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ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 41 PUBLIC HEALTH AND SAFETY BY AMENDING §41.12: ILLEGAL USE OF FIREWORKS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 41 Public Health and Safety, Section 41.12 Illegal Use of Fireworks of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended and adopted as follows:

CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.12 ILLEGAL USE OF FIREWORKS.

1. A person, firm, partnership, or corporation who sells consumer fireworks to a person who is less than eighteen years of age commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. A person who is less than eighteen years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

2. **A person age eighteen or older may use or explode consumer fireworks during the following designated times:**

   July 3rd from 3:00 p.m. to 11:00 p.m.
   July 4th from 12:00 p.m. to 11:00 p.m.
   December 31st from 9:00 p.m. to January 1st 12:30 a.m.

3. A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited by an ordinance adopted by the city in which the fireworks are used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

4. A person who uses or explodes consumer fireworks or novelties while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

SECTION 2. SEVERABILITY CLAUSE. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 1st day of November, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 1st day of November, 2017, and was published as Ordinance No. _____ on the _____ day of November, 2017.

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Kelly Kornegor, City Clerk