

ORDINANCE NO. 10-24-24-01

AN ORDINANCE AMENDING THE JOHNSON COUNTY FIREWORKS ORDINANCE TO ADD NEW DEFINITIONS, APPLICATION REQUIREMENTS, MINIMUM SEPARATION DISTANCES AND FALLOUT AREAS

Section I. Purpose. The Purpose of this ordinance is to further the stated purpose of the Code of Johnson County by updating and modifying certain definitions and requirements of the Johnson County Fireworks Ordinance identified as Ordinance 03-28-13-01

Section II. Amendments.

- A. Article 5:2.2.B is hereby amended by inserting “G” between 1.4 and “UN”.
- B. Article 5:2.2.C is hereby amended by inserting “G” between 1.3 and “as described as”.
- C. Article 5:2.2 is hereby amended by adding new subsection 5:2.2 (G) which reads as follows:
 - 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.
- D. Article 5:2.2 is hereby amended by adding new subsection 5:2.2 (H) which reads as follows:
 - 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.
- E. Article 5:2.2 is hereby amended by adding new subsection 5:2.2 (I) which reads as follows:
 - 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.
- F. Article 5:2.2 is hereby amended by adding new subsection 5:2.2 (J) which reads as follows:
 - J. As used in this ordinance, the term “discharge site” means the area immediately surrounding the location where fireworks are ignited for display.
- G. Article 5:2.2 is hereby amended by adding new subsection 5:2.2 (K) which reads as follows:
 - 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.
- H. Article 5:2.2 is hereby amended by adding new subsection 5:2.2 (L) which reads as follows:
 - 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).
- I. Article 5:2. is hereby amended by deleting subsection 5:2.2 (D) it in its entirety and replacing with the following:

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 or is training to become certified.

J. Article 5:2.2 is hereby amended by adding new subsection 5:2.2 (M) which reads as follows:

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.

K. Article 5:2.2(F) is hereby amended by adding the following phrase “display” between the words “of” and “fireworks” in the first sentence.

L. Article 5:2.2 is hereby amended by adding new subsection 5:2.2 (N) which reads as follows:

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.

M. Article 5:2.3 is hereby amended by deleting it in its entirety and replacing it with the following:

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 Board of Supervisors in accordance with this ordinance.

N. Article 5:2 is hereby amended by adding new subsection 5:2.3a with the following:

5:2.3a. Prohibition of Consumer Fireworks. A person shall not use or discharge Consumer Fireworks in unincorporated Johnson County, Iowa, unless a permit for such fireworks display is first obtained from the Johnson County Board of Supervisors in accordance with this ordinance, on days other than the following: July 3 through July 5 between the hours of 9:00 am and 11:00 pm; December 31 between the hours of 7:00 pm and 11:59 pm; and January 1 between the hours of 12:00 am and 12:30 am.

O. Article 5:2 is hereby amended by adding new subsection 5:2.5a with the following:

5:2.5a. 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 Board of Supervisors

P. Article 5:2 is hereby amended by adding a new subsection 5:2.5b with the following:

5:2.5b. 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 Board of Supervisors

Q. Article 5:2 is hereby amended by adding new subsection 5:2.5c with the following:

5:2.5c. 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.

R. Article 5:2 is hereby amended by adding new subsection 5:2.5d with the following:

5:2.5d. Ground display pieces shall be located 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 Board of Supervisors, 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.

S. Article 5:2 is hereby amended by deleting subsection 5:2.4 in its entirety and replacing it with the following:

5:2.4. Application. Application for a permit under this ordinance shall be made in writing on a form prescribed by the Board of Supervisors no later than 21 days before the anticipated fireworks display. The Board may, in its discretion, accept applications filed beyond the deadline set out herein. The application shall include such information as deemed by the Board to be 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. An explanation of the operator's proficiency, training, and experience in the use and discharge of fireworks display
4. Description of intended fireworks display to include amount, and type fireworks, shell and mortar size, and any special considerations.
5. Date and time of fireworks display
6. 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)
 - H. 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 (1.4G)," and a copy of any required ATF permits or certifications.

T. Article 5:2 is hereby amended by adding new subsection 5:2.10 with the following:

5:2.10. Waiver. At the discretion of the Board of Supervisors, these regulations may be modified or waived upon recommendation of county staff, or 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.

U. Article 5:2 is hereby amended by adding new subsection 5:2.11 with the following:

5:2.11. Permit Denial or Revocation. At their discretion the Board of Supervisors may deny or revoke a permit application during public emergencies or for reasons that are contrary to public health, safety, welfare.

V. Article 5:2.7 is hereby amended by adding the word "the" between the word "of and the word "permit" in the third sentence

W. Section II is hereby amended by deleting everything after the word "Amendments."

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 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.

Dates of Publication:

Iowa City Press Citizen, November 7, 2024

The News, November 7, 2024

Solon Economist, November 7, 2024

ATTEST:

/s/ Rod Sullivan, Chairperson
Board of Supervisors
October 24, 2024

/s/ Erin Shane, Auditor
Johnson County, Iowa