



Roll Call Number

Agenda Item Number

50A

Date May 22, 2017

RESOLUTION PROHIBITING USE OF CONSUMER FIREWORKS AND ALLOWING USE
OF DISPLAY FIREWORKS BY PERMIT

WHEREAS, Senate File 489 allows the use of consumer and display fireworks, as defined in Senate File 489, unless a city council passes an ordinance or resolution to prohibit or limit the use of such fireworks by resolution or ordinance; and

WHEREAS, Chapter 46 of the Municipal Code of the City of Des Moines prohibits the use of consumer fireworks within the corporate limits of the City and allows the use of display fireworks pursuant to requirements in Chapter 46, including a permit issued by the Fire Department; and

WHEREAS, the City Council desires to prohibit the use of consumer fireworks within the corporate limits of the City of Des Moines and to allow the use of display fireworks pursuant to a permit issued by the Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the use of consumer fireworks within the corporate limits of the City of Des Moines, Iowa shall be prohibited.

BE IT FURTHER RESOLVED that the use of display fireworks shall be allowed pursuant to the requirements of Chapter 46 of the Municipal Code of the City of Des Moines.

BE IT FURTHER RESOLVED that City staff is directed to take all necessary action to bring forth amendments to the Des Moines Municipal Code, including amendments to the Zoning Code, to put the above described changes into effect.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

May 19, 2017



The Honorable Mayor
and
Members of the City Council
City of Des Moines

Re: Agenda Item #50 - Fireworks

Dear Mayor and City Council Members:

This letter is intended to provide guidance and a roadmap on how the City might adjust our zoning ordinances to restrict the sale of fireworks to certain locations. Based on the discussion at the Work Session, ordinance changes are being drafted that would restrict fireworks sales and storage to M1 and M2 zoned districts of the City. See attached map. Additionally, we will need to prohibit the sale and storage of fireworks as an accessory use in non-M1 and M2 districts when temporary structures are placed on property that has a retail primary use, such as garden centers at big box locations.

The timeline to make these changes would include approvals at the next P&Z meeting on June 1st and a special Council meeting on June 2nd at 11:00am with the intent to waive 2nd and 3rd readings and to become effective upon publication.

The following cities in the Midwest that do not allow the use of fireworks include Sioux Falls and Kansas City, MO. Omaha allows use of fireworks between Jun 25th and July 4th. Kansas City, KS allows use of fireworks from July 2nd through July 6th. Independence, MO allows use of fireworks between July 3rd and July 5th. Madison, WI allows use of fireworks from June 27th through July 6th with a proper permit.

The recommendation from the Fire Chief, Police Chief and City Manager is to prohibit the use of fireworks. At the May 11th meeting of the Building and Fire Code Board of Appeals, the Board discussed needed changes to Chapter 46. City Fire Prevention and Protection section, of the City Municipal Code. During this meeting, the Board decided to take a position to encourage the City Council to prohibit the use of fireworks in the City of Des Moines to the extent allowed by state law. The motion passed by a vote of 9-2.

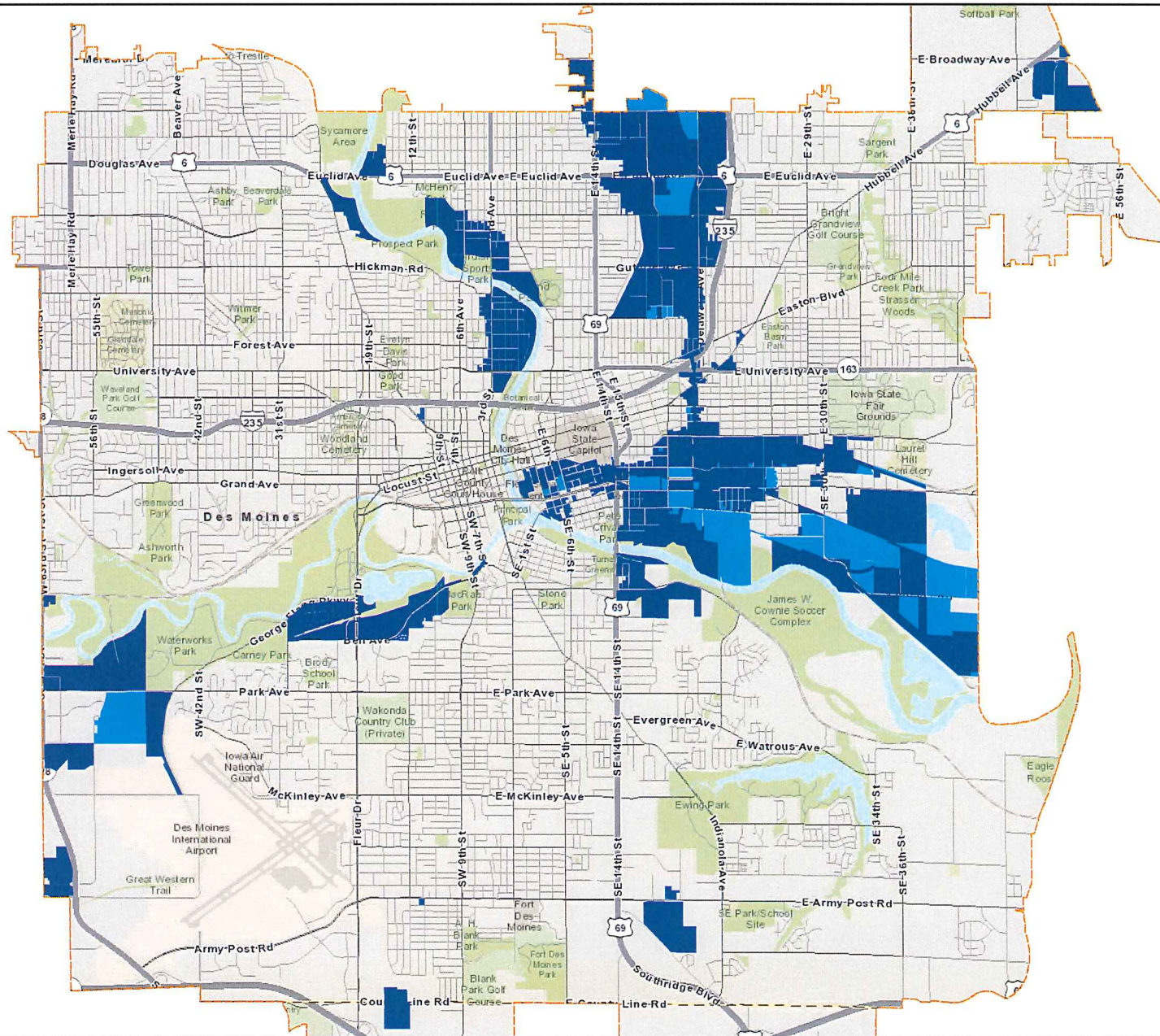
Sincerely,

A blue ink signature of Scott E. Sanders, written in a cursive style.

Scott E. Sanders
City Manager

Attachment

M-1 and M-2 Zoned Parcels in Des Moines



M-1 Zoned Parcels 4419 acres (2,327)
 M-2 Zoned Parcels 2089 acres (404)