

## CHAPTER 124

# FIREWORKS

**124.01 Definitions**

**124.02 Violations**

**124.03 Prohibitions**

**124.04 Sale of Consumer Fireworks**

**124.05 Seizure of Fireworks**

**124.06 Exemptions**

**124.07 Emergency**

**124.01 DEFINITIONS.** The following terms, words, and phrases, when used in this article, shall have the meaning as set forth in this section, except where the context clearly indicates a different meaning:

1. **Consumer Fireworks.** This includes First-Class Consumer Fireworks and Second-Class Consumer Fireworks as those terms are defined in Section 100.19 and Chapter 727 of the Iowa Code. Consumer Fireworks do not include novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1 or Display Fireworks enumerated in Chapter 4 of the American Pyrotechnics Association's Standard 87-1.

2. **Display Fireworks.** This includes any explosive composition or combination of explosive substances or article prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation and includes fireworks containing any explosive or flammable compound or other device containing any explosive substance. Display Fireworks do not include novelties or Consumer Fireworks enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1.

3. **Fireworks.** This means Consumer Fireworks and Display Fireworks. Fireworks do not include novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Products Safety Commission.

**124.02 VIOLATIONS.** Any person who fails to perform an act required by the provisions of this Chapter or who commits an act prohibited by this Chapter shall be guilty of a simple misdemeanor punishable by a fine or punishable as a municipal infraction civil penalty as set forth in the City of Riverside Code of Ordinances.

1. A person who sells Consumer Fireworks to a person who is less than eighteen (18) years of age commits a simple misdemeanor, punishable by a fine not less than \$250.00.

2. A person who is less than eighteen (18) years of age who purchases Consumer Fireworks commits a simple misdemeanor, punishable by a fine not less than \$250.00.

3. A person who uses or explodes Consumer Fireworks in violation of this Article commits a simple misdemeanor, punishable by a fine not less than \$250.00.

4. A person who uses or explodes Display Fireworks while the use of such device is in violation of this Article commits a simple misdemeanor, punishable by a fine not less than \$250.00.

**124.03 PROHIBITIONS.** It shall be unlawful for any person to do any of the following:

1. Manufacture fireworks within the City limits.
2. Sell Display Fireworks within the City limits.
3. It shall be unlawful for a person to use or explode Consumer Fireworks within the City Limits of Riverside, Iowa.
4. It shall be unlawful for a person to possess, use or explode Display Fireworks, except in possession of and in compliance with all requirements of a permit issued by Riverside under this ordinance.

**124.04 SALE OF CONSUMER FIREWORKS.** It shall be unlawful for any person to offer for sale, expose for sale or sell Consumer Fireworks, unless the person is a retailer or community group defined in Chapter 100, Iowa Code, and possess and complies with all requirements of a Consumer Fireworks seller license issued by the State Fire Marshall. In addition, any person shall also possess a permit and proof of insurance from the City of Riverside in order to offer for sale, expose for sale or sell Consumer Fireworks. The cost of said permit shall be set by resolution of the City.

1. Consumer Fireworks shall only be sold during the following dates and times as established by Iowa Code:

- A. For fireworks sold within a permanent building or structure, they may only be displayed and sold between the dates of June 6<sup>th</sup> and July 8<sup>th</sup> and December 10<sup>th</sup> and January 3<sup>rd</sup>.

- B. For fireworks sold within a temporary structure, they may only be displayed and sold between the dates of June 13<sup>th</sup> and July 8<sup>th</sup>.

2. Consumer Fireworks may only be sold in the following zoning districts of the City of Riverside:

- A. C-1 and C-2

- B. M-1 and M-2

3. Consumer Fireworks may not be sold on public property or within a residential zoning district.

**124.05 SEIZURE OF FIREWORKS.** The Fire Chief may seize, take, remove or cause to be removed, at the expense of the owner, all Consumer Fireworks or Display Fireworks offered or exposed for sales, used, stored, possessed or held in violation of this Chapter.

**124.06 EXEMPTIONS.** The City Council may, upon application in writing, grant a permit for the use of Display Fireworks by municipalities, fair associations, amusement parks, or other organizations or groups approved by the City when the Display Fireworks will be handled by a competent operator as determined by the Fire Chief. The cost of the permit shall be set by resolution of the City. No Display Fireworks shall be used or exploded in the City of Riverside without a permit. In addition, proof of insurance at the following levels shall be required to receive a permit:

1. Personal Injury: \$500,000 per person
2. Property Damage: \$500,000
3. Total Exposure: \$1,000,000

**124.07 EMERGENCY.** When, in the opinion of the Fire Chief, weather and soil conditions create a safety emergency so that Display Fireworks creates a danger to the Public or Property, the Fire Chief may suspend, cancel, or prohibit the use of Display Fireworks at any time.

[The next page is 671]

