



CITY OF INDIANOLA COUNCIL MEETING

May 23, 2017

6:00 p.m.

Agenda

1. Call to order
2. Pledge of allegiance
3. Roll call
4. Public Comment
5. New Business
 - A. Consideration of a resolution imposing a moratorium on the sale of consumer fireworks within the City of Indianola.
 - B. Resolution setting a public hearing date to consider amending provisions of the Zoning Ordinance of the City of Indianola regarding regulations associated with fireworks sales.
 - C. Consideration of a first reading of an Ordinance amending the Code of Ordinances of the City of Indianola establishing regulations regarding the prohibition and use of Fireworks.
 - D. Consideration to waive the 2nd and 3rd readings of an Ordinance amending the Code of Ordinances of the City of Indianola establishing regulations regarding the prohibition of First Class Fireworks and the use of Second Class Fireworks.
 - E. Consideration of a resolution prohibiting the use of consumer fireworks within the City of Indianola.
6. Other Business
7. Adjourn

City Council Special

5.A.

Meeting Date: 05/23/2017

Subject

Consideration of a resolution imposing a moratorium on the sale of consumer fireworks within the City of Indianola.

Information

Pursuant to recently enacted legislation, the sale and use of fireworks is legal within the State of Iowa. The enacted legislation, which allows for the sale to begin June 1st, allows for local governments to establish some level of control regarding 1. Locations in the community where the sale of fireworks can be permitted and 2. The types of fireworks that can be used by the public.

In accordance with City Council direction, the Planning and Zoning Commission is conducting a special meeting to review and recommend possible zoning restrictions for where sales may occur. This is scheduled to occur on May 23, 2017. Any changes will require a public hearing and Council consideration of three readings of an ordinance, which would place final consideration of an ordinance on July 3rd (after the June 1st timeframe allowed by State law).

This resolution is being presented for City Council consideration, which would place a moratorium on the sale of fireworks until the public consideration by the P&Z Commission and City Council concludes. If a moratorium were not established, the sale of fireworks of first and second class fireworks would be permitted in accordance with State law beginning June 1st until such time City ordinances are formally approved.

Fiscal Impact

Attachments

17.05.17 Moratorium on Fireworks Sales

RESOLUTION NO. _____

**RESOLUTION IMPOSING A MORATORIUM ON THE SALE OF
CONSUMER FIREWORKS WITHIN THE CITY OF INDIANOLA, IOWA**

WHEREAS, the City of Indianola expects to receive requests to sell Consumer Fireworks within the City; and

WHEREAS, the City of Indianola has a responsibility to protect and promote the public health, safety and welfare its citizens; and

WHEREAS, the City Council of the City of Indianola is in the process adopting an ordinance to address the sale of Consumer Fireworks; and

WHEREAS, the City of Indianola believes that it is necessary to impose a moratorium on the sale of fireworks sale of fireworks until the proposed ordinance can be reviewed and approved as required by Iowa law; and

WHEREAS, during the period of the moratorium, the City of Indianola shall not receive or process applications for the sale of Consumer Fireworks and fireworks shall not be sold within the City limits.

IT IS, THEREFORE, RESOLVED by the City Council of the City of Indianola, Iowa, that there is imposed a moratorium on the sale of Consumer Fireworks within the City limits.

IT IS FURTHER RESOLVED that during the period of the moratorium the City of Indianola shall not receive and process applications.

IT IS FURTHER RESOLVED that the period of the moratorium shall be until June ____, 2017.

DATED this 23rd day of May 2017.

Kelly B. Shaw, Mayor

ATTEST:

Diana Bowlin, City Clerk

City Council Special

5.B.

Meeting Date: 05/23/2017

Subject

Resolution setting a public hearing date to consider amending provisions of the Zoning Ordinance of the City of Indianola regarding regulations associated with fireworks sales.

Information

The purpose of the resolution is to set a public hearing date for June 5, 2017 at the 6:00 p.m. City Council meeting to consider an ordinance establishing regulations associated with fireworks sales.

Fiscal Impact

Attachments

17.05.17 Resolution Setting Public Hearing

RESOLUTION NO. _____

RESOLUTION SETTING DATE OF PUBLIC HEARING TO CONSIDER
AMENDING PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF
INDIANOLA, IOWA, REGARDING REGULATIONS ASSOCIATED WITH
FIREWORKS SALES

WHEREAS, the City Council of the City of Indianola, Iowa (the “City”) desires to consider certain amendments to the Zoning Ordinance (“the Zoning Ordinance”) of the City of Indianola Code of Ordinances regarding the regulations of fireworks sales; and

WHEREAS, it is the desire of the City Council that the proposed amendments to the Zoning Ordinance be considered by the Indianola Planning and Zoning Commission and that such Commission file its report with the City Council prior to the time established herein for public hearing on said proposed amendments; and

WHEREAS, a public hearing upon the proposed amendments to the Zoning Ordinance should be held and a time and place for hearing thereon should be fixed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, IOWA:

1. That a public hearing be held by the Indianola City Council on the proposed amendments to the Zoning Ordinance, at the Indianola City Hall, 110 N 1st Street, Indianola, Iowa, at 6:00 p.m. on June 5, 2017, at which time the City Council will consider any objections to the proposed amendments and will hear all interested persons.
2. That the Mayor and Clerk be and hereby are authorized and instructed to give Notice of said public hearing, as required by law.
3. That the Planning and Zoning Commission be and is hereby directed to consider said proposed amendments to the Zoning Ordinance and to file its report with the City Council prior to the time of said public hearing.

PASSED AND APPROVED THIS ____ of May 2017.

Kelly B. Shaw, Mayor

City Council Special**5.C.****Meeting Date:** 05/23/2017

Subject

Consideration of a first reading of an Ordinance amending the Code of Ordinances of the City of Indianola establishing regulations regarding the prohibition and use of Fireworks.

Information

In accordance with City Council direction, a draft ordinance was prepared and is included in the meeting materials permitting the use of second class fireworks. Since three readings of all ordinances are required unless there is a waiver by a supermajority vote of the Council, final consideration of an ordinance establishing the prohibition of class one fireworks and use of class two fireworks would not occur until June 19th.

Fiscal Impact**Attachments**

17.05.17 Fireworks Ordinance
IowaFireworksByClass

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF INDIANOLA, IOWA, BY AMENDING PROVISIONS OF THE ORDINANCE REGARDING FIREWORKS USE

Whereas, the City of Indianola deems the use of certain consumer fireworks as a threat to public safety and a nuisance to landowners.

Be It Enacted by the City Council of the City of Indianola, Iowa:

SECTION 1. Section 41.11, Fireworks Permit, is hereby amended by deleting the current title and inserting "Fireworks".

SECTION 2. Section 41.11, Fireworks, is hereby amended by adding the following subsection 1, Definition:

1. Definition.

a. "Consumer Fireworks" means those fireworks as defined by Iowa Code Section 727.2 that may be sold within the City even though the use of those items is prohibited.

b. "First-class Consumer Fireworks" means the following Consumer Fireworks, as described in the American Pyrotechnics Association's standard 87-1, Chapter 3:

1. Serial shell kits and reloadable tubes.
2. Chasers.
3. Helicopter and aerial spinners.
4. Firecrackers.
5. Mine and shell devices.
6. Missile type rockets.
7. Roman candles.
8. Skyrockets and bottle rockets.

9. Multiple tube devices under this paragraph (b) that are manufactured in accordance with APA 87-1, Section 3.5.

c. "Second-class Consumer Fireworks" means the following Consumer Fireworks, as described in APA 87-1, Chapter 3:

1. Cone fountains.

2. Cylindrical fountains.

3. Flitter sparklers.

4. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, Section 3.5.

5. Ground spinners.

6. Illuminating torches.

7. Toy smoke devices that are not classified as novelties pursuant to APA 87-1, Section 3.2.

8. Wheels.

9. Wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, section 3.2.

d. "Display Fireworks" means those fireworks as defined by Iowa Code Section 727.2(1)(b).

SECTION 3. Section 41.13, Fireworks, is hereby amended by adding the following subsection 2, Regulations:

2. Regulations.

a. It shall be unlawful for any person to use or explode any explosive, explosive material or First-class Consumer Fireworks within the corporate limits of the City.

b. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any explosive, explosive material, First-class Consumer Fireworks or

Second-class Consumer Fireworks within the corporate limits of the City except in compliance with Section 165.09 of the Indianola Municipal Code. Sales of Display Fireworks may be made for that purpose only.

c. It shall be unlawful for any person to use or explode any Display Fireworks within the corporate limits of the City unless, upon application in writing, the City has issued a permit to a City agency, fair association, amusement park or other organizations or groups of individuals approved by City authorities to display fireworks and such display will be handled by a competent operator.

SECTION 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. This ordinance shall be effective upon its passage, approval and publication as provided by law.

PASSED and approved this ____ day of _____ 2017.

KELLY B. SHAW, Mayor

ATTEST:

Diana Bowlin, City Clerk

First Class



Sky rockets/
Bottle rockets



Roman Candle



Aerial Shell devices/
Reloadable Tubes



Firecrackers



Missile – type rockets



Helicopter & aerial
spinners



Chasers

Second Class



Cone Fountains



Cylindrical
Fountains



Flitter Sparklers



Ground Sparklers



Wheels



Ground
Spinners

Sparklers/Novelties



Novelties



Sparklers

City Council Special

5.D.

Meeting Date: 05/23/2017

Subject

Consideration to waive the 2nd and 3rd readings of an Ordinance amending the Code of Ordinances of the City of Indianola establishing regulations regarding the prohibition of First Class Fireworks and the use of Second Class Fireworks.

Information

Since three readings of all ordinances are required unless there is a waiver by a supermajority vote of the Council, final consideration of an ordinance establishing the prohibition of class one fireworks and use of class two fireworks would not occur until June 19th or after the June 1st timeframe allowed by State law. The City Council may wish to waive the 2nd and 3rd readings to ensure an ordinance is in place prior to the regulations of the State law going into effect.

Fiscal Impact

Attachments

No file(s) attached.

City Council Special

5.E.

Meeting Date: 05/23/2017

Subject

Consideration of a resolution prohibiting the use of consumer fireworks within the City of Indianola.

Information

This agenda item is being offered as a possibility for the City Council consideration in the event there is not consensus to waive the 2nd and 3rd readings. This resolution would help to avoid a loop-hole in the timing between the State law going into effect and when the City Council completes its three readings of an ordinance prohibiting the use of fireworks. Consideration of action on this is being provided in the event the Council wish to not waive the 2nd and 3rd readings.

Fiscal Impact

Attachments

17.05.18 Resolution Prohibitting Fireworks Use

RESOLUTION NO. _____

**RESOLUTION PROHIBITING THE USE OF CLASS-ONE CONSUMER
FIREWORKS WITHIN THE CITY OF INDIANOLA, IOWA**

WHEREAS, Iowa Senate File 489 allows for the use of Consumer Fireworks as defined in Iowa Code Section 727.2 unless a City Council prohibits or limits the use by Resolution or Ordinance; and

WHEREAS, the City of Indianola has a responsibility to protect and promote the public health, safety and welfare its citizens; and

WHEREAS, the City Council of the City of Indianola is in the process adopting an ordinance to address the use of Consumer Fireworks; and

WHEREAS, the City of Indianola believes that it is necessary to prohibit the use of Class-one Consumer Fireworks until the proposed ordinance amending Indianola Municipal Code Section 41.11 can be approved as required by Iowa law.

IT IS, THEREFORE, RESOLVED by the City Council of the City of Indianola, Iowa, that the use of Class-one Consumer Fireworks is prohibited within the City limits.

IT IS FURTHER RESOLVED that the prohibition set out in this Resolution shall be in effect until the amendment of Indianola Municipal Code Section 41.11 is implemented in accordance with Iowa law.

DATED this 23rd day of May 2017.

Kelly B. Shaw, Mayor

ATTEST:

Diana Bowlin, City Clerk