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DRAFT

RESOLUTION NO. 17-
City Council

RESOLUTION SETTING A PUBLIC HEARING DATE TO CONSIDER AMENDING HIAWATHA CODE OF ORDINANCES CHAPTER 160 FIRE CODE §160.35 SEIZURE OF FIREWORKS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA to direct staff to proceed with notification of a public hearing that will be held in the Hiawatha Council Chambers, 101 Emmons Street, before the Hiawatha City Council on Wednesday, November 1, 2017 at 5:30 P.M. regarding amending Hiawatha Code of Ordinances Chapter 160 Fire Code §160.35 Seizure of Fireworks by adding a reference other city code chapters that provide regulations on fireworks.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 18th day of October, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kari Graber, Deputy Clerk

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 160 FIRE CODE §160.35 SEIZURE OF FIREWORKS

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

SECTION 1. Chapter 160, Fire Code Section 160.35 Seizure of Fireworks, of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended as follows:

160.35 SEIZURE OF FIREWORKS. The Hiawatha Fire Code is hereby amended by adding sections 5601.7.1, as follows:

> 5601.7 Seizure of fireworks. It shall be unlawful for any person, or entity, to possess, store, to offer for sale, sell at retail or use or explode any fireworks, except as allowed by State law and/or City ordinance. It shall be unlawful for any person, or entity, to use or explode any fireworks on any City owned or leased property without a permit approved by City Council.
>
> The Fire Code Official may issue an Operational Permit for Explosives and/or Pyrotechnic Special Effects Materials for the use of fireworks by artisans in pursuit of their trade in accordance with the Fire Code. Every such use or display shall be handled by a competent operator approved by the Fire Code Official and after proper investigation, not be hazardous to property or endanger any person.
>
> The Fire Code Official shall seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of the section.

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.

DRAFT

_____
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 posted as Ordinance No. _____ on the ____ day of November, 2017.

_____
Kelly Kornegor, City Clerk