

CHAPTER 44
SPECIAL EVENTS AND FIREWORKS DISPLAYS

[Prior to 12/31/86, Conservation Commission[290] Ch 35]
[Prior to 6/1/11, see also 571—Chs 65 and 88 and subrule 61.7(16)]

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.

[ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

571—44.2(321G,321I,461A,462A,481A) Definitions. For the purposes of this chapter, the following definitions shall 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 a motorized flotation-tire vehicle with not less than three and not more than six low-pressure tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,000 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

“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 shall 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 an event held on either private or public land where the skill of dogs in pointing, retrieving, trailing, or chasing any game bird, game animal, or fur-bearing animal is demonstrated. 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; and (3) prizes or other inducements are awarded. 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 a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Iowa Code chapter 321, but which contains design features that enable operation over natural terrain.

“Off-road utility vehicle” or *“OHV”* means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 1,800 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. A motorized vehicle that was previously titled or is currently titled under Iowa Code chapter 321 shall not be registered or operated as an off-road utility vehicle.

“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 water and ice under the jurisdiction of the natural resource commission.

“*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 a motorized vehicle weighing less than 1,000 pounds which uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread and which is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle, as defined in Iowa Code section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.

“*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 every description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on water or ice.

[ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

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.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

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—Chapter 14. 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.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

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 shall be made and submitted through the department’s centralized special events application system.

44.5(2) Applications—when submitted.

a. Events for 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 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.

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

44.5(6) Permits are nontransferable.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

571—44.6(321G,321I,462A) Alternate dates for snowmobile, boating, all-terrain vehicle, off-highway 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 OHV 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 program coordinator at least one week in advance of the date on which the event shall take place to obtain final approval to use the alternate date. The program coordinator shall document this approval in writing. Upon approval of an alternate date, the applicant shall notify the local conservation officer, and the program coordinator shall update the calendar of events.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

571—44.7(321G,321I,461A,462A,481A) Insurance coverage. The applicant shall secure liability insurance for the special event and shall name 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 shall not apply to events sponsored by a friends group. The department reserves the right to waive these requirements on a case-by-case basis.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

571—44.8(321G,321I,461A,462A,481A) Fees and exceptions. The administrative fee for processing each special event application is \$25. In the case of field and retriever meets and trials, the fee for processing each special event application is \$2. The fees are nonrefundable.

The department shall 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; and department-sponsored youth fishing days.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

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 shall not 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.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

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 each vessel in the event. The description of each vessel shall include the identifying number or letter of the vessel as required by 44.10(1).

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

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.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

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.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

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.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

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.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

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, such as chambers of commerce, junior chambers of commerce (Jaycees), rotary clubs, and Elks Lodges and similar fraternal benefit associations or societies. 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.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

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.

[ARC 8815B, IAB 6/2/10, effective 7/7/10 (See Delay note at end of chapter); ARC 9114B, IAB 10/6/10, effective 9/10/10; ARC 9539B, IAB 6/1/11, effective 7/6/11]

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 shall not be submitted until 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.

[ARC 9539B, IAB 6/1/11, effective 7/6/11]

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.

[ARC 9539B, IAB 6/1/11, effective 7/6/11]

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

[ARC 9539B, IAB 6/1/11, effective 7/6/11]

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.

[ARC 9539B, IAB 6/1/11, effective 7/6/11]

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—Chapter 14. 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.

[ARC 9539B, IAB 6/1/11, effective 7/6/11]

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.

[Filed 11/2/84, Notice 9/26/84—published 11/21/84, effective 1/1/85]

[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]

[Filed ARC 8815B (Notice ARC 8462B, IAB 1/13/10), IAB 6/2/10, effective 7/7/10]¹

[Editorial change: IAC Supplement 6/30/10]

[Filed Emergency ARC 9114B, IAB 10/6/10, effective 9/10/10]

[Filed ARC 9539B (Notice ARC 9419B, IAB 3/9/11), IAB 6/1/11, effective 7/6/11]

¹ July 7, 2010, effective date of ARC 8815B delayed for 70 days by the Administrative Rules Review Committee at its meeting held June 8, 2010.