

ORDINANCE NO. 11-14-22

AN ORDINANCE AMENDING THE ZONING CODE OF ORDINANCES OF THE CITY OF MILFORD, IOWA TO ADD A NEW SECTION 12.17 SALE OF FIREWORKS REGULATIONS

WHEREAS, the Council (“Council”) of the City of Milford, Dickinson County, Iowa (“City”) is considering amendments to the City Zoning Ordinance.

WHEREAS, the amendment is to add a new section, entitled Section 12.17 SALE OF FIREWORKS REGULATIONS (which is attached).

WHEREAS, the Planning and Zoning Commission has recommended approval.

WHEREAS, a public hearing was held at the November 14, 2022 regular meeting after notice and publication.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MILFORD, IOWA:

SECTION I. ENACTMENT: The Milford City Zoning Code is amended as shown in the attached document to add Section 12.17 SALE OF FIREWORKS REGULATIONS.

SECTION 2. REPEALER. All ordinances or part of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. 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 4. PUBLICATION. The City Clerk/Administrator is hereby authorized and directed to publish this Ordinance in a newspaper of general circulation in Dickinson County, Iowa in conformance with Iowa law.

SECTION 5. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

WHEREAS, a motion was made at the November 14, 2022, regular meeting after public hearing by Councilmember Hoffman and seconded by Councilmember Eckard to consider approval of this Ordinance (first consideration) and upon roll call the following vote was recorded: AYES: Hinshaw, Frederick, Hoffman, Yungbluth and Eckard. NAYS: None. Said motion to consider approval of this Ordinance (first consideration) was approved by the City

Council;

WHEREAS, a motion was made at the November 14, 2022, regular meeting by Councilmember Hoffman and seconded by Councilmember Hinshaw to waive the second and third consideration of this Ordinance and upon roll call the following vote was recorded: AYES: Hinshaw, Frederick, Hoffman, Yungbluth and Eckard. NAYS: None. Said motion to waive the second and third consideration of this Ordinance was approved by the City Council, and therefore, the second and third consideration of this Ordinance were waived;

WHEREAS, a motion was made at the November 14, 2022, regular meeting by Councilmember Yungbluth and seconded by Hinshaw to adopt this Ordinance and upon roll call the following vote was recorded: AYES: Hinshaw, Frederick, Hoffman, Yungbluth and Eckard. NAYS: None. Said motion to adopt this Ordinance was approved by the City Council. Thereupon, the Mayor declared this Ordinance, passed and approved on the date shown below.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Milford, Iowa: This Ordinance is hereby passed and approved this 14th day of November, 2022.

Steve Anderson, Mayor

ATTEST:

LeAnn Reinsbach, City Clerk/Administrator

I, the undersigned, hereby certify that I am the duly appointed, qualified and acting, City Clerk/Administrator for the City of Milford, Iowa, and the foregoing Ordinance was duly adopted by the City Council of the City of Milford, on the 14th Day of November, 2022, and thereafter on the 24th day of November, 2022, the same was published in the Dickinson County News, a weekly newspaper published in Dickinson County, Iowa.

LeAnn Reinsbach, City Clerk/Administrator

Section 12.17 SALE OF FIREWORKS REGULATIONS.

Any business or establishment that is involved in the retail or wholesale sale of fireworks shall be permitted within the City of Milford that meets the requirements of Iowa Code Section 100.19, in the (AC) Arterial Commercial, (BC) Business Commercial, (HI) Heavy Industrial or (LI) Light Industrial zoning district upon receipt of a site plan prepared in accordance with Article 14; upon receipt of consumer firework seller license permit issued from the state fire marshal as stated in Iowa Code Section 100.19, upon receipt of documentation that the permanent or temporary building meets or exceeds the national fire protection association (NFPA) standard 1124 published in the code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles (2006 edition), as required in Iowa Code Section, 100.19; proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000; and only if it meets all of the additional requirements set forth below.

1. Definitions.

Fireworks: Shall mean consumer fireworks as defined under Iowa Code section 727.2, which definitions are incorporated herein by reference.

2. Fireworks Sales and Safety Requirements. The following safety requirements shall be adopted for all locations where fireworks are sold:

- A. Any permanent structure used primarily for the purpose of fireworks sales shall be located 100 feet from a property line, public roadway, alley, or highway; and 150 feet from an inhabited building.
- B. Any temporary structure having between 500 and 1000 pounds of total aggregate weight of DOT 1.4 class fireworks shall be located 125 feet from a property line, public roadway, alley, or highway; and 150 feet from an inhabited building.
- C. Any permanent or temporary structure for the purpose of fireworks sales shall be 500 feet from a service station or fuel storage facility.
- D. Smoking, open flame source, or matches shall not be located within 50 feet where fireworks are sold. NO SMOKING signs shall be posted in conspicuous locations throughout the sales area. The following exemptions apply:
 - i. Lighters and matches may be sold as part of a retail business in commercial structures who engage in other merchandise sales where fireworks are not the primary business.
 - ii. Businesses or establishments that engage in firework sales as a primary source of revenue may sell extended lighters so long as lighters are located in a sealed package and not opened within the store premises.
- E. All electrical wiring shall meet NFPA 70 National Electrical Code. Permanent structures or buildings used primarily for fireworks sales shall meet wiring requirements for a hazardous location, including covered light fixtures to avoid sparks upon failure or damage to lights.
- F. All fireworks sales locations shall maintain 48 inch clear aisles between fireworks display shelves.

- G. Any location where fireworks are sold shall maintain two approved exits for egress during an emergency. All approved exits shall be clearly marked with signage; except that, exit signs shall be illuminated in permanent structures.
- H. Fireworks sales shall only be permitted in a single story at grade building or structure to facilitate easy exiting during an emergency.
- I. All locations shall have a minimum of two 10 pound ABC rated fire extinguishers mounted in accordance with NFPA 10. Additional fire extinguishers shall be placed in locations to prevent travel distance exceeding 75 feet in order to reach a fire extinguisher. Nothing in the ordinance prevents a temporary sales location from having emergency water barrels positioned in the sales area for use during a small fire; except that fire extinguishers are still required.
- J. All doors used as service doors outside the view of a clerk shall be locked to prevent unauthorized persons from entering the building unnoticed. If doors are required as part of the two approved exits needed, they shall be operable without special tools, keys, or knowledge. Delayed or alarmed egress doors are permitted so long as release is active within 8 seconds and the delay device is not affixed to the primary egress door.
- K. No persons under the influence of alcohol, drugs, or narcotics, shall be allowed to remain in the business where fireworks are sold as a primary business.
- L. Individual fireworks devices or opened fireworks packages shall not be permitted to be displayed. No open fuses shall be exposed during storage inside a sales location.
- M. No person shall sell fireworks to a person under the age of 18.
- N. Fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by other substances.
- O. Firework sales shall only be conducted in accordance with dates and times designed by Iowa Code Section 727.2. It shall be unlawful to sell fireworks without meeting the requirements specified in this ordinance, or to sell fireworks outside of the dates specified.