

ORDINANCE NO. 04-30-26-01

AN ORDINANCE AMENDING THE JOHNSON COUNTY FIREWORKS ORDINANCE
TO ALLOW FOR THE DISCHARGE OF CONSUMER FIREWORKS DURING CERTAIN
DEFINED PERIODS OF TIME WITHOUT A PERMIT AND TO DELEGATE THE
AUTHORITY TO APPROVE ALL FIREWORKS PERMITS TO
THE JOHNSON COUNTY ZONING ADMINISTRATOR

SECTION I. PURPOSE. The Purpose of this ordinance is to further the stated purpose of the Code of Johnson County by updating requirements of the Johnson County Fireworks Ordinance identified as Ordinance 10-24-24-01.

SECTION II. AMENDMENTS.

Article 5:2 is hereby amended by deleting it in its entirety and replacing it with the following:

5:2.1. Purpose. The purpose of this chapter is to provide for a process for the consideration and granting of permits for the use of fireworks in Johnson County, Iowa, consistent with the discretion granted to the Board of Supervisors in Iowa Code Section 727.2.

5:2.2. Definitions.

- (A) As used in this ordinance, the term "fireworks" includes any explosive composition, combination of explosive substances, or device for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation, and that meets the definition of Section 727.2, Iowa Code. The term fireworks does not include gold star-producing sparklers on wires which contain no magnesium, chlorate or perchlorate; flitter sparklers in paper tubes that do not exceed one-eighth inch in diameter; toy snakes which contain no mercury; or caps used in cap pistols.
- (B) As used in this ordinance, the term "consumer fireworks" means fireworks devices classified as fireworks 1.4G UN #0336 and #0337 by the U.S. Department of Transportation at 49 CFR 172 .101 and includes those small fire work items intended for personal use and which can be purchased over-the-counter in many states. These items include small fountains, small aerial shells, sparklers, firecrackers, and small rockets.
- (C) As used in this ordinance, the term "display fireworks" means fireworks devices intended for use in fireworks displays and classified as explosives 1.3G as described as fireworks, UN #0333, #0334 and #0335 by the U.S. Department of Transportation at 49 CF R 172 .101.
- (D) As used in this ordinance, the term "operator" means a person trained in fireworks safety who will set up and explode the fireworks and has at least completed the applicable American Fireworks Association (AFA) or the Pyrotechnics Guild International (PGI) training, education, and testing programs and requirements. An operator for the requirements of this ordinance may be a person who is apprenticing and/or training to become certified.
- (E) As used in this ordinance, the term "applicant" means the municipality, organization, or group of individuals requesting a fireworks permit.
- (F) As used in this ordinance, the term "fireworks display" means the explosion of display fireworks regulated herein. The test-firing of fireworks by a person certified by the ATF to build fireworks shall not be considered as a fireworks display so long as said person's name and address are on file with the Zoning Administrator.

- (G) As used in this ordinance, the term “aerial shell” means the cartridge containing pyrotechnic composition, a burst charge, and an internal time fuse or module, that is propelled into the air from a mortar and that is intended to burst at or near apex.
- (H) As used in this ordinance, the term “fallout area” means the designated area in which hazardous or flammable debris is intended to fall after fireworks are fired and shall not contain any spectator viewing areas, parking areas, public and private rights-of-way or structures.
- (I) As used in this ordinance, the term “mortar” means the tube, closed at one end, from which aerial fireworks are fired into the air.
- (J) As used in this ordinance, the term “discharge site” means the area immediately surrounding the location where fireworks are ignited for display.
- (K) As used in this ordinance, the term “separation distance” means the distance necessary to secure spectator viewing areas, parking areas, public and private rights-of-way, hazardous materials sites, and any structures.
- (L) As used in this ordinance, the term “ground display piece” means a fireworks device that functions on the ground or functions while mounted securely above the ground (as opposed to an aerial shell that functions in the air).
- (M) As used in this ordinance, the term “display site” means the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas.
- (N) As used in this ordinance, the term “structure” means anything constructed or erected on the ground or attached to the ground, including, but not limited to, occupied or unoccupied buildings, barns, sheds, grain bins and silos, water towers, communications towers, electrical substations, electrical transformers and overhead electrical wires, solar arrays, battery energy systems, storage tanks, and swimming pools. Structures, as defined in this ordinance, do not include fences, signs, or retaining walls.

5:2.3. Prohibition of Display Fireworks. No person shall use or discharge Display Fireworks in unincorporated Johnson County, Iowa, unless a permit for such fireworks display is first obtained from the Johnson County Zoning Administrator in accordance with this ordinance.

5:2.3a. Prohibition of Consumer Fireworks. Except for July 3 through July 5 between the hours of 9:00 am and 11:00 pm; December 31 between the hours of 9:00 am and 11:59 pm; and January 1 between the hours of 12:00 am and 12:30 am, no person shall use or discharge Consumer Fireworks in unincorporated Johnson County, Iowa unless a permit for such fireworks display is first obtained from the Johnson County Zoning Administrator in accordance with this ordinance.

5:2.4. Application. Application for a permit under this ordinance shall be made electronically in a manner prescribed by the Zoning Administrator no later than 21 days before the anticipated fireworks display. The Zoning Administrator may, in their discretion, accept applications filed beyond the deadline set out herein. The application shall include such information as deemed necessary for its consideration, including but not limited to the following:

1. Name, address and telephone number of the applicant
2. Name, address and telephone number of the operator
3. Mailing addresses of all property owners within 500 feet of the discharge site
4. An explanation of the operator’s proficiency, training, and experience in the use and discharge of fireworks display
5. Description of intended fireworks display to include amount and type of fireworks, shell and mortar size, and any special considerations.

6. Date and time of fireworks display
7. A drawing of the display area which includes the discharge site and fallout area locations and distances (in feet) from:
 - A. Spectators
 - B. Parking
 - C. Structures
 - D. Public roads and rights-of-way (e.g. trails, sidewalks, and other areas where the public may congregate)
 - E. Private roads and rights-of-way (e.g. trails, sidewalks, and other areas where the public may congregate)
 - F. Hazardous Materials (e.g. private propane tanks, above ground pipelines and above ground fuel tanks)

Additionally, the application shall be accompanied by a signed hold harmless agreement in favor of the County; or a bond or proof of insurance in an amount not less than \$1,000,000 for a display of "display fireworks;" proof of applicable workers compensation insurance, satisfactory proof of insurance for the display of "consumer fireworks," and a copy of any required ATF permits or certifications.

5:2.5. Age and Qualifications of the Applicant and Operator. Permits may be granted to municipalities, organizations or groups of individuals. Any applicant requesting a permit for a display of "display fireworks" shall have an operator who possesses a current and valid ATF permit as set forth by the Safe Explosives Act and is certified by a nationally recognized fireworks safety organization such as the American Fireworks Association or the Pyrotechnics Guild International, Inc. Any applicant requesting a permit for a display of "consumer fireworks" shall have an operator who is certified by a nationally recognized fireworks safety organization such as the American Fireworks Association or the Pyrotechnics Guild International, Inc. and who is at least 21 years of age on the date of the display.

5:2.6. Separation distances requirements for Fireworks Display. The discharge site of all fireworks displays shall be separated from spectator viewing areas, parking areas, and any structures by a minimum of 140 feet or 70 feet per inch of mortar diameter, whichever is greater, as indicated in the following table:

Mortar Diameter	Separation distance of discharge site from spectator viewing areas, parking areas, public and private rights-of-way, hazardous materials sites, and any structures.
Less than (<) or equal (=) to 2.5 inches	140 feet
Greater than (>) 2.5 - 3 inches	210 feet
4 inches	280 feet
5 inches	350 feet
6 inches	420 feet
7 inches	490 feet
8 inches	560 feet
9 inches	630 feet
10 inches	700 feet
11 inches	770 feet
12 inches	840 feet
> 12 inches	To be determined by the Johnson County Zoning Administrator

5:2.7. Minimum Fallout Area for Fireworks Display. The minimum fallout area diameter of all firework displays shall be 200 feet or 100 feet per inch of mortar diameter, whichever is greater, as indicated in the following table.

Mortar Diameter	Minimum Fallout Area Diameter. This area may not contain any spectator viewing areas, parking areas, public or private rights-of-way, hazardous materials sites, or structures.
Less than (<) or equal (=) to 2.5 inches	200 feet
Greater than (>) 2.5 - 3 inches	300 feet
4 inches	400 feet
5 inches	500 feet
6 inches	600 feet
7 inches	700 feet
8 inches	800 feet
9 inches	900 feet
10 inches	1000 feet
11 inches	1100 feet
12 inches	1200 feet
> 12 inches	To be determined by the Johnson County Zoning Administrator

5:2.8. The area selected for the discharge of aerial shells shall be located so that the trajectory of the shells from the mortar does not come within 25 feet of any overhead object including, but not limited to, trees and overhead wires or towers.

5:2.9. Ground display pieces shall be located at a minimum horizontal separation distance of 75 feet from spectator viewing areas, parking areas, public and private rights-of-way, hazardous materials sites, and any structures. At the discretion of the Zoning Administrator, ground display pieces with greater hazard potential, such as large wheels with powerful drivers, Roman candle batteries, and items employing large salutes, the minimum horizontal separation distance shall be increased to 125 feet from spectator viewing areas, parking areas, public and private rights-of-way, hazardous materials sites, and any structures.

5:2.10. Fireworks Displays, Search for and Disposal of Unexploded Fireworks. The discharge of fireworks under a permit granted pursuant to this ordinance will not be allowed before sunrise or after midnight of the date of the display unless otherwise permitted by the Johnson County Zoning Administrator at the time the permit application is approved. Any fireworks that remain unexploded after the display shall be immediately disposed of or removed for storage or disposal in a safe manner by the operator who, as soon as practicable after the conclusion of the display, shall make a complete and thorough search for any fireworks or fuses, or parts thereof, which have not exploded or functioned.

5:2.11. Permit Suspension.

- (A) The Johnson County Sheriff and his or her designees may suspend any permit issued pursuant to this ordinance should he or she determine that the health, safety, welfare of the public would require the suspension, or should the applicant and/or operator fail to meet the qualifications as set out in this ordinance.
- (B) In the event a burn ban is issued for Johnson County by the State Fire Marshall or other appropriate authority, all permits granted shall be automatically suspended until such time as the burn ban is lifted.

5:2.12. Consideration of Prior Permits. In determining whether the application for a fireworks permit should be granted, the Zoning Administrator shall consider an applicant's or operator's conduct in association with prior fireworks permits.

5:2.13. Penalty. Violation of the provision of this ordinance shall constitute a simple misdemeanor and the penalty for such violations shall be provided by the Iowa Code for simple misdemeanors.

5:2.14. Waiver. At the discretion of the Zoning Administrator, these regulations may be modified or waived, where the applicant can prove there is no bona fide threat to the public's health, safety, welfare, or the appropriate use of adjoining properties.

5:2.15. Permit Denial or Revocation. The Zoning Administrator may deny or revoke a permit application during public emergencies or for reasons that are contrary to health, safety, and welfare.

5:2.16. Appeal of Zoning Administrator Decision. An appeal to the Board of Supervisors may be filed where it is alleged there is an error in the decision to either grant or deny any permit under this ordinance. Appeals may be made by the permit applicant, any property owner, by any person aggrieved, or by a governmental officer, department, board, or bureau of Johnson County.

SECTION III. REPEALER. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. SAVINGS CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid, illegal or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof, not be adjudged invalid, illegal or unconstitutional.

SECTION V. EFFECTIVE DATE. This ordinance shall be in effect after its final passage and publication as part of the proceedings of the Board of Supervisors.

ATTEST:

/s/ Jon Green, Chairperson
Board of Supervisors

/s/ Julie Persons, Auditor
Johnson County, Iowa

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