

## RESOLUTION NO. 2017-12-179

### A RESOLUTION ESTABLISHING PROVISIONS FOR THE PERMITTING AND USE OF FIREWORKS

**WHEREAS**, in 2017 the Iowa General Assembly passed, and the governor signed into law, Senate File 489 (the legislation) relating to the possession, sale, transfer, purchase, and use of fireworks; and,

**WHEREAS**, the legislation authorizes the Board of Supervisors, upon application in writing, to grant a permit for the use of Display Fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the Board of Supervisors when the Display Fireworks will be handled by a competent operator; and,

**WHEREAS**, the legislation sets forth that a person shall not use Consumer Fireworks on real property other than on that person's real property, or on real property with the consent of the owner of that real property; and,

**WHEREAS**, the Linn County Board of Supervisors desires to adopt provisions, consistent with state law, for the issuance of permits and the use of Display Fireworks, Consumer Fireworks, or Novelties in unincorporated Linn County or on real property owned by Linn County.

**BE IT THEREFORE RESOLVED** by the Linn County Board of Supervisors that the permitting and use of Display Fireworks, Consumer Fireworks, or Novelties in unincorporated Linn County or on real property owned by Linn County is subject to the provisions listed below.

I. Definitions. For the purposes of permitting and using Display Fireworks, Consumer Fireworks, or Novelties in unincorporated Linn County or on real property owned by Linn County, pursuant to the provisions established in this resolution, the following terms are defined:

A. "Consumer Fireworks" means first-class consumer fireworks and second-class consumer fireworks as those terms are defined in subparagraphs (c) and (e) below.

B. "Display Fireworks" means 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 includes fireworks containing any explosives or flammable compound, or other devices containing any explosive substance.

C. "First Class Consumer Fireworks" means the following consumer fireworks as described in the American Pyrotechnics Association ("APA") Standard 87-1, chapter 3:

1. Aerial shell kits and reloadable tubes.
2. Chasers.
3. Helicopters and aerial spinners.
4. Firecrackers.
5. Mine and shell devices.
6. Missile-type rockets.
7. Roman candles.
8. Sky rockets and bottle rockets.
9. Multiple type devices under this subparagraph (c) which are manufactured in accordance with APA 87-1, section 3.5.

D. "Novelties" means all novelties enumerated in chapter 3 of the APA standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

E. "Second Class Consumer Fireworks" means the following consumer fireworks, as described in APA Standard 87-1, chapter 3:

1. Cone fountains.
2. Cylindrical fountains.
3. Flitter sparklers.
4. Ground and hand-held sparkling devices, including multiple tube and hand held sparkling devices that are manufactured in accordance with APA Standard 87-1, section 3.5.
5. Ground spinners.
6. Illuminating torches.
7. Toy smoke devices that are not classified as novelties pursuant to APA Standard 87-1, section 3.2.
8. Wheels.
9. Wire or dipped sparklers that are not classified as novelties pursuant to APA Standard 87-1, section 3.2.

## II. Display Fireworks Permit

A. The Board of Supervisors may, upon application in writing, grant a permit for the use of Display Fireworks to municipalities, fair associations, amusement parks and other organizations or groups of individuals approved by the Board of Supervisors when the Display Fireworks will be handled by a competent operator who meets at least one of the following safety requirements:

1. Possesses a Display Operator Certification from Pyrotechnics Guild International
2. Possesses a current, valid state-issued fireworks operator license, from any state, which requires formal safety training similar to that required for a Display Operator Certification from Pyrotechnics Guild International.
3. Demonstrates an equivalent degree of formal fireworks safety training and experience to the satisfaction of the Board of Supervisors.

B. No permit shall be required for the use of display fireworks at incorporated county fairs.

C. The applicant for a Display Fireworks Permit shall submit the Application for Use of Display Fireworks Permit, attached hereto as "Exhibit A" and made part of this Resolution, not less than fourteen (14) days prior to the proposed use of display fireworks.

D. No Display Fireworks Permit will be granted without proof of commercial general liability insurance in an amount to be determined by the Board of Supervisors, but in no event less than \$2,000,000. A Certificate of Liability Insurance must be submitted with the application and must be valid for the entire period listed in either Section III.A.1(a) or Section III.A.1(b) of this resolution.

E. No Display Fireworks Permit will be granted without approval from the chief, or assistant chief, of the fire department with jurisdiction over the proposed fireworks display site for: display at that location, and for the fire prevention measures listed by the applicant on the Application for Fireworks Display Permit.

F. No Display Fireworks Permit will be granted without approval from the Linn County Risk Manager.

G. No Display Fireworks Permit will be granted to an applicant or operator who is not at least eighteen (18) years of age on the date of the proposed fireworks display.

H. Any and all fireworks that remain unexploded at the conclusion of the display shall be disposed of immediately or safely removed for storage or disposal by the operator who, at the conclusion of the display, shall complete a thorough search for any unexploded fireworks or fuses therefrom which have not exploded or functioned properly.

I. The Linn County Sheriff, or his or her designee, may suspend any permit issued pursuant to this Resolution if he or she determines that the health, safety or welfare of the public requires such a suspension, or if the applicant and/or operator fail to meet or follow the safety provisions set forth in this Resolution.

J. Linn County shall not charge a fee for the issuance of a Display Fireworks Permit.

### III. Consumer Fireworks Permit

A. The Board of Supervisors may, upon application in writing, grant a Consumer Fireworks Permit for the use of Consumer Fireworks on real property owned by Linn County, subject to the provisions listed below. This provision does not apply to facilities under the management of the Linn County Conservation Board. Facilities under the management of the Linn County Conservation Board are subject to the Linn County Conservation Board Rules and Regulations.

1. A person shall not use or explode Consumer Fireworks on days other than:
  - a. June 1 through July 8 of each year, all dates inclusive.
  - b. December 10 through January 3 of each year, all dates inclusive.
2. A person shall not use or explode Consumer Fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except:
  - a. Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.
  - b. Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.
  - c. Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.

B. The applicant for a Consumer Fireworks Permit for the use of Consumer Fireworks on real property owned by Linn County shall submit the Application for Fireworks Permit, attached hereto as "Exhibit B" and made part of this Resolution, not less than fourteen (14) days prior to the proposed use.

C. Linn County shall not charge a fee for the issuance of a Consumer Fireworks Permit.

III. Novelties

No permit shall be required for the use of Novelties in unincorporated Linn County or on Linn County-owned property.

**BE IT FURTHER RESOLVED** that all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

PASSED AND APPROVED this 6<sup>th</sup> day of December 2017.

LINN COUNTY BOARD OF SUPERVISORS

[Signature]  
Brent Oleson, Chair

[Signature]  
Stacey Walker, Supervisor

[Signature]  
John Harris, Vice Chair

[Signature]  
Ben Rogers, Supervisor

[Signature]  
Jim Houser, Supervisor

AYE: 5 NAY: 0 ABSTAIN: 0

ATTEST:

[Signature]  
Joel Miller, Linn County Auditor

I, Joel Miller, County Auditor of Linn County, Iowa hereby certify that at a regular meeting of the Linn County Board of Supervisors the foregoing resolution was duly adopted by a vote of:

5 Aye 0 Nay 0 Abstain and 0 Absent from Voting.

[Signature]  
Joel Miller, Linn County Auditor

STATE OF IOWA )  
) SS  
COUNTY OF LINN )

Signed and sworn to before me on the 6 day of December, 2017, by [Signature]  
[Signature]  
Notary Public, State of Iowa

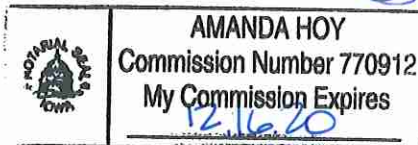


EXHIBIT B

**APPLICATION FOR CONSUMER FIREWORKS PERMIT  
FOR USE ON REAL PROPERTY OWNED BY LINN COUNTY**

Submit completed application at least fourteen (14) days prior to the proposed use of consumer fireworks to:  
Linn County Auditor, 935 Second Street SE, Cedar Rapids, IA 52404

<b>Display</b>	Date: _____	Ending Time: _____
	Start Time: _____	
	Location _____	

<b>Applicant</b>	Name: _____	Date of Birth: _____
	Address: _____	
	E-Mail _____	Phone: _____

I, the Applicant, hereby affirm:

- I have read Linn County Resolution No. 2017-12-179 establishing provisions for the permitting and use of fireworks and I understand the provisions listed in the resolution.
- I will not use or explode consumer fireworks on real property owned by Linn County other than on the date and during the times listed in this Application.
- I agree to follow the provisions of Resolution 2017-12-179, and Iowa law.
- I specifically agree to protect, defend, and hold Linn County, its officers and employees harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of the permit for which I have applied.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I approve of the use of consumer fireworks as requested in this Application.

Linn County Risk Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This application was approved by the Linn County Board of Supervisors on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Attest: \_\_\_\_\_  
Joel D. Miller, Linn County Auditor

cc: Linn County Sheriff's Office

**APPLICATION FOR DISPLAY FIREWORKS PERMIT**

Submit completed application at least fourteen (14) days prior to the proposed use of display fireworks to:  
Linn County Auditor, 935 Second Street SE, Cedar Rapids, IA 52404

<b>Display</b>	Date: _____	Ending Time: _____
	Start Time: _____	
	Location _____	

<b>Applicant</b>	Name: _____	Date of Birth: _____
	Address: _____	
	E-Mail: _____	Phone: _____

<b>Sponsor</b>	Name: _____	
	Address: _____	
	E-Mail: _____	Phone: _____

<b>Operator</b>	Name: _____	Date of Birth: _____
	Address: _____	
	E-Mail: _____	Phone: _____
	Check the safety requirement(s) met by the Operator (proof may be required).	
	_____ Display Operator Certification from Pyrotechnics Guild Int.	Cert. # _____
	_____ Current, valid firework's operator license	State: _____ Lic. # _____
	_____ Equivalent safety training and experience	
	Please explain: _____	

<b>Insurance</b>	Insurance Company: _____
	Insurance Coverage Amount: _____

<b>Fire Prevention</b>	Fire Prevention Measures (attach additional sheets if necessary): _____
	_____

I, the Applicant, hereby affirm: I have read Linn County Resolution No. 2017 12-179 establishing provisions for the permitting and use of fireworks and I understand the provisions listed in the resolution; No person shall handle or explode fireworks while under the influence of alcohol or drugs that could adversely affect judgment, movements, or stability; No person who is not 18 years of age will set up or explode fireworks; No person who does not meet at least one of the safety requirements of an Operator, or who is not under the direct supervision of an Operator will set up or explode fireworks; The Operator will conduct a thorough search for unexploded fireworks or fuses at the conclusion of the display. Any unexploded fireworks will be stored or disposed of in a safe manner; The Applicant, Sponsor and Operator will follow the provisions of Resolution 2017-12-179, and Iowa law. Further, I specifically agree to protect, defend, and hold Linn County, its officers and employees, and the fire chief or assistant fire chief who signs this permit application, harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of the permit for which I have applied.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I approve of the location and fire prevention measures for this use of display fireworks.

Fire Chief or Asst. Fire Chief's Signature: \_\_\_\_\_ Dept. \_\_\_\_\_ Date: \_\_\_\_\_

Linn County Risk Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This application was approved by the Linn County Board of Supervisors on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Attest: \_\_\_\_\_, Joel D. Miller, Linn County Auditor