

Date January 25, 2010

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,093 passed June 3, 2002, by amending Sections 46-214 and 46-216, relating to fireworks and pyrotechnic special effects material",

presented.

(Council Communication No. 10-024)

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

_____ Mayor

_____ City Clerk

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,093 passed June 3, 2002, by amending Sections 46-214 and 46-216, relating to fireworks and pyrotechnic special effects material.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance 14,093 passed June 3, 2002 is hereby amended by amending Sections 46-214 and 46-216 relating to fireworks and pyrotechnic special effects material, as follows:

Sec. 46-214. Permits required.

For the purpose of this article, a permit shall be obtained to:

- (1) Conduct a fireworks display.
- (2) Compound, store or use pyrotechnic special effects material.
- (3) Conduct a display involving fire, open flames or flammable material other than fireworks or pyrotechnic special effects material.

Sec. 46-216. Insurance and indemnification for display.

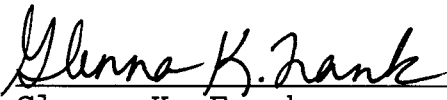
(a) Unless otherwise specified in this section, The applicant for the permit required by this article shall, at the time application is made for a permit, attach thereto a certificate of insurance naming the applicant and the city as insureds in the sum of not less than \$5,000,000.00, provided that the fire chief or risk manager at his or her discretion or

the city council may at its discretion require a greater amount. The insurance shall inure to the use and benefit of the city and/or any person who suffers damage either to person or property because of the display of fireworks, ~~or~~ the compounding, storage or use of pyrotechnic special effects material, ~~or the display involving fire, open flames or other flammable material other than fireworks or pyrotechnic special effects material.~~ The applicant shall further comply with all insurance and indemnification provisions set forth in the permit required by this article.

(b) Notwithstanding the foregoing, if a display involving fire, open flames or other flammable material other than fireworks or pyrotechnic special effects material is to be held outside in an open area using non-detonating materials and is determined by the fire chief to be a low-hazard display, then the applicant for the permit required by this article for such a display shall, at the time application is made for a permit, attach thereto a certificate of insurance naming the applicant and the city as insureds in the sum of not less than \$2,000,000.00, provided that the fire chief or risk manager at his or her discretion may require a greater amount. The insurance shall inure to the use and benefit of the city and/or any person who suffers damage either to person or property because of the display involving fire, open flames or other flammable material other than fireworks or pyrotechnic special effects material. The applicant shall further comply with all insurance and indemnification provisions set forth in the permit required by this article.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:


Glenna K. Frank
Assistant City Attorney