

1. Definitions.

- a. “*APA 87-1*” means the American Pyrotechnics Association Standard 87 – 1 as published in December 2001.
- b. “*First-class consumer fireworks*” means the following consumer fireworks, as described in APA 87-1, chapter 3:
 - (1) aerial shell kits and reloadable tubes.
 - (2) Chasers.
 - (3) Helicopter and aerial spinners.
 - (4) Firecrackers.
 - (5) Mine and shell devices.
 - (6) Missile -type rockets.
 - (7) Roman candles.
 - (8) Skyrockets and Bottle rockets
 - (9) Multiple tube devices under this paragraph that are manufactured in accordance with APA 87-1, section 3.5.
- c. “*Second-class consumer fireworks*” means the following consumer fireworks, as described in APA 87-1, chapter 3:
 - (1) cone fountains.
 - (2) Cylindrical fountains.
 - (3) Flitter sparklers.
 - (4) Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, section 3.5.
 - (5) Ground spinners.
 - (6) Illuminating torches.
 - (7) Toy smoked devices that are not classified as novelties pursuant to APA 87-1 section 3.2.
 - (8) Wheels.
 - (9) Wire or gift sparklers that are not classified as novelties pursuant to APA 87 – 1, section 3.2.

Reference: *Iowa Code* § 100.19.

- d. “*Novelties*” includes all novelties enumerated in chapter 3 of the American Pyrotechnics Associations standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.
- e. “*Display fireworks*” includes any explosive composition, or a combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect of combustion, explosion, the conflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. Display fireworks does not include novelties or consumer fireworks set forth above.
- f. “*Explosive*” means any chemical compound, mixture or device as defined in Iowa Code § 101A .1(3).

2. Fireworks may be sold within the City of Osage, Iowa, subject to the following:

- a. Any sales of fireworks shall take place within the Light Industrial zoning areas in the City.
- b. All sellers of fireworks must be licensed pursuant to Iowa Code § 100.19.
- c. All sellers of fireworks shall comply with all rules and regulations of the State Fire Marshal.

3. Second-class consumer fireworks and novelties may be used within the City of Osage, Iowa, subject to the limitations set forth in paragraph 5 below.
4. The use of first-class consumer fireworks, display fireworks, or explosives is prohibited within the City of Osage, Iowa, except upon written application to the city for a permit by a City agency, Fair Association, or other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts: personal injury, \$250,000 per person; property damage, \$50,000; total exposure, \$1,000,000.
5. The use of second-class consumer fireworks shall be subject to the following dates and times of usage:
 - a. A person shall not use second-class consumer fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.
 - b. A person shall not use second-class consumer fireworks at times other than between the hours of 9:00 AM and 10:00 PM, except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:
 - (1) between the hours of 9:00 AM and 11:00 PM on July 4 and the Saturdays and Sundays immediately preceding and following July 4.
 - (2) Between the hours of 9:00 AM on December 31 and 12:30 AM on the immediately following day.
 - (3) Between the hours of 9:00 AM and 11:00 PM on the Saturdays and Sundays immediately preceding and following December 31.
 - c. A person shall only use second-class consumer fireworks or novelties on property owned or leased by that person, or on the real property of a person who has consented to the use of such fireworks on that property.
6. A person, firm, partnership or corporation who sells fireworks other than novelties to a person who is less than 18 years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.
7. A person less than 18 years of age who purchases fireworks other than novelties commits a simple misdemeanor, punishable by a fine of not less than \$250.
8. A person who uses or explodes fireworks or novelties in violation of this ordinance commits a simple misdemeanor, punishable by a fine of not less than \$250.
9. A person who uses or explodes any fireworks described in paragraph 1 or novelties when the use of such devices is suspended by an order of the State Fire Marshal commits a simple misdemeanor, punishable by a fine of not less than \$250.
10. A person who sells fireworks in an area other than those zoned Light Industrial or areas specifically authorized by the City Council, commits a simple misdemeanor, punishable by a fine of not less than \$250.