RESOLUTION NO. 2026-16

A RESOLUTION ESTABLISHING PROVISIONS FOR THE PERMITTING AND USE OF FIREWORKS

WHEREAS, Senate File 303, signed into law by Governor Reynolds on May 19, 2025, amends Iowa Code Section 331.301 (17) to read, The Board of Supervisors may by ordinance or resolution prohibit or limit the use of consumer fireworks or display fireworks, as described in Iowa Code Section 727.2, on any day other than July 3, July 4, and December 31 in accordance with Iowa Code Section 727.2(4), if the board determines that the use of such devices would constitute a threat to public safety or private property, or if the board determines that the use of such devices would constitute a nuisance to neighboring landowners; and

WHEREAS, Iowa Code Section 727.2(2)(a) authorizes the Board of Supervisors to grant, upon written application, 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, Iowa Code Section 727.2(4)(c) sets forth that a person shall not use Consumer Fireworks on real property other than on that person's real property, or on the real property of a person who has consented to the use of consumer fireworks on that property; and,

WHEREAS, the O'Brien County Board of Supervisors desires provisions for the issuance of permits for Display Fireworks, and provisions for the use and explosion of Consumer Fireworks, in unincorporated O'Brien County.

BE IT THEREFORE RESOLVED the Board of Supervisors finds that the use of consumer fireworks constitutes a threat to public safety or private property and/or constitutes a nuisance to neighboring landowners.

BE IT FURTHER RESOLVED by the O'Brien County Board of Supervisors that the issuance of permits for Display Fireworks, and provisions for the use and explosion of Consumer Fireworks in unincorporated O'Brien 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 O'Brien County or on real property owned by O'Brien County, pursuant to the provisions established in this resolution, the following terms are defined:

A. "Consumer Fireworks: as defined in Iowa Code Section 727.2(1)(a) (2026) means first-class consumer fireworks and second-class consumer fireworks as those terms are defined in subparagraphs (C) and (E) below.
B. "Display Fireworks": as defined in Iowa Code Section 727.2(1)(b) (2026) 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": as defined in as defined in Iowa Code Section 10A.519(1)(c) (2026) 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. Skyrockets and bottle rockets
9. Multiple type devices under this subparagraph (c), which are manufactured in accordance with APA 87-1, section 3.5.

D. "Second Class Consumer Fireworks": as defined in Iowa Code Section 10A.519(1)(e) (2026) 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 handheld 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 grant, upon written application, 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 such as Firefighter 1 or Firefighter 2 certification.

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

C. The applicant for a Display Fireworks Permit must 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 to an applicant or operator who is not at least eighteen (18) years of age on the date of the proposed fireworks display.

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

H. The O'Brien County Sheriff, his or her designee, or the chief or assistant chief of the fire department with jurisdiction over the display site 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.

I. O'Brien County will not charge a fee for the issuance of a Display Fireworks Permit.

III. Consumer Fireworks Permit

A. The Board of Supervisors may grant upon written application, a Consumer Fireworks Permit for the use of Consumer Fireworks on real property owned by O'Brien County, subject to the provisions listed below, which do not apply to facilities under the management of the O'Brien County Conservation Board. Facilities under the management of the O'Brien County Conservation Board are subject to the O'Brien County Conservation Board Rules and Regulations.

1. A person shall not use or explode Consumer Fireworks in unincorporated O'Brien County on days other than days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive. 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 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 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4. (2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day. (3) Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31. A person shall not use consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property.
2. The applicant for a Consumer Fireworks Permit for the use of Consumer Fireworks on real property owned by O'Brien County must 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.
3. O'Brien County will not charge a fee for the issuance of a Consumer Fireworks Permit.

IV. Novelties

A. No permit shall be required for the use of Novelties in unincorporated O'Brien County or on O'Brien County owned property.

PASSED AND APPROVED on this 19th day of May, 2026.

Nancy McDowell

Nancy McDowell, Chairperson

Attest:

Rhea Schmalen, County Auditor