

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING THE USE OF "FIRST-CLASS CONSUMER FIREWORKS" WITHIN THE CITY OF SPENCER, IOWA

WHEREAS, the Iowa Legislature has adopted and the Governor has signed Senate File 489 (SF489) which permits the sale and use of "First-class Consumer Fireworks" as now defined in Iowa Code Section 100.19(1)(c); and,

WHEREAS, SF489 amends Iowa Code Section 364.2 by adopting a new Subsection 6 which provides that "a city council may by ordinance or resolution prohibit or limit the use of consumer fireworks, display fireworks, or novelties, as described in Section 727.2"; and,

WHEREAS, it is the judgment of the Spencer City Council that the use of "First-class Consumer Fireworks" in the City of Spencer constitutes a threat to the public safety and to private property and a nuisance to the neighboring land owners.

NOW, THEREFORE, BE IT ORDAINED by the Spencer City Council as follows:

Section 1. There is hereby adopted a new Title 6, Chapter 8, Article B2 of the Spencer City Code as follows:

"6-8-B2: FIRST-CLASS CONSUMER FIREWORKS PROHIBITED. The use of "First-class Consumer Fireworks" within the corporate limits of the City of Spencer, Iowa, except as otherwise provided in this Article, is prohibited. A violation of this section is a simple misdemeanor punishable by a fine of not less than \$250.00."

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. 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 4. This ordinance shall be in effect following its final passage, approval and publication as provided by law.

Passed by the Council the ____ day of _____, 2017, and approved
this ____ day of _____, 2017.

Reynold Peterson, Mayor

Attest:

Theresa E. Reardon, City Clerk

I hereby certify that the foregoing was published as Ordinance No. _____ in the
Spencer Daily Reporter on the ____ day of _____, 2017.

Theresa E. Reardon, City Clerk