

ORDINANCE NO. 20-11

ORDINANCE AMENDING SECTIONS 41.12 AND 41.14 OF THE NORWALK CODE PROVIDING PENALTY FOR PROPERTY OWNERS PERMITTING THE USE OF FIREWORKS IN VIOLATION OF SECTION 41.12 AND PROHIBITING CERTAIN TEMPORARY STRUCTURES FOR RETAIL USE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NORWALK, IOWA:

Section 1. Purpose. The purpose of this ordinance is to amend Section 41.12 and 41.14 of the Norwalk Code by creating a new Section 41.12 (4) prohibiting a responsible property owner from permitting the use of fireworks in violation of Section 41.12 of the Norwalk Code and providing for a penalty therefore and to create new Sections 41.14 (G) and (H) further defining the type of temporary structure from which fireworks may be sold.

Section 2. Section 41.12 Modified. Section 41.12 of the Norwalk Code is hereby modified by creating a new Section 41.12 (4) as follows:

4. No responsible party shall allow, permit, or otherwise consent to the use, exploding or discharge of fireworks on private property or an adjacent publicly owned property if such use, exploding or discharge is in violation of this Section 41.12.

(A) A person or responsible party with control of the property shall be presumed to have consented to the use, exploding or discharge of fireworks on the property or adjacent public property if law enforcement or fire officials observe and document the use, exploding or discharge of fireworks or the existence of remnants of unlawful use, exploding or discharge of fireworks.

(B) For purposes of this section, **RESPONSIBLE PARTY** includes, but is not limited to:

- (i) The person(s) who owns, rents or leases as a lessee, or otherwise has possession of the residence or other private property;
- (ii) The person(s) in immediate control of the residence or other private property; and
- (iii) The person(s) who organizes, supervises, sponsors, conducts, allows, controls, or controls access to the use, exploding or discharge of fireworks.

(C) Any person or responsible party who violates the restrictions in this chapter will be guilty of a municipal infraction and subject to a civil penalty of \$250 for each offense.

Section 3. Section 41.14 Modified. Section 41.14 of the Norwalk Code is hereby modified by creating a new Section 41.14 (G) and 41.14 (H) as follows:

41.14(G) Temporary sales structures shall only be allowed from tented storefronts. No sales shall be allowed in metal structures.

41.14(H) Temporary sales structures shall fully comply with the provisions of the Norwalk Zoning Code pertaining to temporary uses and structures.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid 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 or unconstitutional.

Section 6. Effective Date. This ordinance shall be in full force and effect upon final passage, approval and publication as required by law.

Passed and approved by the City Council of the City of Norwalk, Iowa on the 7th day of May, 2020.

Tom Phillips, Mayor

Attest:

Lindsey Offenburger, City Clerk

First Reading: April 2, 2020

Second Reading: April 16, 2020

Third Reading: May 7, 2020

Clerk's Certificate

I certify that the foregoing was published as Ordinance No. 20-11 on the 14th day of May, 2020.

City Clerk