

**MEETING NOTICE
MAIZE CITY COUNCIL
SPECIAL MEETING**

TIME: 11:00 A.M.
DATE: Wednesday, May 30th, 2018
PLACE: Maize City Hall
10100 W. Grady Avenue

MAYOR DONNA CLASEN PRESIDING

- 1) Call to Order
- 2) Roll Call
- 3) Approval of Agenda
- 4) New Business
 - A. Fireworks Amending Ordinance
- 5) Mayor/Council update
- 6) Adjournment

**MAIZE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, May 30, 2018**

AGENDA ITEM #4A

ITEM: Fireworks Permit Ordinance

BACKGROUND:

On April 10, 2017 Council adopted Ordinance #932 amending Section 701 (d) of the City. This allowed for an additional fireworks stand on Maize Road, increasing the total number of stands allowed in the City to seven. The additional stand would join the three grandfathered locations on Maize Road (*Lions Club, Ark Church and the Methodist Church*). Staff conducted a lottery drawing and the Maize Booster Club was allowed to relocate their existing stand to 3400 N. Maize Road. The Maize Education Foundation (a new stand) located their stand at 6121 N 119th St W.

At the July 24, 2017 Council meeting representatives from the Maize Lions Club spoke to the Council expressing objections to the additional Maize Road fireworks stand. Council informed them the item was scheduled for reviewed in September 2017.

Financial information for 2015, 2016 & 2017 was requested each permit holder. Responses were received from the Maize Lions Club and the Ark Church. This information was provided to the Council members.

At the November 13, 2017 meeting, Council adopted Ordinance #939 amending Section 701 (d) allowing seven total fireworks stands but only the original three grandfathered stands on Maize Road.

As of March 14, 2018, a total of five permits had been received for the four non-Maize Road locations. A lottery was held according to the ordinance. The permit that was **not** selected was the Maize Booster Club.

Staff and the City Attorney met with representatives from the booster club, Farha Fireworks and their attorney to discuss options to include the Maize Booster Club's tent. After researching other cities' ordinances, the City Attorney drafted the attached ordinance which allows for a total of eight permits – the original three on Maize Road and five off of Maize Road. All permits will be grandfathered. If a permit holder does not apply the next year, that permit will be opened up on a first come, first serve basis.

FINANCIAL CONSIDERATIONS:

The City receives a \$4,000 permit fee for each of the 8 permits.

LEGAL CONSIDERATIONS:

Eight fireworks stands will be allowed in the City.

Only the three grandfathered stands will be allowed on Maize Road.
City Attorney has approved the ordinance as to form

RECOMMENDATION:

Approve the ordinance to amend Section 7-201(d) of the City of Maize Code to allow eight fireworks stands in the City of Maize and only three stands on Maize Road.

[A summary of this ordinance was published in the *Clarion* on June 7, 2018]

ORDINANCE NO. 944

AN ORDINANCE OF THE CITY OF MAIZE, KANSAS, AMENDING SECTION 7-201(d) OF THE CODE OF THE CITY OF MAIZE, KANSAS, RELATING TO PERMITS TO SELL FIREWORKS, AND REPEALING THE EXISTING SECTION 7- 201(d) OF THE CODE OF THE CITY OF MAIZE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF CITY OF MAIZE,
KANSAS:

Section 1. Section 7-201(d) Amended. Section 7-201(d) of the Code of the City of Maize, Kansas, is amended to read as follows:

(d) PERMITS FOR SALE OF FIREWORKS REQUIRED; FEE; ISSUANCE. The purpose of this Section of the Code of the City is to permit locations for the sale of fireworks within the city limits of the City, which controls the inconvenience, interference with pedestrian and vehicular traffic and damage to the public that could be caused by the unregulated placement of locations for the sale of fireworks within the city limits.

(1) It is unlawful for a person to sell, display for sale, offer to sell or give away Consumer Fireworks within the City limits, without first securing a permit to do so from the City Clerk of the City. A permit will authorize a holder of a permit to sell and display Consumer Fireworks from June 27 to July 5 of the year the permit is issued.

(2) Applications for a permit shall be submitted on forms prepared by the City. All applications shall have a sponsorship by a non-profit organization from within the City and be on a form determined by, and include the information requested by, the City Clerk of the City.

(3) The permit fee for a permit to sell and display Consumer Fireworks is Four Thousand Dollars (\$4,000.00) per premises and must be paid to the City at the time an application is submitted. The permit fee is non-refundable regardless of whether an application is denied based upon failure to qualify for a permit or whether the permit is withdrawn or canceled after it has been issued.

(4) A permit will not be issued if the selling of Consumer Fireworks would not be in compliance with pertinent City Codes, City Zoning, State statutes and State regulations, and a permit will not be issued for a location unless and until the location has been inspected and approved for compliance with Sedgwick County resolutions and regulations by a Sedgwick County inspector.

(5) The number of permits to sell Consumer Fireworks on Maize Road for any given year will not exceed three permits. Applications for permits for Maize Road will not be accepted before the first business day of February of the year for which the permit is to be issued. A permittee who operated a fireworks sale location on Maize Road during the previous year,

who was, during the previous year, in full compliance with Chapter 7 of the Code of the City and with other pertinent laws, may continue to operate a fireworks sale location on Maize Road by applying for a permit on or before the first business day following March 14 of the year for which the permit is to be issued. Thereafter, applications will be accepted on a first come, first served basis for any of the 3 permits that remain un-issued. Applications of those seeking fireworks sale permits, who did not hold a permit the previous year, will not be accepted after the last business day of April of the year for which the permit would be issued. Each permit located on Maize Road will maintain a distance of not less than 1320 feet from other Maize Road permit holders. In 2018, the 3 permittees will be the three entities that hold a permit to sell fireworks on Maize Road as of May 30, 2018.

(6) The number of permittees to sell Consumer Fireworks at locations other than Maize Road for any given year will not exceed five permits. Applications for permits for non-Maize-Road locations will not be accepted before the first business day of February of the year for which the permit is to be issued. A permittee who operates a non-Maize Road fireworks sale location during the previous year, who was, during the previous year, in full compliance with Chapter 7 of the City Code of the City and with other pertinent laws, may continue to operate a non-Maize Road fireworks sale location by applying for a permit on or before the first business day following March 14 of the year for which the permit is to be issued. Thereafter, applications will be accepted on a first come, first served basis for any of the five permits that remain un-issued. Applications of those seeking fireworks sale permits, who did not hold a permit the previous year, will not be accepted after the last business day of the year for which the permit would be issued. In 2018, the five permittees will be the five entities who applied for non-Maize Road fireworks sale permits on or before the first business day following March 14, 2018, for a 2018 fireworks sale permit.

(7) A permit holder under this Section 7-201(d) shall procure and maintain a policy of general liability insurance covering the selling and displaying of Consumer Fireworks under the permit in an amount of not less than one million dollars (\$1,000,000) per occurrence. Such insurance shall be with an insurance company authorized to do business in the State of Kansas. Prior to the issuance of a permit, an applicant for a permit shall file with the City Clerk of the City a certificate of insurance evidencing the insurance coverage specified herein. The City shall be named as an additional insured under such insurance coverage and the certificate of insurance shall show the City as an additional insured. Certificates of insurance shall provide that the City shall be given thirty (30) days written notice of any cancellation or material change in the coverage of such insurance.

Section 2. Repeal. The existing Section 7-201(d) of the Code of the City of Maize, Kansas, is hereby repealed.

Section 3. Effective Date. This ordinance shall become effective upon publication of a summary of the ordinance in the official City newspaper.

ADOPTED by the Governing Body, and APPROVED by the Mayor on this 30th day of May, 2018.

(SEAL)

Donna Clasen, Mayor

ATTEST:

Jocelyn Reid, City Clerk