

★ **Roll Call Number**

**Agenda Item Number**

48

Date October 9, 2017

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, as heretofore amended, by amending Section 42-212 and by repealing Section 42-214, relating to prohibitions of fireworks",

presented.

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

FORM APPROVED:

(First of three required readings)

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**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.

\_\_\_\_\_  
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, as heretofore amended, by amending Section 42-212 and by repealing Section 42-214, relating to prohibitions of fireworks.

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, as heretofore amended, is hereby amended by amending Section 42-212 and by repealing Section 42-214, relating to prohibitions of fireworks, as follows:

**Sec. 46-212. Prohibitions.**

- (a) It shall be unlawful to manufacture Fireworks within the city limits.
- (b) It shall be unlawful to sell Display Fireworks within the city limits.
- (c) It shall be unlawful for a person to possess, use or explode Display Fireworks except in possession of and in compliance with all requirements of a permit issued under Section 46-215.
- (d) It shall be unlawful for a person to use or explode Consumer Fireworks within the city limits.


**Sec. 46-214. ~~Restrictions on Use of Consumer Fireworks (Repealed by Ord. No. 15,---~~**

~~\_\_\_\_\_ A person may use or explode Consumer Fireworks only from 4:00 p.m. until 10:00 p.m. Daylight Savings Time on July 4<sup>th</sup> and subject to the following:~~

- ~~(1) Consumer Fireworks may only be used or exploded on private property which is owned by the person using the Consumer Fireworks or with the consent of the owner of such private property.~~
- ~~(2) Persons using or exploding the Consumer Fireworks must be 18 years of age or older.~~
- ~~(3) Persons using or exploding Consumer Fireworks are prohibited from being under the influence of alcohol or other drug or a combination of such substances, while having a blood alcohol concentration of .08 or more or while having any amount of a controlled substance in such person's body.~~
- ~~(4) Any use or explosion of Consumer Fireworks must be more than 200 yards from a hospital, hospice, assisted living residential facility, nursing home, or retirement home.~~
- ~~(5) No use or explosion of Consumer Fireworks is allowed in parks, cemeteries and right-of-way, including sidewalks and streets.~~

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

FORM APPROVED:

  
\_\_\_\_\_  
Ann DiDonato  
Assistant City Attorney