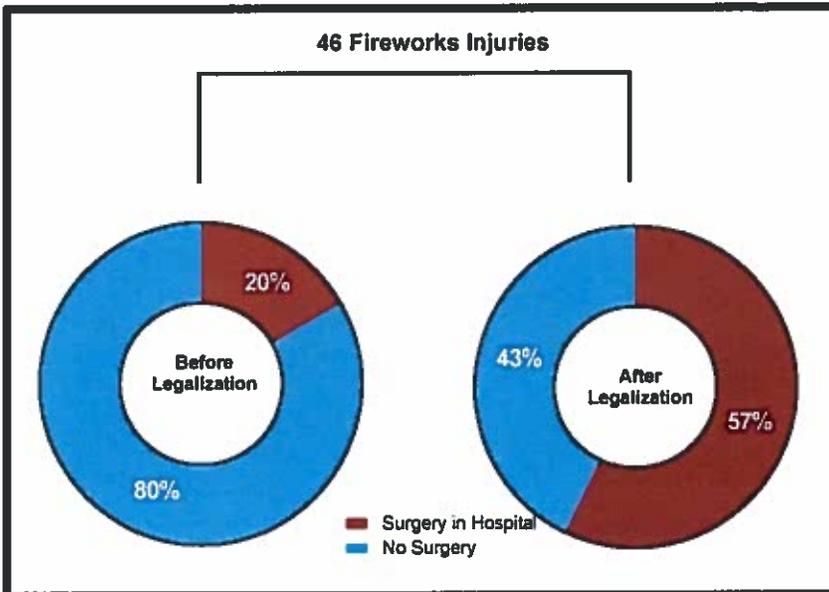
In the three years prior to the implementation of the new legislation, firework-related injuries increased from seven patients in 2014 to ten patients in 2016. After the legalization of fireworks in 2017, the number of injuries more than doubled to 21, representing a **210% increase** over the previous year and a **252% increase** over the previous three-year average. Iowa's increase is far higher than national trends, which ranged from a 9% decrease to an 11% increase during this time period.

Media Contact: kathleen-romanowski@uiowa.edu
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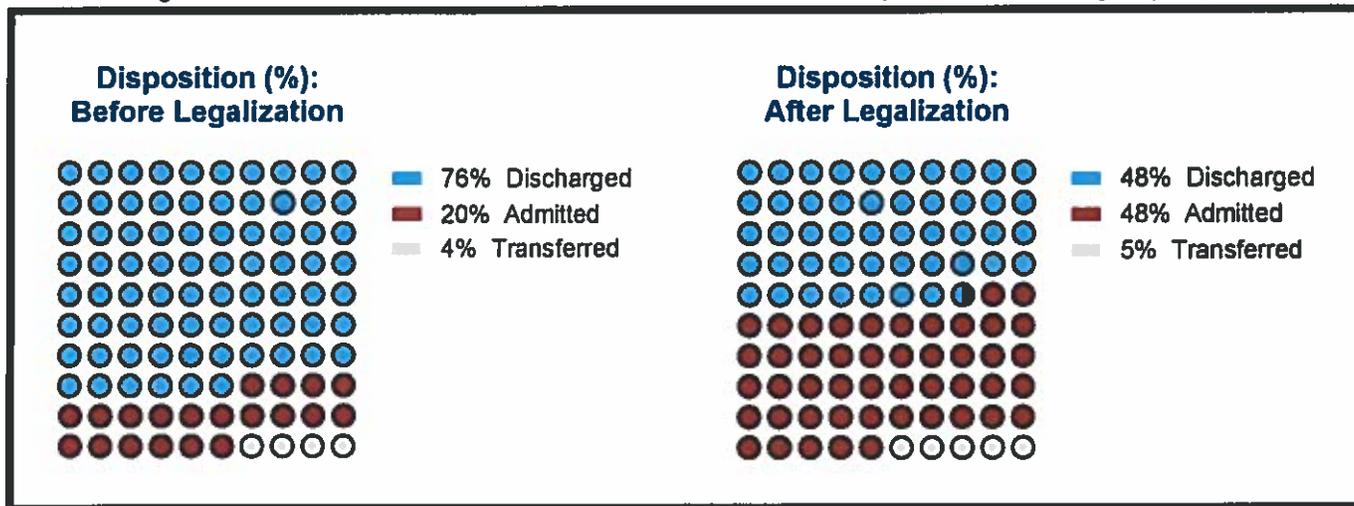
Injuries from Fireworks Are More Severe After Legalization Than Before

Burns were the most common injury type across all 4 years studied. Tissue trauma, and fractures were the next most common. However, tissue trauma and fractures were 2.2 times more frequent in 2017. Other injury types that occurred with increased frequency following implementation were eye injuries (4.2 times more frequent in 2017), ear injuries including hearing loss (4.5 times more frequent in 2017), and head injuries (zero in 2014-2016, one in 2017). In addition to increases in each injury category, the proportion of injured patients who required surgery increased from 20% in 2014-2016 to 57% in 2017. On average, fewer than two patients per year were admitted to the hospital in the three years prior to legalization. In 2017, ten patients were admitted representing a more than a five-fold increase over previous years. Those admitted prior to the legalization of fireworks stayed in the hospital for an average of 2.7 days, and those admitted after legalization stayed an average of 1.9 days. Increases in the number of admissions and patients requiring surgery indicate an increase in healthcare utilization costs following legalization.

Number of Patients Requiring Surgery Increased after Legalization



After Legalization of Fireworks, More Patients Were Admitted to the Hospital from the Emergency Department



Patients Under 18 Were Affected Disproportionately

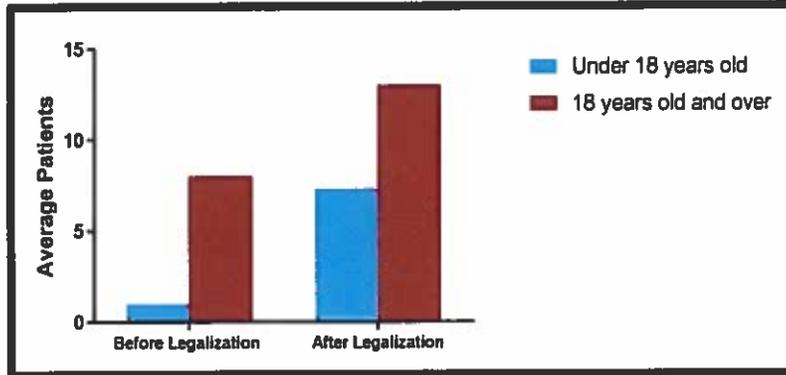
The average age of a firework injury patient before the legalization of consumer fireworks was 35 years old. After legalization, the average age decreased to 24 years old. After legalization 38% of patients were under 18 years old. In the three years prior to legalization, just 12% of patients were minors. Prior to the legalization of fireworks, a majority of patients under 18, 66%, were bystanders. After legalization that number

Legal Consumer Fireworks in Iowa Corresponds with Dramatic Uptick in Injuries

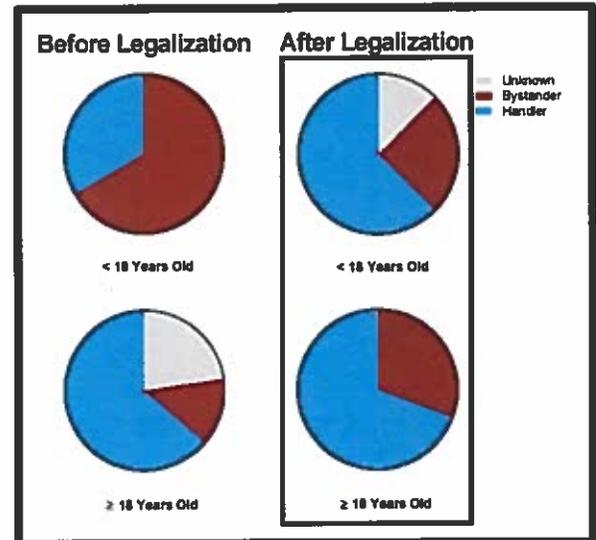
The University of Iowa

dropped to 25%, a 41% decrease. In comparison, patients over 18 experienced a 17% increase in bystander injuries. Although the law prevents individuals under 18 from purchasing fireworks, the law clearly doesn't protect minors, nor does it keep minors from using fireworks. **Post legalization, the majority of minors were firework handlers, 62.5%, very similar to the handler proportion for adults which was 69%.**

Patients Under 18 Years Old Increased After Legalization of Fireworks



Bystanders Experienced an Increased Number of Injuries After Legalization



The Proportion of Injuries Experienced by Bystanders Increased More Than the Proportion Experienced by Firework Handlers

Bystanders are being injured at a higher proportion compared to handlers than before the legislation. The risk of a firework handler being injured from 2014-2016 was about three times that of a bystander. In 2017, bystander injury increased 3.6 times and handler injury increased 2.8 times in 2017. Bystanders were four times more likely to require surgery and be admitted after legalization of fireworks compared to previous years. Additionally, the average bystander was younger (22.5 years) than the average handler (25.2) after legalization. Prior to legislation the average bystander was 30.6 years old and average handler 34.7.

Men Are Most Likely to be Injured by Fireworks

Before legalization 68% of patients seen for firework related injuries were men. Following legalization 81% of patients were men.

Research Methods

Data was collected by querying all UIHC electronic health records (EHR's) using a search algorithm to locate the word "firework" in any part of a patient's EHR between June 1 and July 8 for the years 2014-2017. This data was reviewed to remove false positives and obtain demographics and encounter details. This data was compiled into a database with specifically defined variables. Statistical analyses were then performed on the database to create a dataset that conclusions could then be drawn from.

Research Limitations

This study only identified 47 patients across four years who suffered injuries from fireworks. It is possible that the method used to identify firework injuries missed patients who in fact were injured by fireworks, but it was

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not noted in the patient's EHR. Additionally, the majority of cities and towns in Johnson County, where UIHC is located, banned the use of fireworks within their jurisdictions, which could have reduced the number of injuries seen at UIHC. This research identified all patients with firework injuries presenting to UIHC providers regardless of state of residency. While few patients came from out of state (five patients, all prior to legalization), that could slightly change the dataset. UIHC's status as a top hospital in Iowa, as well as its exceptional burn unit put it in a unique position to access data, but it may not provide a representative sample of fireworks injuries in Iowa.

Acknowledgements

Funding for this project was courtesy of The University of Iowa Hospitals and Clinics Department of Emergency Medicine. Thank you to the University of Iowa Injury Prevention Research Center for all their support.

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COMMUNITY DEVELOPMENT

MEMORANDUM

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
Dave Gobin, Community Development Director
From: Andrew Fangman, City Planner
Date: June 1, 2017
Re: Fireworks Regulations Ordinance

Near the end of the recently concluded legislative session the Iowa Legislature approved Senate File 489 (<https://www.legis.iowa.gov/legislation/BillBook?ba=SF%20489&ga=87>) which legalizes the sale and use of consumer fireworks. Consumer fireworks include items such as firecrackers, bottle rockets, roman candles, sky rockets, aerial shell kits, reloadable tubes, multiple tube devices, mine and shell devices, etc. This new state law will permit the sale and potentially the use of consumer fireworks within the City of Muscatine starting on June 1st of this year.

SF 489 has left many important aspects of the sale and use of consumer fireworks up to local jurisdictions. As such, the City Code needs to be amended to address this change in state law. Staff is proposing an amendment to the City Code which will regulate the sale and use of consumer fireworks. Please note that Council is being asked to consider waiving the second and third readings of the ordinance. This will require Council action to waive council rules. This action will be necessary because State law allows for the use and sale of fireworks to begin on June 1st, therefore final action by Council is needed on June 1st.

SF 489 gives the local jurisdiction very broad latitude in banning or limiting the use of consumer fireworks. Therefore, the first question that City Council must answer is if the use of consumer fireworks should be permitted. Staff's recommendation is that use of consumer fireworks continue to be prohibited within the City of Muscatine.

SF 489 allows for the use of fireworks between June 1st through July 8th and December 10th through January 3rd. However, the City has the authority to shorten the period of time during which the use of fireworks is legal. At its last meeting, Council reached a consensus that this is an excessively long period of time to allow for the use of fireworks. That shortening the period of time during which they may be used would be a good way of better striking balance between the enjoyment of those desiring to use fireworks and those who find the use of fireworks by their neighbors to be a nuisance. Based on this direction, staff has prepared draft regulations that would restrict the use of fireworks to July 1st through July 8th and December 26th through January 3rd. This compromise will strike the best possible balance between those looking to legally enjoy the use of fireworks and those who are disturbed by the use of fireworks. It

"I remember Muscatine for its sunsets. I have never seen any
on either side of the ocean that equaled them" — Mark Twain

should be noted that as per state law the sale of fireworks will still be legal between June 1st through July 8th and December 10th through January 3rd.

SF 489 is silent on the use of fireworks by minors. A survey of firework regulations in other municipalities located in states which have long allowed for the use of consumer fireworks shows that most prohibit the use of fireworks by unsupervised minors. Given the potential damage that the improper use of fireworks could do to health and property, this is a very sensible regulation to adopt. As such, the proposed fireworks regulations contain a provision that limits the use of fireworks by minors except when under direct adult supervision. It would also make it unlawful for any parent, guardian or other adult person having custody or control of any minor 17 years of age or younger to knowingly allow such minor to discharge fireworks in an unsupervised manner.

SF 489 is silent on the use of fireworks when a person is intoxicated or under the influence of a drug or narcotic. A survey of firework regulations in other municipalities located in states which have long allowed for the use of consumer fireworks shows that most prohibit the use of fireworks by persons showing visible signs of, or who are determined to be, intoxicated or under the influence of a drug or narcotic. Given the potential damage that the improper use of fireworks could do to health and property, this is a very sensible regulation to adopt. As such, the proposed regulations contain a prohibition on the use of fireworks by persons showing visible signs of, or who are determined to be, intoxicated or under the influence of a drug or narcotic.

The proposed regulations also make a person permitting the discharge of a fireworks device on their property responsible for their discharge and the consequences thereof. This provision will help with the enforcement of the regulations relating to the use of fireworks. In the past, it has been found that by the time the police arrive at the site of a fireworks complaint there is no way to determine which particular individual was responsible for the fireworks violations, despite there being able evidence that fireworks were being used in an unlawful manner. Establishing the property owner permitting the discharge of fireworks on their property owner as an additional liable party will help address this situation and also create an incentive for those permitting the discharge of fireworks on their property to ensure that it is done in a lawful and safe manner.

While SF 489 did give local jurisdictions the option of prohibiting or limiting the use of consumer fireworks, it does not give the same local control to questions of permitting the sale of fireworks. Local jurisdictions must permit the sale of consumer fireworks between June 1 and July 8 when sold from a permanent building and between June 10 and July 8 when sold from a temporary structure such as a tent. However, so long as sale of consumer fireworks is permitted somewhere within a local jurisdiction, they retain the right to zone for it, the same as any other commercial activity.

SF 489 legalizes a previously illegal act and was only signed by the governor a couple of weeks prior to its effective date. City regulations regarding fireworks cannot be enacted any sooner than the same day that firework use becomes legal under state law and most community members will not be aware of the rules for the legal use of fireworks. To address this issue, the proposed regulations mandate that the City of Muscatine prepare a "fireworks use regulations

informational pamphlet.” Said pamphlet shall detail all relevant regulations regarding the use of fireworks within the City of Muscatine. Said pamphlet shall be formatted in a manner that allows for it to be legibly reproduced on an 8.5” by 11” piece of paper. A seller of fireworks shall distribute to each purchaser a copy of the fireworks use regulation informational pamphlet on an 8.5” by 11” piece of paper. It shall be the responsibility of the fireworks seller to reproduce all necessary copies of the fireworks use regulation informational pamphlet from an original copy provided by the City of Muscatine.

The City of Muscatine’s Zoning Ordinance as currently written does not distinguish between consumer fireworks and other types of explosives. Therefore, until the zoning ordinance is amended, the sale of fireworks is limited to the General Industry (M-2) District, and then only with an approved conditional use permit.

The Planning and Zoning Commission at a special meeting on May 26th reviewed the issue of where the sale of fireworks should be permitted within the City of Muscatine. The Commission voted to recommend that Council amend the zoning ordinance to allow for the sale in all zoning districts in which retail sales are allowed by right, but that temporary structures selling fireworks should be subject to the following additional setback requirements.

- Property line: 20 feet
- Any residence: 150 feet
- Non-residential structure located on another parcel: 50 feet

The reason for this recommendation of additional setback requirements is two-fold. First is safety. A tent or trailer containing hazardous material, such as consumer fireworks, should always be kept a safe distance away from all residences. Second, typically residences located near retail operations are buffered from the noise, light, commotion and other potential negative impacts of a nearby retail operation by the fact that most of this occurs inside of a building. When it occurs within a temporary structure such as a tent, further distance to mitigate the impact on surrounding residences is appropriate.

The proposed regulations also have the City of Muscatine establishing its own permit, site inspections on behalf of the State Fire Marshal, fire inspections, and related fees for the sale of consumer fireworks. For this new permit, the plan is to keep the Fire Department Permit fee the same as it is since it’s already in the fee structure as \$200. The permit for fireworks is already located in International Fire Code 105.6.15 and Appendix B – Schedule of Permit and Licensing Requirements.

The on-site inspection is required prior to the State Fire Marshal issuing a retail seller license. This on-site inspection can be done by the State Fire Marshall or local jurisdiction. It makes sense that we do it so we are familiar with the permanent or temporary structure. So, the retailer seller license application and payment of the \$200 permit fee would trigger an on-site inspection prior to the State Fire Marshal issuing a license. When the seller has proof of insurance and a license, then a fire inspection of the permanent structure and/or temporary structure will occur. The fire inspection fees are already established by resolution and are \$45 for the inspection and no charge for the re-inspection. A second re-inspection fee will be an additional \$50 fee and a third re-inspection fee would be \$100.

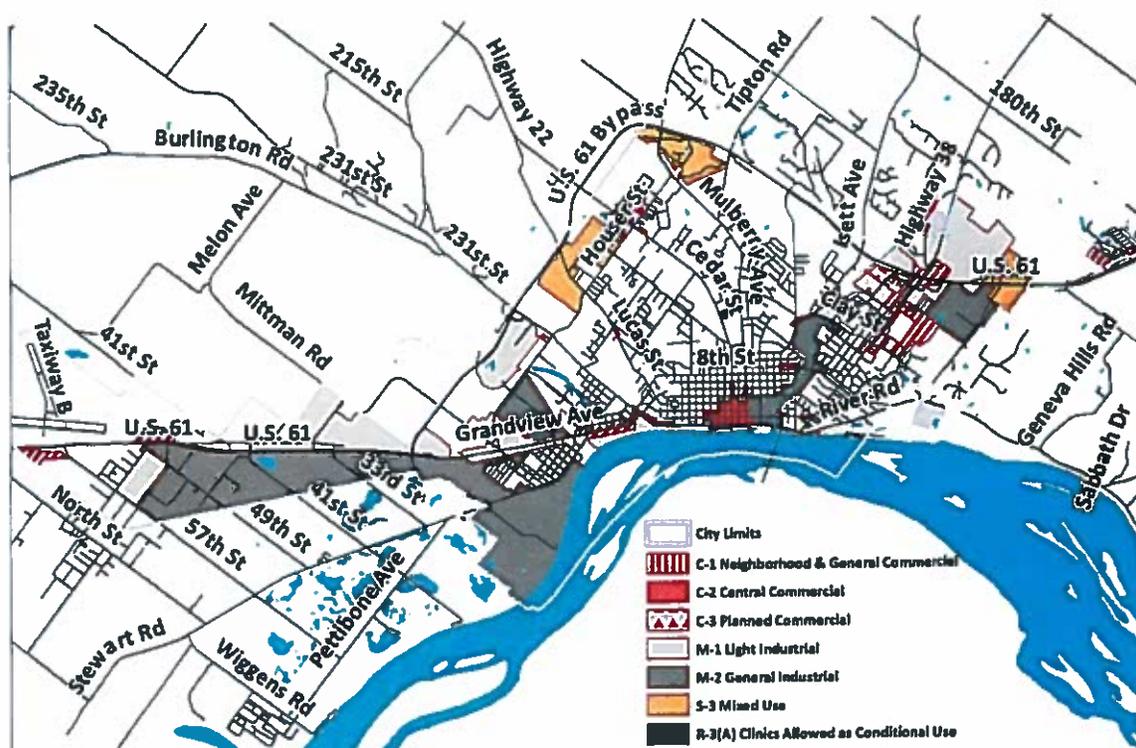
We will, along with other cities, need additional training on National Fire Protection Association 1124. This is the standard on the Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles.

RECOMMENDATION:

Approve the proposed fireworks regulations ordinance as attached.

BACKUP INFORMATION:

- Map showing zoning districts in which retail sales is allowed as permitted use.
- Proposed fireworks regulations
- Ordinance adopting proposed fireworks regulations
- Minutes from the May 26th special Planning and Zoning Commission meeting
- Resolution amending Appendix B – Schedule of Permit and Licensing Requirements, of City Code, to establish the fee for the fireworks sales permit.



Zoning Districts in Which Retail Sales Is Allowed as Permitted Use

ORDINANCE NO. 93875-0617

AN ORDINANCE REGULATING THE USE, SALE, AND DISPLAY OF FIREWORKS

WHEREAS, near the end of the recently concluded legislative session the Iowa Legislature approved Senate File 489 which legalizes the sale and use of consumer fireworks; and

WHEREAS, Senate File 489 has left many important aspects of the sale and use of consumer fireworks up to local jurisdictions; and

WHEREAS, the City Code of Muscatine requires amendments to allow for the use and sale of fireworks as permitted under state law in a manner that is safe and which minimizes disturbances to the community; and

WHEREAS, the Planning and Zoning Commission on May 26, 2017 voted to recommend approval of revisions to Title 10, Zoning Ordinance in regards to where fireworks could be sold; and

WHEREAS, fireworks regulations are currently included in several sections of the City Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA:

SECTION 1.

Title 6, Chapter 3, Section 2 of the City Code for Fireworks; Explosives is hereby repealed and replaced with:

Title 6, Chapter 3, Section 2 Fireworks; Explosives:

The sale, use, and exploding of fireworks within the City are subject to the regulations contained within Title 15 Chapter 8 of the City Code.

SECTION 2.

Title 10, Chapter 15, Section 2, M-2 General Industrial District Conditional Uses, Item F Explosives manufacture and storage, is hereby amended to read:

Item F. Explosives manufacture or storage. For the purposes of this section the term explosives does not include first-class consumer fireworks and second-class consumer fireworks, as those terms are defined in 2017 Iowa Acts, Senate File 489, Section 3.

SECTION 3.

Title 15, Chapter 2, Section 4, Amendments Made to International Fire Code, Items A and B are hereby repealed and replaced with:

15-2-4 Amendments Made to the International Fire Code

The International Fire Code is amended and changed in the following respects:

- A. Delete Section 307 in its entirety (open burning)
- B. Delete Section 401 in its entirety (false reporting)

SECTION 4.

Title 15, is hereby amended to add a new Chapter 8 for Fireworks Sales, Discharging and Display. This chapter is shown in the attached Exhibit A.

SECTION 5.

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 6. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.

SECTION 7. This ordinance shall be in effect from and after the passage, approval and publication of this ordinance, as provided by law.

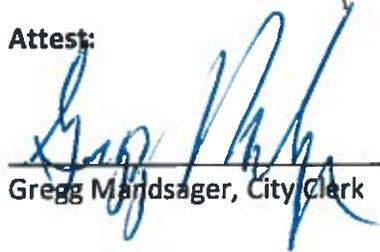
PASSED, APPROVED AND ADOPTED this 1st day of June, 2017.

By the City Council of the City of Muscatine, Iowa



Robert C. Bynum Jr., Mayor Pro Tem

Attest:



Gregg Mandsager, City Clerk



First and Final Reading: June 1, 2017

Exhibit A – New Chapter 8 to Title 15

Chapter 8 – Fireworks Sales, Discharging, and Display

Sections

- 15-8-1 Purpose and Intent**
- 15-8-2 Fireworks Discharging Regulations**
- 15-8-3 Fireworks Sales Permit Required**
- 15-8-4 Fireworks Sales Permit Issuance**
- 15-8-5 Fireworks Sales Safety and Operational Standards**
- 15-8-6 Violations**
- 15-8-7 Fireworks Display**
- 15-8-8 Definitions**

15-8-1 Purpose and Intent

To allow for the use and sale of fireworks as permitted under state law in a manner that is safe and which minimizes disturbances to the community.

15-8-2 Fireworks Discharging Regulations

Fireworks shall only be discharged in a manner that is compliant with all of the following regulations.

A. General Regulations Regarding the Discharging of Fireworks

- 1. Any person discharging a fireworks device, or person permitting the discharge of a fireworks device on their property, assumes responsibility for its operation and the consequences thereof. No person shall discharge a fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.**
- 2. Persons 17 years of age and younger shall not discharge fireworks except under the supervision of an adult. Supervision shall be adequate where the adult is within sight and sound of the minors during the discharge of the fireworks.**
- 3. It shall be unlawful for any parent, guardian or other adult person having custody or control of any minor 17 years of age or younger to knowingly allow such minor to discharge fireworks in violation of the preceding subsection.**
- 4. 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.**

5. It shall be unlawful to alter, remove, or discharge components of a fireworks device from its intended method of discharging.
6. Sky lantern open flame devices are not permitted to be released within the city limits, except if tethered by a retrievable rope so the person discharging has control over the sky lantern.

B. Allowable Times for the Discharging of Fireworks

1. A person shall not use or explode consumer fireworks on days other than July 1 through July 8 and December 26 through January 3 of each year, all dates inclusive.
2. A person shall not use or explode consumer fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:
 - a. Between the hours of 9:00 a.m. and 11:00 p.m. on a Saturday or a Sunday immediately preceding or following July 4 or December 31.
 - b. Between the hours of 9:00 a.m. and 11:00 p.m. on July 4.
 - c. Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.

C. Allowable Locations for the Discharging of Fireworks

1. A person shall only discharge a fireworks device on real property they own or on property where consent has been given.
2. Snakes, sparklers, or caps can be discharged in a public place, unless specifically prohibited by the entity owning the public place, so long as all trash, wrappers, and wires are properly disposed of.
3. No person shall light or cause to be lighted any fireworks or other combustible article within 300 feet of any location that has been permitted to sell fireworks.

- D. This chapter does not prohibit 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. This Chapter does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.**

15-8-3 Fireworks Sales and Operational Permit Required

There shall be no sale of fireworks within the corporate City Limits without a permit having been issued by representatives of the Fire Department and inspections performed. If applicable a transient merchant license as required by Chapter 10 of Title 5 shall also be obtained from the Finance Department.

15-8-4 Fireworks Sales and Operational Permit Issuance

Fireworks sales permits shall be issued in accordance with the following.

- A. The following items shall be submitted with any application for a fireworks sales permit:**
 - 1. Proof of liability insurance that complies with the requirements set forth by the state fire marshal.**
 - 2. Site plan that demonstrates how all applicable portions of City Code, the National Fire Protection Association 1124 (2006 edition and amendments thereto) are being complied with.**
 - 3. Fees in accordance with the adopted fee schedule (Appendix B).**
- B. Proof of a valid permit or license issued from the state fire marshal shall be submitted prior to the start of sales.**

C. Inspections

Any property, building, or premise whether it be permanent or temporary, intended for fireworks sales shall have an initial fire inspection completed by the fire chief or their designee prior to engaging in fireworks sales. The fire chief or their designee shall cause an annual inspection to occur each selling period meeting the requirements of the National Fire Protection Association 1124 (2006 edition and amendments thereto) and the current fire code adopted by the City of Muscatine.

15-8-5 Fireworks Sales Safety and Operational Standards

All fireworks sales permit holders shall comply with the following safety and operational standards at all times.

A. Allowable Locations for the Sales of Fireworks

1. Zoning

Must be located within a zoning district that permits retail sales as an allowed use.

2. Required Setback for Temporary Structures

- a. Property Line: 20 feet**
- b. Any Residence: 150 feet**
- c. Non-residential structure on a different parcel: 50 feet**
- d. Any structure on the same parcel: 20 feet**
- e. Motor fuel dispensing station: 50 feet**
- f. Retail propane dispensing station: 50 feet**
- g. Motor fuel dispensing station: 50 feet**
- h. Bulk fuel dispensing or bulk storage: 300 feet**
- i. Storage of consumer fireworks: 20 feet**
- j. Generator fuel storage: 20 feet**
- k. Generator placement: 20 feet**
- l. Cooking equipment: 20 feet**
- m. Any open flame cooking equipment: 50 feet**
- n. Any parking space: 20 feet**

3. Fire Department Access:

All portion of the perimeter of a CFRS (Consumer Fireworks Retail Sales Facilities and Stores) must be located within 150 feet of a public way or an approved fire apparatus access.

B. Allowable Times for the Sales of Fireworks

Fireworks sales shall only be conducted in accordance with dates and times designated by Iowa Code.

C. National Fire Protection Association (NFPA) 1124

All CFRSs (Consumer Fireworks Retail Sales Facilities and Stores) shall comply with all applicable provisions of *"NFPA 1124 Code for the Manufacture, Transportation, Storage,*

and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition" and any amendments thereto.

D. General Requirements

1. Smoking, open flame source, or matches shall not be located within 50 feet of where fireworks are sold.
 - a. Except that lighters and matches may be sold as part of a retail business in commercial structures who engage in other merchandise sales where fireworks sales is not the primary business.
 - b. Locations who engage in fireworks sales as a primary source of revenue may sell extended lighters so long as lighters are located in a sealed package and not removed within the store premises.
2. One or more signs reading "Fireworks-No Smoking" shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height.
3. No persons under the influence of alcohol, drugs, or narcotics, shall be allowed to remain in a CFRS.
4. Signs shall be posted at all points of ingress and egress to and from the CFRS, stating no sales will be made to anyone under the age of 18.
5. A sign bearing the message, "Discharge of Consumer Fireworks is Prohibited at All Times within the City of Muscatine Except for July 1st through July 8th and December 26th through January 3rd, shall be posted at all points of ingress and egress to and from the CFRS. Such sign shall not count towards the limits of allowable signage provided for by Title 10 of the City Code.
6. **Fireworks Use Regulations Informational Pamphlet**
 - a. The City of Muscatine shall prepare a "fireworks use regulations informational pamphlet." Said pamphlet shall detail all relevant regulations regarding the use of fireworks within the City of Muscatine. Said pamphlet shall be formatted in a manner that allows for it to be legibly reproduced on an 8.5" by 11" piece of paper.
 - b. A seller of fireworks shall distribute to each purchaser a copy of the fireworks use regulation informational pamphlet on an 8.5" by 11" piece of paper.

15-8-7 Fireworks Display

A. The City may, upon application in writing to the City Council at least one week in advance of the last Regular City Council meeting prior to the date of the display, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator.

B. Bond/Insurance for Fireworks Display Required.

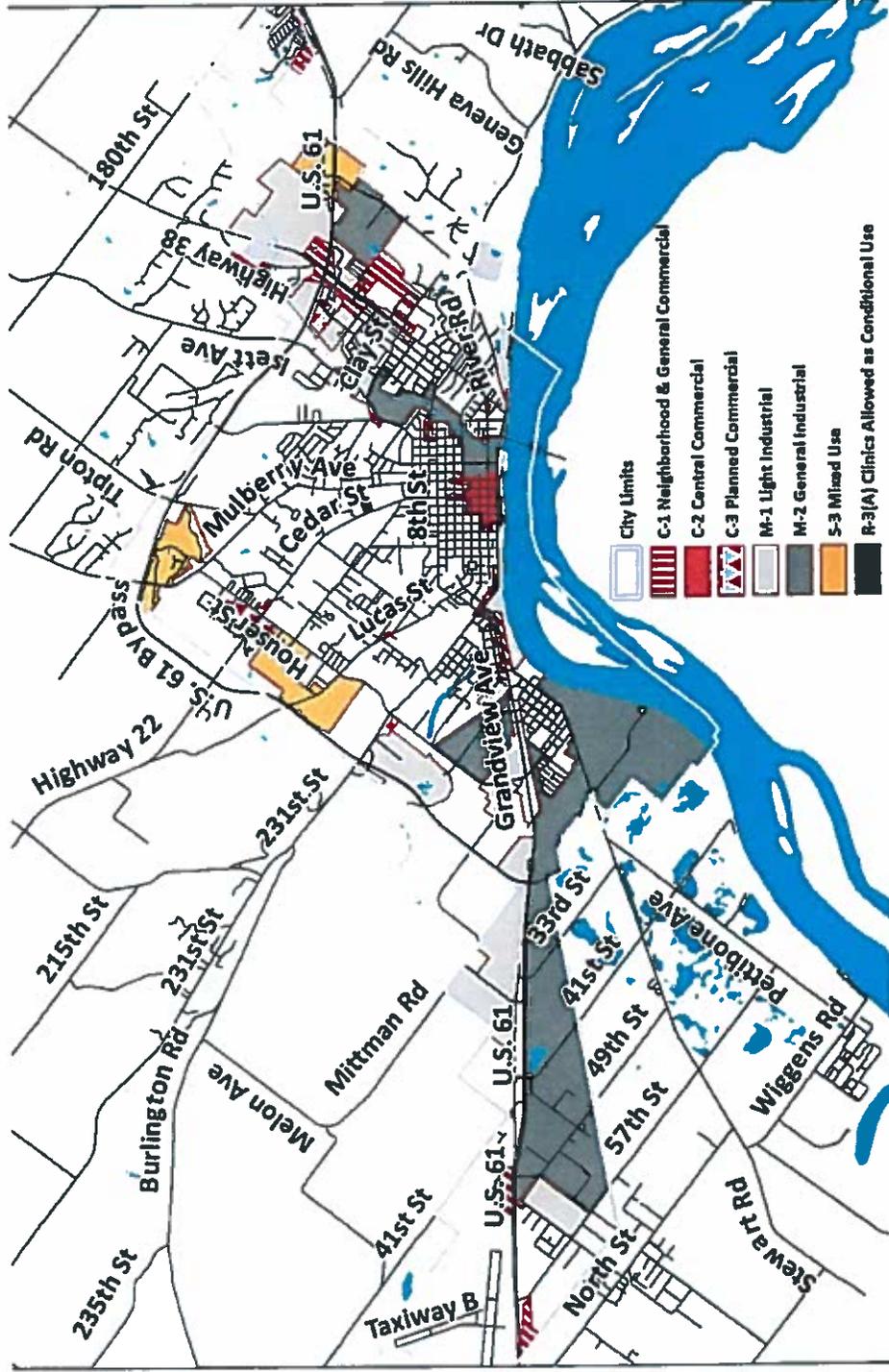
The permittee shall furnish a bond or certificates of insurance in the amounts set out in the Schedule of Permit and Licensing Requirements in Appendix B to this Code of Ordinances for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors.

15-8-8 Definitions

Consumer Fireworks: First-class consumer fireworks and second-class consumer fireworks, as those terms are defined in 2017 Iowa Acts, Senate File 489, Section 3.

Consumer Fireworks Retail Sales Facilities and Stores (CFRS): The portion of a retail sales store or facility, including the immediately adjacent aisles, where consumer fireworks are located for the purpose of retail display and sale to the public.

Zoning District Which Allow for Retail Sales



Setbacks for Temporary Structures from Which Fireworks are Being Sold

- Any structure on the same parcel: 20 feet
- Motor fuel dispensing station: 50 feet
- Retail propane dispensing station: 50 feet
- Motor fuel dispensing station: 50 feet
- Bulk fuel dispensing or bulk storage: 300 feet
- Storage of consumer fireworks: 20 feet
- Generator fuel storage: 20 feet
- Generator placement: 20 feet
- Cooking equipment: 20 feet
- Any open flame cooking equipment: 50 feet
- Any parking space: 20 feet

*Setbacks for Temporary Structures from Which
Fireworks are Being Sold*

- Property Line: 20 feet
- Any Residence: 150 feet
- Non-residential structure on a different parcel: 50 feet

City:	Original Language	Current Language	Injuries Reported in 2018
Altoona	Banned	Banned	No injuries/Citations
Burlington	Banned	Banned	
Cedar Falls	Banned	Banned	
Cedar Rapids	June 1- July 8, December 10 - January 3.	Banned	
Charles City	Banned	Banned	
Clive	Banned	Banned	
Coralville	Banned	Banned	
Council Bluffs	Banned	Limited around holidays	Injuries: Two serious – both to hands including burns and loss of digits. Two minor injuries. One fire on an exterior deck.
Clinton	Banned	Banned	
Des Moines	Banned	Banned	
Dubuque	Banned (allow possession)	Banned (allow possession)	One hand injury
Fort Dodge	June 1 – July 8	July 1 – July 4	12Y/O with serious burns (7/4) and one apartment fire (7/3)

Grimes	June 1- July 8, December 10 - January 3.	July 1 – July 8 December 29 – January 3	
Grinnell	Banned	Banned	No Injuries/Citations
Harlan	July 4 th Noon – 10 PM December 31 Noon – 12:30 AM on January 1	Same	No Injuries/Citations
Hiawatha	July 4 12:00 – 11:00 PM December 31 18:00 – 00:30	July 4 12:00 – 11:00 PM December 31 18:00 – 00:30	One Citation(Sales) Palo – Serious Hand Injury
Indianola	July 3 – July 5 December 31 – January 2	July 3 – July 5 December 31 – January 2	One critical injury. A citizen leaned over a mortar tube and was struck in the head.
Iowa City	Banned	Banned	
Johnston	Banned	Banned	
Le Mars	June 1- July 8, December 10 - January 3.	July 1 – July 8 December 10 – January 3	
Marion	July 4 12:00 – 11:00 PM December 31 18:00 – 00:30	July 4 12:00 – 11:00 PM December 31 18:00 – 00:30	
Muscatine	July 1 – 8 Dec 26 - Jan 3	July 3 & 4 Dec 31 - Jan 1.	Two injuries
Nevada	June 1 – July 8 December 10 – Jan. 3	June 1 – July 8* Dec. 30-Jan 1*	

*Working on reducing fireworks to the week before and day after up to 9 pm.

Newton	July 4	July 4	No Injuries/5 Citations
North Liberty	Banned	Banned	No Injuries/Citations
Oskaloosa	Banned	Banned	No Injuries/Citations
Ottumwa	June 24- July 4, December 31 - January 1.	June 24 – July 4 December 31 – January 1	
Spencer	Banned	Banned	
Urbandale	Banned	Banned	
Waterloo	June 30 – July 5	Banned	
Webster City	June 1 – July 8	July 4	
West Des Moines	July 4 (4:00 – 10:00 PM)	Banned	