

Current Fireworks Policy for Unincorporated Areas of Dickinson County

Excerpt from April 3, 2018: general discussion regarding the county issuance of Firework Display Permits ensued. Tal Allen, an operator from J & M Displays was also present. The board will consider an ordinance to regulate permits in the unincorporated areas of the county at an upcoming meeting. It was moved by Fairchild, seconded by Allen, to discontinue the approval of Firework Display Permits being ignited on lakes/water. The Department of Natural Resources will be responsible for those permits. Roll call vote: Fairchild-aye, Allen-aye, Johnson-aye, Jordan-aye, and Leupold-aye. Moved by Fairchild, seconded by Allen, to discontinue approving permits in the incorporated (city) areas of the county. Assistant County Attorney Lonnie Saunders will send letters to all the county cities.

Excerpt from April 10, 2018: It was moved by Johnson, seconded by Fairchild to adopt the Iowa Fireworks Code. An abbreviated version of the code goes as follows: 2. *Display Fireworks* a. A person, firm, partnership, or corporation, who offers for sale, exposes for sale, sells at retail or uses or explodes any display fireworks, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. However, a city council of a city or a county board of supervisors may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the city or the county board of supervisors when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa state fairgrounds by the Iowa state fair board, at incorporated county fairs, or at district fairs receiving state aid. Sales of display fireworks for such display may be made for that purpose only. 4. *Limitations* a. A person shall not use or explore consumer fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive. b. 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: (1) Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4. (2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day. (3) Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31. Roll call vote: Johnson-aye, Fairchild-aye, Allen-aye, Jordan-aye, and Leupold-aye. Assistant County Attorney Lonnie Saunders has been directed to prepare a county resolution that will allow for special permits to be applied for outside of the aforementioned date timeline.

Excerpt from May 1, 2018: For those wanting to shoot off fireworks after the time frame listed above

DICKINSON COUNTY RESOLUTION 2018-5 RESOLUTION REGARDING THE PERMITTING OF FIREWORKS DISPLAYS

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

WHEREAS, Iowa Code Section 364. 2 is amended by adopting a new Subsection 6 which provides that a municipality may “by ordinance or resolution prohibit or limit the use of consumer fireworks, display fireworks, or novelties, as described in Iowa Code Section 727.2; and,

WHEREAS, Dickinson County wishes to adopt the Iowa Law regarding the use of “First Class Fireworks, Second Class Fireworks, and Consumer Fireworks”, as those terms are defined in Section 100.19(1) and elsewhere in the Iowa Code, including but not limited to Iowa Code Section 727.2; and

WHEREAS Dickinson County is aware that the Iowa Department of Natural Resources (DNR) has primary jurisdiction upon the navigable waters of Dickinson County, and that said DNR has its own application and requirements for the issuance of fireworks permits on the Iowa Great Lakes. Dickinson County shall not require an application for fireworks displays on the Iowa Great Lakes but shall defer such issuance to the DNR, and

WHEREAS the Dickinson County Board of Supervisors acknowledge that there may be special times or occasions where the issuance of a fireworks permit may be granted that is outside of the time limitations of Iowa Code Section 727.2(4)(a)(b), and wishes to make provision for the issuance of a permit under such special circumstances.

NOW, THEREFORE, upon receipt of a written application, the Board of Supervisors may permit the display and exploding of consumer fireworks by any individual, group or organization, outside of the calendar and time restrictions set forth in Iowa Code Section 727.2 if the fireworks be handled by a competent operator, and under the following conditions:

- Proof of comprehensive general liability insurance limits in the amount of \$1,000,000.00 combined single limit.
- Applicant and/or sponsor must be named insureds.
- Dickinson County shall also be named as an additional insured.
- Fireworks may only be displayed and exploded between the hours of 6:00 p.m. and 12:00 a.m.

PASSED AND APPROVED this 1st day of May 2018. William Leupold Chairperson.