



AGENDA
CITY OF CEDAR FALLS, IOWA
CITY COUNCIL WORK SESSION
TUESDAY, APRIL 26, 2022
6:00 PM AT UPPER IOWA UNIVERSITY, WATERLOO CENTER
3563 UNIVERSITY AVENUE, WATERLOO

Call to Order by the Mayor

1. Fireworks - Joint discussion with Waterloo elected officials.
(90 Minutes, Mayors Robert M. Green and Quentin M. Hart)

727.2 Fireworks.

1. *Definitions.* For purposes of [this section](#):

a. “*Consumer fireworks*” includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in [section 100.19, subsection 1](#). “*Consumer fireworks*” does not include novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1 or display fireworks enumerated in chapter 4 of the American pyrotechnics association’s standard 87-1.

b. “*Display fireworks*” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. “*Display fireworks*” does not include novelties or consumer fireworks enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1.

c. “*Novelties*” includes all novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

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.

b. (1) A person who uses or explodes display fireworks while the use of such devices is prohibited or limited by an ordinance or resolution adopted by the county or city in which the firework is used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(2) A person who uses or explodes display fireworks 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.

3. *Consumer fireworks and novelties.*

a. A person or a firm, partnership, or corporation may possess, use, or explode consumer fireworks in accordance with [this subsection](#) and [subsection 4](#).

b. 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.

c. (1) 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 county or city in which the fireworks are used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(2) 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.

4. *Limitations.*

a. A person shall not use or explode 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.

c. A person shall not use consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property.

d. A person who violates [this subsection](#) commits a simple misdemeanor. A court shall not order imprisonment for violation of [this subsection](#).

5. *Applicability.*

a. [This section](#) does not prohibit the sale by a resident, dealer, manufacturer, or jobber of such fireworks as are not prohibited by [this section](#), or the sale of any kind of fireworks if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization.

b. [This section](#) does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

c. Unless specifically provided otherwise, [this section](#) does not apply to novelties.

[C39, §[13245.08](#) – [13245.10](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §[732.17](#) – [732.19](#); C79, 81, §[727.2](#)]

[92 Acts, ch 1163, §120; 99 Acts, ch 153, §22; 2008 Acts, ch 1032, §106; 2017 Acts, ch 115, §10, 12](#)

Referred to in [§100.1, 101A.1, 331.301, 331.304, 364.2, 461A.42](#)

Waterloo Code of Ordinances

Chapter 2 – General Offenses

Section 5-2-13: FIREWORKS:

A. Definition: The sale and use of fireworks is subject to the definitions enumerated in Iowa Code sections 100.19 and 727.2, as amended, which definitions are incorporated herein by this reference.

B. Prohibitions And Use:

1. It shall be unlawful for any person to use or explode any consumer fireworks within the corporate limits of the City of Waterloo except on July 3, 4, and 5 of each year between the hours of twelve o'clock (12:00) noon and eleven o'clock (11:00) P.M. on July 4 and between the hours of twelve o'clock (12:00) noon and ten o'clock (10:00) P.M. on July 3 and July 5. This section shall not apply to novelty fireworks as defined by Iowa Code section 727.2.

2. The use of consumer fireworks that mimic display fireworks or rise to one hundred fifty (150) decibels or to two hundred ten feet (210') elevation is banned from use at all times within the corporate limits of the City of Waterloo unless the user has obtained a permit as outlined in the Code of Iowa.

3. Consistent with the Code of Iowa, use of fireworks within the corporate limits of the City of Waterloo, when such occurs on July 3, 4, and 5, shall only occur on the user's personal real property. Use of fireworks, unless a permit has been obtained, is not allowed on city owned property, public sidewalks, rights of way, streets, parks, or parking lots. Use is not allowed on personal real property if that personal real property is not owned by the user of fireworks unless the owner has given consent prior to use.

4. It shall be prohibited to direct the use of consumer fireworks in any direction other than onto the user's personal real property or the real property where the owner has given prior consent.

5. All consumer firework debris shall be removed from the user's personal real property or wherever such use has resulted in its debris being located.

C. Exception: Nothing in this section shall be construed to prohibit the use of blank cartridges for a show or the theater, for signal purposes in athletic sports or by railroads or trucks, for signal purposes, by a recognized military organization, or for use in military funerals. Provided further, this section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

D. Permit: Subsection B of this section shall not apply to anyone who has applied in writing and has received approval from the Council for the use of consumer fireworks or display fireworks anywhere in the City on any date when the fireworks display will be handled by a professional operator, as referenced in section 9-2C-4 of this code.

E. Sales: It shall be unlawful to sell fireworks in any location within the corporate limits of the City of Waterloo except in conformance with the City of Waterloo Zoning Ordinance No. 5079, as amended. A seller of consumer fireworks must possess a license from the State Fire

Marshal. Any retailer or community group selling consumer fireworks must prominently display, at the entrance and exit sites, signs informing customers that the use of consumer fireworks is prohibited within the corporate limits of the City of Waterloo except as authorized by subsection 5-2-13B.

F. Violation: A violation of this section is a simple misdemeanor punishable by a fine of not less than three hundred seventy five dollars (\$375.00).

G. Enforcement:

1. This section 5-2-13 shall be enforced by any employee, who shall have authority to document violations and issue citations for municipal infractions, and said employees shall also respond to related nuisance calls.

2. Citations for violations of 5-2-13 shall be directed to the person observed/found to have violated 5-2-13 or the owner of personal real property on which the evidence exists of violation of 5-2-13. Furthermore, where evidence of violation of the Noise Control Ordinance or Nuisance Property exists, such citations shall be written. Any person who violates or resists the enforcement of any of the provisions of this section shall be guilty of a Municipal infraction punishable by a civil penalty of a minimum three hundred seventy-five dollar (\$375.00) fine.

3. The vendors of fireworks shall be monitored during sales periods as to type of consumer fireworks sold and to posting the mandated "Prohibitions on Use".

H. Appeal: All persons receiving citations according to this section 5-2-13 shall have right of appeal to the City Council of Waterloo. (Ord. 5485, 2-18-2019; amd. Ord. 5568, 8-17-2020; Ord. 5598, 5-17-2021)

Cedar Falls Code of Ordinances

Chapter 16 – Offenses and Miscellaneous Provisions

Sec. 16-24. Fireworks.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Consumer fireworks means first-class consumer fireworks and second-class consumer fireworks as those terms are defined in this subsection.

Display fireworks means any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "display fireworks" does not include novelties or consumer fireworks enumerated in chapter 3 of the American Pyrotechnics Association (APA) standard 87-1.

First-class consumer fireworks means the following consumer fireworks, as described in APA standard 87-1, chapter 3:

- (1) Aerial shell kits and reloadable tubes.
- (2) Chasers.
- (3) Helicopter and aerial spinners.
- (4) Firecrackers.
- (5) Mine and shell devices.
- (6) Missile-type rockets.
- (7) Roman candles.
- (8) Sky rockets and bottle rockets.
- (9) Multiple tube devices set forth under this definition that are manufactured in accordance with APA standard 87-1, section 3.5.

Novelties means all novelties, enumerated in chapter 3 of the APA standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission. The term "novelties" includes party poppers, snappers, toy smoke devices, snakes and glow worms, and wire sparklers as defined in APA standard 87-1, section 3.2.

Second-class consumer fireworks means the following consumer fireworks, as described in APA standard 87-1, chapter 3:

- (1) Cone fountains.
- (2) Cylindrical fountains.
- (3) Flitter sparklers.
- (4) Ground and handheld sparkling devices, including multiple tube ground and handheld sparkling devices that are manufactured in accordance with APA standard 87-1, section 3.5.
- (5) Ground spinners.
- (6) Illuminating torches.

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- (7) Toy smoke devices that are not classified as novelties pursuant to APA standard 87-1, section 3.2.
 - (8) Wheels.
 - (9) Wire or dipped sparklers that are not classified as novelties pursuant to APA standard 87-1, section 3.2.
 - (b) *Prohibitions.* It shall be unlawful for any person to use or explode consumer fireworks within the city limits. It shall be unlawful for any person to use or explode display fireworks within the city limits, unless a permit is properly obtained as set forth in subsection (d) of this section.
 - (c) *Exceptions.* This section shall not apply to the use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization. Nor shall this section apply to any substance or composition prepared and sold for medicinal or fumigation purposes.
 - (d) *Display fireworks.* The council may, upon application in writing, grant a permit for the use and explosion of display fireworks within the city limits by municipalities, fair associations, amusement parks, and other organizations or groups of individuals when the use and explosion of such display fireworks will be handled by a competent operator, and proof of liability insurance is shown. (See also section 9-20.)
 - (e) *Violation.* Violation of this section is a simple misdemeanor punishable by a fine of not less than \$250.00.