

**ORDINANCE NO. 2017 - 08**

**AN ORDINANCE AMENDING CHAPTER 41 SECTION 41.11 of the Code of Ordinance of the City of Shenandoah, Iowa.**

**BE IT ENACTED** by the City Council of the City of Shenandoah, Iowa:

**SECTION 1. SECTION MODIFIED.** Chapter 41, Section 41.11, Fireworks Permit of the Code of Ordinances of the City of Shenandoah, Iowa, 1997, is repealed and the following adopted in lieu thereof:

The word unlawful is changed to lawful.

The reference to Section 727.2 of the Iowa Code is changed to Section 727.2 of the Iowa Code as modified by Senate File 489.

The following changes are further proposed for Section 41.11:

1. The Shenandoah Fire Chief shall have authority to make the determination regarding usage where there is a fire safety or other threat to public safety.
2. The City of Shenandoah shall charge a registration fee for any wholesaler or retailer within the City limits and the charge therefore shall be \$25.00. Every wholesaler or retailer must obtain a permit from the City.
3. The City of Shenandoah shall prohibit the wholesale or retail storage of fireworks in any building with a party wall or common wall, in any building or lot in a residential or multifamily zoned area and in any building or lot in the central business district within the block on either side of Sheridan between Railroad to Willow.  
There shall be no sale, wholesale or retail, or use of fireworks on any public property including Parks, Cemetery, Ball Parks, Tennis Courts, Swimming Pool or any property owned or operated by the City.
4. The City of Shenandoah shall prohibit the use or exploding of fireworks except during the days and hours as follows:  
  
July 1 through July 3 until 10:00 P.M. and on July 4 until 11:00 P.M.  
  
December 31 [New Year's Eve] only until 1:00 A.M. [January 1]  
  
All dates inclusive
5. The City refers to and relies on State Law for all other aspects of Fireworks Regulation.

**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** by the Council this 22<sup>nd</sup> day of August, 2017.

s/s Richard N. Hunt, Mayor

s/s Karla Gray, City Clerk/Treasurer