

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

**Proposing rulemaking related to fireworks displays
and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to rescind Chapter 44, “Special Events and Fireworks Displays,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 321G.16, 321I.17, 461A.42, 462A.16 and 481A.38.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321G.16, 321I.17, 461A.3, 461A.4, 461A.42, 462A.16, 481A.22 and 481A.38.

Purpose and Summary

Proposed Chapter 44 provide rules on the issuance of permits for special events and fireworks displays held on public lands, waters, and ice of the state. The chapter allows for a balance with all user groups when scheduling special events and fireworks displays. Additionally, this chapter prevents the overuse, and potentially damaging use, of Iowa’s natural resources, including depleted fisheries. Excessive events on the water would create a safety hazard and harm to the public with increased boating accidents. Unmanaged fireworks displays would create excess debris in the water and on public lands and are potentially fire and public safety hazards. This chapter has been reviewed and edited consistent with Executive Order 10 (2023).

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 4, 2024. A public hearing was held on the following date(s):

- September 24, 2024

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

This rulemaking is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit comments concerning this proposed rulemaking, which must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on February 11, 2025. Comments should be directed to:

Susan Stocker
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Fax: 515.725.8201
Email: susan.stocker@dnr.iowa.gov

Free language assistance: if you speak a non-English language, we offer you language assistance services free of charge. Contact the Department at susan.stocker@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística: si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al susan.stocker@dnr.iowa.gov.

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

January 31, 2025 11 a.m.	Via videoconference call
February 11, 2025 11 a.m.	Via videoconference call

Persons who wish to make oral comments at a public hearing must submit a request to Susan Stocker prior to the hearings to receive a Google Meet link and conference call number.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Free language assistance: if you need assistance in a language other than English, contact the Department at susan.stocker@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.571.4010 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al susan.stocker@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.571.4010 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 571—Chapter 44 and adopt the following **new** chapter in lieu thereof:

CHAPTER 44 SPECIAL EVENTS AND FIREWORKS DISPLAYS

571—44.1(321G,321I,461A,462A,481A) Scope. The purpose of this chapter is to provide rules on the issuance of permits for special events and fireworks displays held on public land, waters, and ice of the state.

571—44.2(321G,321I,461A,462A,481A) Definitions. For the purposes of this chapter, the following definitions apply:

“Accredited postsecondary institution or program” means an institution or program listed in the U.S. Department of Education’s database of accredited postsecondary institutions and programs.

“Administrative processing fee” means the fee collected for the processing of each special event application that is submitted.

“All-terrain vehicle” or *“ATV”* means the same as defined in Iowa Code section 321I.1(1)*“a.”*

“Bass fishing tournament” means the same as defined in Iowa Code section 483A.39. For purposes of this chapter, “bass fishing tournament” is included in the definition of “special event” unless otherwise specified.

“Catfish fishing tournament” means an event with the purpose of fishing for catfish from boats that meets the definition of “fishing tournament.” For purposes of this chapter, “catfish fishing tournament” is included in the definition of “special event” unless otherwise specified.

“Centralized special events application system” means the web-based system used by applicants to submit applications for special events as permitted under this chapter. Approved applications will be placed on a calendar of events web page, accessible from the department’s homepage, to inform the general public of scheduled events on public, or when applicable, private, land, water, and ice.

“Department” means the Iowa department of natural resources.

“Field and retriever meet or trial” means the same as described in Iowa Code section 481A.22. For purposes of this chapter, “field and retriever meet or trial” is included in the definition of “special event” unless otherwise specified.

“Fishing tournament” means any organized fishing event, except for department-sponsored fishing events held for educational purposes, involving any of the following: (1) six or more boats or 12 or more participants, except for waters of the Mississippi River, where the number of boats shall be 20 or more and the number of participants shall be 40 or more; (2) an entry fee is charged; or (3) prizes or other inducements are awarded. Additionally, a “virtual fishing tournament,” also known as a “catch-photo-release” tournament, is a fishing tournament where fish are not possessed (i.e., not placed in a live well) by the angler but instead are photographed and released upon catching. An “aggregated virtual fishing tournament” occurs when all participants are present on one body of water simultaneously. A “distributed virtual fishing tournament” occurs when participants are present on two or more bodies of water. Additionally, only five or fewer participants may be present on any one body of water simultaneously, and the tournament may occur over an extended time frame. For purposes of this chapter, “fishing tournament” is included in the definition of “special event” unless otherwise specified. “Friends group” means an organization incorporated under Iowa Code chapter 504 or prior statutory authority as a not-for-profit group which has been formed solely for the purpose of promoting and enhancing a particular state park, recreation area, or the Iowa state park system, or any combination of the three.

“Off-road motorcycle” or *“ORM”* means the same as defined in Iowa Code section 321I.1(16).

“Off-road utility vehicle” or *“ORV”* means the same as defined in Iowa Code section 321I.1(17).

“Permit” means a document issued by the department that enumerates all stipulations, requirements, and contingencies that the applicant must accept and adhere to throughout the duration of the approved special event.

“Public land” means land under the jurisdiction of the natural resource commission.

“Public water” means the same as “navigable waters” as defined in Iowa Code section 462A.2(22) and “waters of this state under the jurisdiction of the commission” as defined in Iowa Code section 462A.2(45).

“Sailing school” means an organization that provides basic and advanced sailing instruction by U.S. Sailing-certified instructors and is affiliated with a yacht club, an accredited postsecondary institution or program, a private or public primary or secondary school, a scouting organization, or a religious institution.

“Snowmobile” means the same as defined in Iowa Code section 321G.1(26).

“Special event” means either of the following occurring on public land, water, or ice:

1. An organized race, tournament, exhibition, demonstration, or other planned event in which an admission fee is charged, prizes are awarded, or competition occurs between participants;

2. A planned event that, due to its nature, potential or actual size, or length, would likely adversely impact the use of the area by the public.

“*Vessel*” means the same as defined in Iowa Code section 462A.2(40).

DIVISION I
SPECIAL EVENTS

571—44.3(321G,321I,461,462A,481A) Permit required. A permit is required in order to conduct a special event on any public land, water, or ice. A permit is also required for a field and retriever meet or trial held on private land.

571—44.4(321G,321I,461A,462A,481A) Permit conditions. The department may impose permit conditions not specifically covered herein as deemed necessary to protect the resource or to ensure public safety. Such conditions shall be included in the permit issued by the department.

44.4(1) *Use of concessionaire.* If the state park or recreation area where a special event is being held has a concessionaire, the sale of food or drinks shall be governed pursuant to 571—subrule 14.5(3). If a concessionaire chooses not to provide services during the special event, the event sponsor may bring in other concession operations as approved by the department.

44.4(2) *Special permit conditions for fishing tournaments.* In addition to permit conditions deemed necessary by rule 571—44.4(321G,321I,461A,462A,481A), the department may include some or all of the following permit conditions for fishing tournaments:

- a. Release of live fish.
- b. Fish measured to length and released from boat.
- c. Multiple weigh-ins when water temperatures exceed 70°F.
- d. Aerated live wells.
- e. Designated release areas.
- f. Designated release persons.

44.4(3) *Catfish fishing tournaments.* The daily catch limit for a catch and release catfish fishing tournament permitted under this chapter is five catfish per boat regardless of the number of tournament participants on the boat.

44.4(4) *Bass fishing tournaments.* In addition to permit conditions deemed necessary under the introductory paragraph of 571—44.4(321G,321I,461A,462A,481A) or under 44.4(2), the permit conditions for bass fishing tournaments shall include those listed in Iowa Code section 483A.39(2).

571—44.5(321G,321I,461A,462A,481A) Application procedures. The following procedures shall be used to apply for a special event permit:

44.5(1) Applications are made and submitted through the department’s centralized special events application system.

44.5(2) Applications—when submitted.

a. *Events for the current year.* Applications may be submitted anytime during the calendar year in which the special event is to begin but no later than 30 days prior to the special event.

b. *Events for the next year.* Applications for a special event that will start in the next calendar year shall not be submitted until 7 p.m. on September 1 of the current year.

44.5(3) The number of special events to be held at any area on the same day may be restricted if deemed necessary to avoid congestion within the area or to protect the resource.

44.5(4) One application form may be submitted for all events of the same type being held at the same location within a nine-day period and will be processed as a single application. A distributed virtual fishing tournament may extend beyond the nine-day period and need not be at a single location.

44.5(5) Submission of an application does not guarantee issuance of a permit.

44.5(6) Permits are nontransferable.

571—44.6(321G,321I,462A) Alternate dates for snowmobile, boating, all-terrain vehicle, off-road utility vehicle, and off-road motorcycle special events. An applicant may submit and the department may approve both a primary date and an alternate date for snowmobile, boating, ATV, ORM, and ORV special events. However, if both a primary date and an alternate date are approved, the primary date shall be used unless circumstances beyond the control of the applicant prevent its use. If the alternate date must be used for the event, the applicant shall contact the department representative at least one week in advance of the event date to obtain final approval to use the alternate date. The department representative shall document this approval in writing. Upon approval of an alternate date, the applicant shall notify the local conservation officer, and the department representative will update the calendar of events.

571—44.7(321G,321I,461A,462A,481A) Insurance coverage. The applicant shall secure liability insurance for the special event that names the department as an additional insured. Insurance information shall be available at the time the application is submitted. The applicant shall have a copy of the insurance policy available at the event location to present to department personnel if requested. These requirements do not apply to events sponsored by a friends group. The department reserves the right to waive these requirements on a case-by-case basis.

571—44.8(321G,321I,461A,462A,481A) Fees and exceptions.

44.8(1) The administrative fee for each special event application is \$25 plus a processing fee, except applications for field and retriever meets and trials, which are subject to the fee described in Iowa Code section 481A.22(1) “c.” The fees are nonrefundable.

44.8(2) The department will waive the administrative fee for processing special event applications for sailing schools; accredited postsecondary institutions and programs; private and public primary and secondary schools; all department-approved watercraft education courses, ATV education courses, and snowmobile education courses; fishing clinics; friends groups; department-sponsored youth fishing days; and distributed virtual fishing tournaments.

571—44.9(321G,461A) Structures placed on ice during a special event. The following requirements apply to the placement, construction, or erection of structures on ice during a special event:

44.9(1) Vendor information provided on application. The applicant shall identify the names and addresses of any vendors who will be on site during the special event.

44.9(2) Owner information. The full name, street address, and city of the structure’s owner shall be displayed legibly on all sides of the structure, in block letters at least four inches in height, and in a color contrasting to the background.

44.9(3) Accessibility. Structures cannot be locked when in use.

44.9(4) Reflectors. Reflectors shall be attached to all sides of the structure in such a manner to enable them to reflect light at all times from sunrise to sunset.

571—44.10(462A) Boating special events—registration exemptions.

44.10(1) A vessel entered in a boating special event shall not be required to be registered pursuant to Iowa Code sections 462A.4 and 462A.5 but shall be labeled with an identifying number or letter that is at least four inches high and is in a color contrasting to the vessel. The identifying number or letter shall be located in a prominent spot on the exterior of the vessel, other than on the bow.

44.10(2) The sponsor of the boating special event shall maintain a list containing:

a. The names and addresses of all persons participating in the event.

b. A description of and identifying number for each vessel in the event.

571—44.11(462A) Mississippi River or Missouri River. Upon notification and proof that a United States Coast Guard (U.S.C.G.) permit has been secured, the department shall not require a special event application for fireworks displays or boating special events on the Mississippi River or the Missouri River. The regional U.S.C.G. office issuing permits for Mississippi River and Missouri River events is located in St. Louis, Missouri. This rule does not apply to fishing tournaments.

571—44.12(321G,321I,461A,462A,481A) Other requirements and permits. The applicant for a permit is responsible for ensuring full compliance with the requirements of Iowa Code chapters 321G, 321I, 461A, 462A, and 481A and any other Iowa Code chapters and rules promulgated under those chapters that may be applicable to special events. The applicant shall also acquire and comply with all applicable state and local permits issued by other state and local agencies necessary to hold the special event.

571—44.13(321G,321I,461A,462A,481A) Authority to cancel or stop a special event. If a peace officer or any department employee determines that a permit is being violated or that safety concerns warrant canceling or stopping the special event, the peace officer or department employee has the authority to cancel or stop the special event.

571—44.14(321G,321I,461A,462A,481A) Nonexclusive use of area. Issuance of a permit does not grant the applicant exclusive use of the public land, water, or ice that is the subject of the permit unless the permit explicitly provides otherwise.

DIVISION II
FIREWORKS DISPLAYS

571—44.15(461A) Entities eligible for permits. Permits for fireworks displays shall be issued only to qualified entities, such as political subdivisions of the state of Iowa, and to community or civic organizations. Permits shall not be issued to individuals. Permits are not transferable to another entity and do not relieve the sponsoring entity from obtaining any other permits required by the state or its political subdivisions.

571—44.16(461A) Permit conditions. The department may impose permit conditions not specifically required in these rules for any fireworks display special event as deemed necessary to protect the resource or ensure public safety. Conditions shall be included in the permit that the applicant or sponsoring organization receives if the event is approved.

571—44.17(461A) Application procedures. The following procedures shall be used to apply for a permit:

44.17(1) Applications shall be made and submitted through the department’s centralized special events application system.

44.17(2) Applications—when submitted.

a. Events for current year. Applications may be submitted anytime during the calendar year in which the fireworks display is to begin but no later than 30 days prior to the display.

b. Events for the next year. Applications for a fireworks display that will start in the next calendar year may be submitted beginning at 7 p.m. on September 1 of the current year.

44.17(3) The number of fireworks displays or other special events at any one public land, water or ice location during a given day may be restricted if deemed necessary to avoid congestion with the public or competing events and to protect the resource.

44.17(4) The applicant shall certify in the application that the fireworks display shall be conducted by a competent operator. The location of the display shall be determined by the department representative in charge of the area.

44.17(5) Submission of an application does not guarantee issuance of a permit by the department.

571—44.18(461A) Fireworks display procedures.

44.18(1) The sponsoring entity shall take adequate safety precautions to ensure that persons not actively involved in conducting the display remain a safe distance from the firing area and any areas containing set pieces.

44.18(2) The department representative in charge of the area in which the display is conducted or any state peace officer may halt any display when the character, location, weather, or firing of the display makes it hazardous to property or dangerous to any person.

44.18(3) Any fireworks that remain unfired after the display is concluded shall be immediately disposed of by the operator or the sponsoring entity in a manner that is safe for the particular type of fireworks.

44.18(4) The sponsoring entity shall make arrangements for firefighting equipment and emergency medical services to be on the scene at all times during the firing of the display.

44.18(5) The sponsoring entity is totally responsible for cleanup of the fireworks display site at the conclusion of the display.

571—44.19(461A) Fees. A nonrefundable administrative fee of \$25 plus a processing fee shall be charged for each fireworks display application.

571—44.20(461A) Insurance. The sponsoring entity for a fireworks display shall provide proof of liability insurance naming the applicant and the department as an additional insured in the sum of not less than \$1 million. The department may, at its discretion, require a greater amount. Insurance information shall be available at the time the application is submitted.

571—44.21(461A) Concessions. If the state park or recreation area has a concessionaire on site, sales of food and other items during the display shall be governed pursuant to 571—subrule 14.5(3). If a concessionaire chooses not to provide services during the event, the sponsoring entity may then bring in other concession operations as approved by the department.

These rules are intended to implement Iowa Code sections 321G.16, 321I.17, 461A.3, 461A.4, 461A.42, 461A.47, 461A.57, 462A.16, 481A.22, and 481A.38.