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FOR IMMEDIATE RELEASE

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DISCUSSION OF NEW FIREWORKS LAW IS PLANNED

City to discuss options with City Council during May 18th regular session

MUSCATINE, Iowa – City of Muscatine staff have been meeting and developing plans awaiting Gov. Terry E. Branstad’s signature on Senate File 489: an Act relating to the possession, sale, transfer, purchase, and use of fireworks. The bill passed the Iowa Senate on March 21 (34-145) and the Iowa House on April 18 (56-41) and was signed into law Tuesday (May 9).

The legislation establishes a consumer fireworks seller license that will be administered by the state fire marshal, fees for those licenses, and penalties for violation of the provision of the license agreement.

“We understand that the State Fire Marshal’s office will implement temporary rules and then finalize the rules later this year,” Gregg Mandsager, city administrator, said.

Mandsager said that it is the staff’s recommendation to City Council to opt out of the use or discharge of fireworks or, in the alternative, to allow only a limited period of use. The City cannot opt out of the sale of fireworks, but can implement rules regarding the sale including location, license/permits, fees, site plans, inspections, and penalties.

“The City of Muscatine Zoning Ordinance allows the sale of explosives, which fireworks are, only in M2-General Industrial areas with a Conditional Use Permit,” Andrew Fangman, city planner, said.

The zoning district map can be found on the City’s website at the following link:

<http://www.muscatineiowa.gov/zoning-map>.



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The sale of fireworks currently falls under the transient merchant rules and current zoning allows the sale only in industrial areas with a conditional use permit. The City is preparing draft language for the City Council to review as an update to the Code.

“Individuals or businesses that want to sell fireworks need to apply for a Conditional Use Permit which will be reviewed by the Zoning Board of Adjustment,” Fangman said.

The City of Muscatine Zoning Board of Adjustment meets at 5:30 p.m. on the first Tuesday of each month in the City Council Chambers. Applications for a Conditional Use Permit need to be filed by May 23 to be ruled on at the June 6 meeting. Applications are available by clicking on the Zoning Board of Adjustment on the City’s website at the following link:
<http://www.muscatineia.gov/communitydevelopment>.

Consumer fireworks, as defined by the new law, is broken down into two groups.

First class consumer fireworks include aerial shell kits and reloadable tubes, chasers, helicopter and aerial spinners, firecrackers, mine and shell devices, missile-type rockets, roman candles, sky rockets and bottle rockets, and multiple tube devices that are manufactured in accordance with American Pyrotechnics Association (APA) standard 87.1, section 3.5).

Second class consumer fireworks include cone fountains, cylindrical fountains, flitter sparklers, ground and hand-held sparkling devices including multiple tube ground and hand-held sparkling devices that are manufactured in accordance to APA 87-1, section 3.2, ground spinners, illuminating torches, toy smoke devices that are not classified as novelties pursuant to APA 87-1, section 3.2, wheels, and wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, section 3.2.



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