

ORDINANCE NO. 15,105

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Section 46-216, relating to insurance and indemnification for display of fireworks and pyrotechnic special effects material.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Section 46-216, relating to insurance and indemnification for display of fireworks and pyrotechnic special effects material, as follows:

**Sec. 46-216. Insurance and indemnification for display.**

- (a) Unless otherwise specified in this section, the applicant for the permit required by this article shall, at the time application is made for a permit, attach thereto a certificate of insurance naming the applicant as insured and showing liability insurance coverage with a limit of not less than \$5,000,000.00, provided that the fire chief or finance director at his or her discretion or the city council may at its discretion require a greater amount. The type of liability insurance to be required shall be determined by the city's finance director or designee. The insurance shall inure to the use and benefit of any person who suffers damage either to person or property because of the display of fireworks, the compounding, storage or use of pyrotechnic special effects material, or the display involving fire, open flames or other flammable material other than fireworks or pyrotechnic special effects material. The applicant shall further comply with all insurance and indemnification provisions set forth in the permit required by this article.
- (b) Notwithstanding the foregoing, if a display involving fire, open flames or other flammable material other than fireworks or pyrotechnic special effects material is to be held outside in an open area using non-detonating materials and is determined by the fire chief to be a low-hazard display, then the applicant for the permit required by this article for such a display shall, at the time application is made for a permit,

attach thereto a certificate of insurance naming the applicant as insured and showing liability insurance coverage with a limit of not less than \$2,000,000.00, provided that the fire chief or finance director at his or her discretion may require a greater amount. The type of liability insurance to be required shall be determined by the city's finance director or designee. The insurance shall inure to the use and benefit of any person who suffers damage either to person or property because of the display involving fire, open flames or other flammable material other than fireworks or pyrotechnic special effects material. The applicant shall further comply with all insurance and indemnification provisions set forth in the permit required by this article.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 12-0733), passed by the City Council of said City at a meeting held May 7, 2012 signed by the Mayor on May 7 2012 and published as provided by law in the Business Record on May 25, 2012. Authorized by Publication Order No.7913.

Diane Rauh, City Clerk