

TITLE III

CHAPTER 1: MISDEMEANORS

ARTICLE 4 - PUBLIC HEALTH AND SAFETY

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4.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against public health and safety and providing for their abatement.

4.02 DISCHARGING WEAPONS.

1. It shall be unlawful for a person or corporation to discharge or fire any cannon, bomb, rifle, shotgun, revolver, pistol, gun, air rifles or air gun or a firearm of any kind, or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive within the city limits except by a police/peace officer in the line of duty. No person shall intentionally discharge a firearm in a reckless manner.
2. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.
3. In the interest of public health and safety and at such times as approved by the Chief of Police or Mayor, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.
4. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

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4.03 FIREWORKS. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks without a permit from the city.

1. DEFINITION. The term "fireworks" shall mean and include 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 shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other device containing any explosive substance. The term "*fireworks*" does not include goldstar-producing sparklers on wires which contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed one-eighth of an inch in diameter, toy snakes which contain no mercury, or caps used in cap pistols.

(Code of Iowa, Sec. 727.2(1))

2. A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any fireworks, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this section shall include assessment of a fine of not less than two hundred fifty dollars. However, the council of a city or a county board of supervisors may, upon application in writing, grant a permit for the display of 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 fireworks display will be handled by a competent operator, but no such permit shall be required for the display at incorporated county fairs, or at district fairs receiving state aid. Sales of fireworks for such display may be made for that purpose only.

3. REGULATIONS. The city may, upon application in writing, grant a permit for the display of fireworks by a city agency, fair associations, amusement parks and other organizations or groups of individuals approved by the council when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the city evidence of insurance in the following amounts:

a. Personal injury:	\$ 250,000 per person
b. Property damage:	\$ 50,000
c. Total exposure:	\$ 1,000,000

4. OTHER PURPOSES EXEMPT. Nothing in section 4.03 shall be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the

ORDINANCE NO. 688

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE III, CHAPTER 1, ARTICLE 4, SECTION 4.03 BY REPEALING SECTION 4.03 AND ADDING A NEW SECTION IN SECTION 4.03 RELATING TO FIREWORKS.

WHEREAS, the General Assembly of the State of Iowa has taken measures to allow the sale and use of consumer fireworks in the State of Iowa during specific time frames and pursuant to applicable state licensure; and

WHEREAS, the new legislation provides for city councils, by ordinance, to prohibit or limit the use of consumer fireworks within their jurisdiction if determined a public safety risk or a nuisance to neighbors.

NOW, BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Section 4.03, and adopting a new Section 4.03 in lieu thereof as follows:

4.03 FIREWORKS:

1. DEFINITION. For purposes of this section, definitions are enumerated in the Iowa Code Section 727.2, which definitions are incorporated herein by reference.

(Code of Iowa, Sec. 727.2)

2. SALES – GENERAL REQUIREMENTS.

- A. Prior to any person engaging in the sale of consumer fireworks, the following shall be provided to the City Administrator:

- 1) License: Proof of valid license issued from the state fire marshal.
- 2) Liability Insurance: Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000.00.

- B. Dates of Sale: Consumer firework sales shall only be conducted in accordance with the dates and times designated by Iowa Code Section 727.2. It shall be unlawful to sell consumer fireworks without meeting the requirements specified in this Ordinance, or to sell fireworks outside of the dates specified.

- 1) Approved consumer firework sales meeting requirements of the Code of the State of Iowa shall be allowed from any permanent structure or building June 1 until July 8 and from December 10 until January 3.

- 2) Approved consumer firework sales meeting the requirements of the Code of the State of Iowa shall be allowed in an approved temporary structure from June 13 until July 8.

C. Limitations on Sales.

- 1) Consumer firework sales shall only be allowed in the area zoned for commercial use pursuant to the City of Rock Rapids Zoning and Subdivision Ordinance.
- 2) No person shall sell a DOT 1.4 class consumer firework to the person under the age of 18.
- 3) Consumer fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by any other substance.

3. DISCHARGING FIREWORKS – GENERAL REQUIREMENTS.

- A. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework without parental supervision.
- B. A person shall only discharge a consumer firework device on real property they own or on property where consent has been given. Novelties, including snakes, sparklers or caps, can be discharged on a public place so long as all trash, wrappers, and wires are properly disposed of.
- C. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.
- D. Any person discharging a consumer firework device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer firework device in a reckless manner or manner likely to cause death, injury, fire or property damage.
- E. No person shall discharge a consumer fireworks device outside the following dates and hours:
 - 1) June 15 through July 8 from the hours of 9 A.M. until 10 P.M.
Exception: discharge hours are extended to 11pm on July 4th only.
 - 2) December 10 through January 3 from the hours of 9 A.M. until 10 P.M.
Exception: discharge hours are extended to 12:30am on January 1.
- F. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.

G. The City may, upon application in writing, grant a permit for the display of display fireworks on public property by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such display fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- 1) Personal Injury: \$250,000.00 per person.
- 2) Property Damage: \$50,000.00.
- 3) Total Exposure: \$1,000,000.00.

4. VIOLATIONS. All violations of any provisions of this chapter are hereby declared a simple misdemeanor with a fine not to exceed \$250.00. Violations of this chapter will also be reported to the state fire marshal.

5. EXCEPTIONS. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of state; or the sale or use of blank cartridges for a shown or theater, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

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. 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 22nd day of May, 2017

Jason Chase, Mayor

ATTEST: _____
Jordan Kordahl, City Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 31st day of May, 2017, in the Lyon County Reporter, a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 31st day of May, 2017.

Jordan Kordahl, City Clerk

ORDINANCE NO. 696

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE III, CHAPTER 1, ARTICLE 4, SECTION 4.03(3)(E) BY REPEALING SECTION 4.03(3)(E) AND ADDING A NEW SECTION IN SECTION 4.03(3)(E) RELATING TO FIREWORKS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title III, Chapter 4, Article 4, Section 4.03(3)(E), and adopting a new Section 4.03(3)(E) in lieu thereof as follows:

E. No person shall discharge a consumer fireworks device outside the following dates and hours:

- 1) July 1 through July 7 from the hours of 9:00 AM until 10:00 PM.
Exception: discharge hours are extended to 11:00 PM on July 4th only.
- 2) December 28 through January 3 from the hours of 9:00 AM until 10:00 PM.
Exception: discharge hours are extended to 12:30 AM on January 1st only.

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. 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 14th day of May, 2018.

Jason Chase, Mayor

ATTEST: _____
Jordan Kordahl, City Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 23rd day of May, 2018, in the Lyon County Reporter, a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 23rd day of May, 2018.

Jordan Kordahl, City Clerk

ORDINANCE NO. 697

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE III, CHAPTER 1, ARTICLE 4, SECTION 4.03(3)(E) BY REPEALING SECTION 4.03(3)(E) AND ADDING A NEW SECTION IN SECTION 4.03(3)(E) RELATING TO FIREWORKS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title III, Chapter 4, Article 4, Section 4.03(3)(E), and adopting a new Section 4.03(3)(E) in lieu thereof as follows:

E. No person shall discharge a consumer fireworks device outside the following dates and hours:

1) June 29 through July 7 from the hours of 9:00 AM until 10:00 PM.
Exception: discharge hours are extended to 11:00 PM on July 4th only.

2) December 28 through January 3 from the hours of 9:00 AM until 10:00 PM.
Exception: discharge hours are extended to 12:30 AM on January 1st only.

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. 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 11th day of June, 2018.

Jason Chase, Mayor

ATTEST: _____
Jordan Kordahl, City Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 20th day of June, 2018, in the Lyon County Reporter, a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 20th day of June, 2018.

Jordan Kordahl, City Clerk

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same are to be shipped out of state; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads, trucks, for signal purposes, or by a recognized military organization; and provided further that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

5. PROHIBITION. No person shall possess fireworks except as provided in this Chapter.

4.04 FALSE ALARMS. It is unlawful for a person to:

1. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.
(Code of Iowa, Sec. 723.4(5))

2. A person who reports or causes to be reported false information to a fire department, a law enforcement authority, or other public safety entity, knowing that the information is false, or who reports the alleged occurrence of a criminal act knowing the act did not occur.
(Code of Iowa 718.6(1))

3. A person who telephones an emergency 911 communications center knowing that the person is not reporting an emergency or otherwise needing emergency information or assistance.
(Code of Iowa 718.6(2))

4. A person who knowingly provides false information to a law enforcement officer who enters the information on a citation commits a simple misdemeanor, unless the criminal act for which the citation is issued is a serious or aggravated misdemeanor or felony, in which case the person commits a serious misdemeanor.

4.05 THROWING AND SHOOTING. It shall be unlawful for a person to throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or across any street, highway, alley, sidewalk or public place.

4.06 SALE OF TAINTED FOOD. It shall be unlawful for a person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.

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- 4.07 ABANDONED REFRIGERATORS. It shall be unlawful to place, or to allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an airtight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or structure, under his or their control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, ice box or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.
(Iowa Code, Sec. 727.3)
- 4.08 ANTENNA AND RADIO WIRES. It shall be unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property.
(Code of Iowa, Sec. 364.12(2))
- 4.09 BARBED WIRE AND ELECTRIC FENCE. It shall be unlawful for a person to use barbed wire or electric fence to enclose land within the city limits without the consent of the council unless such land is used as agricultural land.
- 4.10 DISTRIBUTING DANGEROUS SUBSTANCES. Any person who distributes samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance, commits a simple misdemeanor unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.
(Code of Iowa, Sec. 727.1)