

see p. 3 & 4 for requested definitions

ORDINANCE NO. 394

AN ORDINANCE AMENDING THE CODE OF THE ORDINANCES OF THE CITY OF EARLHAM, IOWA, BY AMENDING CHAPTER 41.14 FIREWORKS

Whereas, the City of Earlham deems the use of certain consumer fireworks as a threat to public safety and a nuisance to landowners.

Be it enacted by the City Council of the City of Earlham, Iowa:

SECTION 1. Section 41.14(1), Fireworks, is hereby amended by deleting the current Definition section and inserting in lieu thereof the following:

1. Definition.

- a. "Consumer Fireworks" means those fireworks as defined by Iowa Code Section 727.2 that may be sold within the City even though the use of those items are prohibited.
- b. "First-class Consumer Fireworks" means the following Consumer Fireworks, as described in the American Pyrotechnics Association's standard 87-1, Chapter 3:
 1. Serial shell kits and reloadable tubes.
 2. Chasers.
 3. Helicopter and aerial spinners.
 4. Firecrackers.
 5. Mine and shell devices.
 6. Missile type rockets.
 7. Roman Candles.
 8. Skyrockets and bottle rockets.
 9. Multiple tube devices under this paragraph (b) that are manufactured in accordance with APA 87-1, Section 3.5.
- c. "Second-class Consumer Fireworks" means the following Consumer Fireworks, as described in APA 87-1, Chapter 3:
 1. Cone fountains.
 2. Cylindrical fountains.
 3. Flitter sparklers.
 4. Ground and held-held sparkling devices that re manufactured in accordance with APA 87-1, Section 3.5.
 5. Ground spinners.
 6. Illuminating torches.
 7. Toy smoke devices that are not classified as novelties pursuant to APA 87-1, Section 3.2.

- d. "Display Fireworks" means those fireworks as defined by Iowa Code Section 727.2.

Section 2. Section 41.14(2), Regulations, is hereby amended by deleting the current section and inserting in lieu thereof the following:

2. Regulations.

- a. Except between 9:00 a.m. – 11:00 p.m. on July 4th and/or the day of the Freedom Fest celebration, it shall be unlawful for any person to use or explode an explosive, explosive material, First-class Consumer Fireworks or Second-class Consumer Fireworks within the corporate limits of the City.
- b. The provisions of Section 40.03(2), Noise, of the Code of Ordinances of Earlham, Iowa shall not apply or be enforced between 9:00 a.m. – 11:00 p.m. on July 4th and/or the day of the Freedom Fest celebration.
- c. Consumer Fireworks may be sold from temporary businesses in the City between June 1st and July 8th but only within the "M" (Industrial) District of the City; or in permanent structures which satisfy the regulations imposed by the State Fire Marshall.
- d. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any display fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, the Freedom Fest Committee, or other organizations or groups of individuals approved by the City when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:
 - i. Personal Injury:.....\$250,000.00 per person
 - ii. Property Damage:.....\$50,000.00
 - iii. Total Exposure:.....\$1,000,000.00

3. 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 theatre, or for signal purpose in athletics 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 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Definitions for Ord 394

APA STANDARD 87-1

comply with the fuse, construction, and labeling requirements of CPSC for consumer fireworks. Theatrical Pyrotechnics may or may not have an ignition device attached.

* **3.1 Types of Consumer Fireworks** The following fireworks devices are subject to the requirements of chapter 3 of this Standard. (See Appendix A for diagrams.)

* **3.1.1 Ground and Hand-held Sparkling Devices (“Sparklers”)** These devices are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (a mild audible crackling-type effect is not considered to be a report.) Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

* **3.1.1.1 Cylindrical Fountain** Cylindrical tube containing not more than 75 g of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (Spike Fountain), a wood or plastic base for placing on the ground (Base Fountain), or a wood or cardboard handle to be hand held (Handle Fountain). When more than 1 tube is mounted on a common base, total pyrotechnic composition may not exceed 200 g. (See section 3.5 for exceptions.)

* **3.1.1.2 Cone Fountain** Cardboard or heavy paper cone containing not more than 50 g of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than 1 cone is mounted on a common base, total pyrotechnic composition may not exceed 200 g. (See section 3.5 for exceptions.)

* **3.1.1.3 Illuminating Torch** Cylindrical tube containing not more than 100 g of pyrotechnic composition that produces a colored flame upon ignition. May be spike, base, or hand held. When more than 1 tube is mounted on a common base, total pyrotechnic composition may not exceed 200 g. (See section 3.5 for exceptions.)

* **3.1.1.4 Wheel** Pyrotechnic device intended to be attached to a post or tree by means of a nail or string. May have one or more drivers, each of which may contain not more than 60 g of pyrotechnic composition. No wheel may contain more than 200 g total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

* **3.1.1.5 Ground Spinner** Small device containing not more than 20 g of pyrotechnic composition, venting out an orifice usually on the side of the tube. Similar in operation to a wheel but intended to be placed flat on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

* **3.1.1.6 Flitter Sparkler** Narrow paper tube attached to a stick or wire and filled with not more than 5 g of pyrotechnic composition that produces color and sparks

upon ignition. The paper at one end of the tube is ignited to make the device function.

* **3.1.1.7 Toy Smoke Device** Small plastic or paper item containing not more than 100 g of pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect. **(For devices containing less than 5 g of pyrotechnic composition, see Section 3.2, Novelties.)** Toy smoke devices, when complying with the provisions of this section, are classed as Fireworks, 1.4G unless classed as 1.4S or not regulated as an explosive on the basis of examination and testing as specified in Title 49 CFR, § 173.56.

* **3.1.1.8 Wire Sparkler/Dipped Stick** These devices consist of a metal wire or wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to 100 g of pyrotechnic composition per item. **Certain wire sparklers and dipped sticks are considered as Novelties under this Standard, see Section 3.2.**

* **3.1.2 Aerial Devices**

* **3.1.2.1 Sky Rockets and Bottle Rockets** Cylindrical tube containing not more than 20 g of chemical composition with a wooden stick attached for guidance and stability. Rockets rise into the air upon ignition. A burst of color and/or sound may be produced at or near the height of flight.

* **3.1.2.2 Missile-Type Rocket** A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability. Missiles shall contain not more than 20 g of total chemical composition.

* **3.1.2.3 Helicopter, Aerial Spinner** A tube containing not more than 20 g of chemical composition, with a propeller or blade attached. Upon ignition the rapidly spinning device rises into the air. A visible or audible effect may be produced at or near the height of flight.

* **3.1.2.4 Roman Candle** Heavy paper or cardboard tube containing not more than 20 g of chemical composition. Upon ignition, stars (see section 2.14) are individually expelled.

* **3.1.2.5 Mine and Shell Devices** Heavy cardboard or paper tube usually attached to a wooden or plastic base **and containing not more than 60 g of total chemical composition (lift charge, burst charge, and visible/audible effect composition.)** Upon ignition stars, components producing reports containing up to 130 mg of explosive composition per report, or other devices are propelled into the air. **The term mine refers to a device with no internal components containing a bursting charge, and the term shell refers to a device that propels a component that subsequently bursts open in the air. A mine or shell device may contain more than 1 tube provided the tubes fire in sequence upon ignition of 1 external fuse. The term cake refers to a dense-packed collection of mine/shell tubes. Total**