

**AGENDA**  
**SPECIAL MEETING OF THE AMES CITY COUNCIL**  
**CITY HALL COUNCIL CHAMBERS**  
**515 CLARK AVENUE**  
**MAY 16, 2017**

**CALL TO ORDER:** 6:00 p.m.

1. Campustown/Downtown Business District, Intermodal Facility, and Surrounding Neighborhood Parking Review
  
2. Discussion of new State Fireworks Law

**COUNCIL COMMENTS:**

**ADJOURNMENT:**

## Staff Report

**CAMPUSTOWN/DOWNTOWN BUSINESS DISTRICT, INTERMODAL FACILITY, AND SURROUNDING NEIGHBORHOOD PARKING REVIEW**

May 16, 2017

**BACKGROUND:**

The City Council established as one of its objectives under the goal to Strengthen Downtown and Campustown to re-examine the parking regulations and fees in the Campustown business district and surrounding neighborhoods. Subsequent to the identification of this objective, the Council made a referral to the staff requesting a review of the parking requirements in the Downtown Business District. In response to these directives two reports: 1) Downtown Parking Requirement – Attachment 7 and 2) Campus Area Parking – Attachment 8 were distributed to the City Council.

With the extensive redevelopment that is occurring in Campustown and recent the interest being expressed in redevelopment in Downtown, the issue of parking is a critical topic to be discussed. Therefore, the intent of this workshop is provide the City Council a comprehensive review of the following parking issues related to the Campustown and Downtown business districts as well as the surrounding neighborhood areas and to facilitate a dialog regarding this important topic:

- inventory of public parking spaces
- parking fee and fine structures
- enforcement/violation trends
- estimated utilization of the public parking system
- off-street parking requirements in the business districts
- on-street parking regulations in the neighborhoods surrounding the business districts

The staff realizes that the information contained in this report can be overwhelming when first reviewed. Therefore, this workshop should be considered a beginning of the discussion. On page 12 of the report, staff has attempted to identify a number of policy issues that the City Council might want to explore further as a follow up to the workshop, if it is believed changes in the status quo are desired.

**Philosophies That Should Guide Development Of The Parking System**

Staff would suggest that the following list of philosophies should guide the establishment of the City's parking system procedures, regulations, and requirements. It can be argued that not all of these philosophies are addressed in our current parking system.

- a. **Minimize Spillover/Storage of Vehicles:** create a system that can support normal operations within a district without vehicles going outside the district for parking or utilizing the district for unrelated purposes.

- b. **Encourage turnover:** developed with business owners and residents to maximize available space through time limitations on parking spaces.
- c. **Breakeven (Operations vs. Capital):** setting a fee structure that includes coverage for operating costs and long term capital. (I.e. Moving to smart card meters)
- d. **Business and/or Neighborhood Friendly:** creating a policy that is inclusive of business and neighborhood and promotes activities that are beneficial to the districts and discourage less desirable parking behavior. (I.e. Business district policies encourage regular turnover at an affordable price.)
- e. **Prioritize Customers:** including provisions within the policy that prioritizes users according to districts or subareas.
- f. **Simplicity and Clarity:** simple and clear regulations throughout the parking system for administration, compliance, and enforcement efforts.
- g. **Ease of Payment:** the availability of users to have multiple payment methods that suit their lifestyle.

**INVENTORY, FEES, AND UTILIZATION:**

Parking options within the Downtown/Campustown Business Districts and Intermodal offer a variety of parking options for users including on – street metered parking with time limits of 1, 2, 4, 10 hours; off-street metered parking with 4 and 10 hours, off-street free parking limited to 2 or 4 hours, and reserved parking rented by the month. The following tables will summarize types of parking, quantity, restrictions, utilization, and fees.

**Downtown Business District (Inventory and Fees)**

Type of Parking	Time Restrictions	Cost (hour)	Quantity
On -- Street Metered Parking	1 hour	\$0.20	34
On -- Street Metered Parking	2 hour	\$0.20	266
On – Street Free Parking	24 hours	\$0.00	31
On -- Street Metered Parking	4 hours	\$0.20	160
Off- Street Metered Parking	4 hours	\$0.20	48
Off- Street Metered Parking	10 hours	\$0.20	144
Off- Street Reserved Parking	All hours	\$30- \$35/Month	154
Off- Street Free Parking	2 hours	Free	84
Off- Street Free Parking	3 hours	Free	174
Off-Street Free Parking	4 hours	Free	186
Handicap Accessible Parking		Free	30
		<b>Subtotal</b>	<b>1,311</b>

**Campustown Business District (Inventory and Fees)**

Type of Parking	Time Restrictions	Cost (hour)	Quantity
On-Street Metered Parking	1 hour	\$0.25	6

On-Street Metered Parking	1 hour	\$0.50	44
On- Street Metered Parking	2 hour	\$0.25	90
On-Street Metered Parking	2 hour	\$0.50	56
On- Street Metered Parking	4 hour	\$0.25	28
On-Street Metered Parking	4 hour	\$0.50	8
Off-Street Metered Parking	2 hour	\$0.25	30
Off Street Metered Parking	2 hour	\$0.50	22
Off- Street Reserved Parking	All	\$30-\$35 Month	31
Off- Street Metered Parking	10 hour	\$0.25	35
Handicap Accessible Parking	Not application	Free	10
		Subtotal	360

### Intermodal Facility (Inventory and Fees)

Type of Parking	Time Restrictions	Cost	Quantity
Reserved Covered Parking	All Hours/All Days	\$44.42/month \$533/year	104
Reserved Uncovered Parking	All Hours/All Days	\$17.25 \$207/year	207
Metered Parking (covered)	All Hours/All Days	\$0.75/hr	40
Van Pool Parking (covered)	All Hours/All Days	No Fee	20
Executive Express (covered)	All Hours/All Days	\$265/year	5
Handicap Accessible / Medical Parking	All Hours/All Days	\$0.75	8
		Subtotal	384

### Downtown Business District Utilization

Staff has prepared utilization estimates for metered and reserved spaces within the parking study districts. The estimates were calculated by taking the actual revenue collected divided by the maximum potential revenue. These estimates do not reflect the time a vehicle was physically parked in the space or an indication of paid or unpaid parking. Iowa State University provided information regarding permit and meter revenue.

### Downtown Business District - Parking Utilization

Type of Parking	Max Revenue	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Metered (Streets)	\$250,056	\$124,186	\$121,031	\$122,043	\$125,751	\$128,025
Metered (Lots)	\$88,930.80	\$26,897	\$27,792	\$32,192	\$31,232	\$32,447
Reserved Space	\$63,420	\$48,796	\$42,680	\$36,081	\$40,855	\$44,928
% of Max Use Metered (Streets)		50%	48%	49%	50%	51%
% of Max Use		30%	31%	36%	35%	36%

Metered (Lots)						
% Max Use Reserved Space		77%	67%	57%	64%	71%

**\*\*Utilization estimates for FY 2016/17 include 51% for On-Streets Metered, 33% Metered Lots, and 80% reserved spaces utilized.**

#### Campustown Business District- Parking Utilization

Type of Parking	Max Revenue	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Metered (Streets)	\$235,107	\$107,020	\$109,664	\$107,580	\$105,391	\$124,121
Meters (Lot)	\$74,065	\$30,572	\$28,090	\$28,144	\$41,938	\$46,951
Reserved Space	\$11,460	\$10,165	\$9,270	\$8,860	\$9,604	\$9,805
% of Max Use Metered (Streets)		46%	47%	46%	45%	53%
% of Max Use Meters (Lot)		41%	38%	38%	57%	63%
% of Max Use Reserved		89%	81%	77%	84%	86%

**\*\* Utilization estimates for FY 2017 include 57% for On-Street Metered, 48% Metered Lots, and 96% for reserved spaces utilized.**

#### Intermodal Facility Parking Utilization

Type of Parking	Quantity	Retail	FY 17 Revenue
Reserved Covered Parking	104 (122 Sold)	\$533/year	\$65,026
Reserved Uncovered Parking	207 (232 Sold)	\$207/year	\$48,024
Metered Parking (covered)	40	\$0.75/hr	\$9,094.65
Van Pool Parking (covered)	20	No Fee	\$0
Executive Express (covered)	5	\$265	
Handicap Accessible / Medical Parking	8	\$0.75/hr	

### **REGULATION AND ENFORCEMENT:**

#### **Citywide Parking Fines**

Parking fines for overtime parking at meters are currently set by Municipal Ordinance at \$10, which is reduced to **\$5 if paid within seven days**. For most other illegal parking violations, the fine is \$20, reduced to **\$15 if paid within seven days**. While there had been a state imposed limit of \$20 on this penalty, that is no longer the case.

Overtime parking occurs when the motorist parked at a metered spot exceeds the time paid on the meter. Illegal parking violations include such things as blocking sidewalks or driveways,

parking without the proper permit or permission, or parking in violation of alternate side, or hour of day restrictions.

Parking enforcement is primarily conducted by one full time parking enforcement officer and nine part-time community safety officer. Police officers may provide illegal parking enforcement if there are neighborhood complaints and no parking officer is available.

### Parking Violation History-Downtown

Parking Violations Issued in the Downtown Area by Ames Police Department				
	2013	2014	2015	2016
<b>Location</b>	2013	2014	2015	2016
<b>5th Street (100 thru 600 BLK)</b>	1590	1655	2007	1620
<b>6th Street (100 thru 600 BLK)</b>	0	2	2	1
<b>7th Street (100 thru 600 BLK)</b>	304	209	167	171
<b>8th Street (100 thru 600 BLK)</b>	154	146	154	129
<b>9th Street (100 thru 600 BLK)</b>	10	26	12	2
<b>Burnett Ave (400 thru 800 BLK)</b>	350	340	378	321
<b>Clark Ave (100 thru 800 BLK)</b>	46	104	64	65
<b>Commerce Ave</b>	0	0	0	0
<b>Douglas Ave (100 thru 800 BLK)</b>	530	1129	1825	1427
<b>Duff Ave (100 thru 800 BLK)</b>	2	2	0	1
<b>Gilchrist Street</b>	0	0	0	0
<b>Kellogg Ave (100 thru 800 BLK)</b>	862	1015	1054	694
<b>Main Street (100 thru 600 BLK)</b>	6292	7333	6886	5713
<b>Market Street</b>	0	0	0	0
<b>Pearle Ave</b>	48	98	87	41
<b>Sherman Ave</b>	0	0	0	2
<b>Wilson Ave (700 thru 800 BLK)</b>	2	6	3	8
<b>Totals</b>	10190	12065	12639	10195
<b>% Change</b>		18	5	-24
<b>Location</b>	2013	2014	2015	2016
<b>Lot M</b>	38	98	194	85
<b>Lot N</b>	242	235	183	290
<b>Lot PA</b>	2	1	0	9
<b>Lot Q</b>	120	324	554	434
<b>Lot S</b>	0	40	303	201
<b>Lot T</b>	28	29	17	59
<b>Lot TT</b>	20	28	11	15
<b>Lot U</b>	2	1	0	0
<b>Lot V</b>	0	4	7	4
<b>Lot W</b>	0	0	0	0
<b>Lot X</b>	78	64	65	107
<b>Lot Y</b>	116	221	179	157

<b>Lot Z</b>	382	558	511	670
<b>Totals</b>	1028	1603	2024	2031
<b>% Change</b>		56	26	0
<b>For 2013, used July thru December actual #'s &amp; doubled them.</b>				
<b>Note: Percentages are rounded</b>				

### Downtown Enforcement Trends

The most notable change in the downtown area is the increase in citations on the east end. A majority of this change came from increases in Lot S, Lot Q, and Lot Z. Much of this can be attributed to decreased in parking activity around the Library during the construction period. Beyond that, there continues to be relatively stable level of downtown parking violations. The neighborhood violations have been also been relatively stable through this period.

### Parking Violation History-Campustown

<b>Parking Violations Issued in Campus Area By Ames Police Department</b>				
<b>Violations issued on football game days have been subtracted</b>				
<b>Location</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Agg Ave</b>	6	12	17	6
<b>Arbor St</b>	324	296	288	249
<b>Ash Ave</b>	802	886	924	1150
<b>Ashmore Cir</b>	0	0	0	0
<b>Ashmore CT</b>	0	0	0	0
<b>Ashmore Dr</b>	0	0	4	0
<b>Baker St</b>	142	128	219	182
<b>Beach Ave</b>	0	9	6	2
<b>Big Bluestem</b>	0	1	7	8
<b>Cessna St</b>	0	2	1	1
<b>Chamberlain PL</b>	40	3	0	3
<b>Chamberlain St</b>	2254	2670	2890	2574
<b>Coneflower Ct</b>	0	0	0	0
<b>Country Club Blvd</b>	134	91	93	84
<b>Donald St</b>	140	145	172	116
<b>Friley Rd</b>	0	5	5	1
<b>Gable In</b>	28	37	53	116
<b>Gaskill Dr</b>	0	0	1	7
<b>Graeber St</b>	68	32	45	34
<b>Gray Ave</b>	378	417	364	369
<b>Greeley St</b>	962	654	803	860
<b>Greenbriar Cir</b>	0	1	0	0

Hayward Ave	1216	1557	990	930
Hughes Ave	12	10	20	9
Hunt St	1888	2068	1730	1792
Indian Grass Ct	0	0	0	0
Kildee St	64	39	29	38
Knapp St	1494	1625	2046	1996
Lincoln Way (2000 to 3000 Blk)	1528	1305	1931	3262
Little St	68	107	161	142
Lynn Ave	304	219	460	533
McCarthy Rd	0	0	0	1
Mortensen Pkwy	6	4	1	3
Mortensen Rd (to 3000 Blk)	4	27	5	4
Pearson Ave	604	419	610	562
S Hyland Ave	470	417	395	306
S Sheldon Ave	94	63	49	42
Stanton Ave	1220	1324	1326	1291
Storm St	140	110	116	136
Sunset Dr	818	782	812	777
Welch Ave	2598	3024	2760	1959
Wood St	620	670	612	525
<b>Totals</b>	<b>18426</b>	<b>19159</b>	<b>19945</b>	<b>20070</b>
<b>% Change</b>		<b>4</b>	<b>4</b>	<b>&lt;1</b>
<b>Location</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
T Lot	28	29	17	26
T Lot (Welch)	344	482	479	509
X lot (Campustown)	886	1023	1507	992
Y lot (Chamberlain)	312	337	428	389
Z Lot (Stanton)	1438	1651	1778	2039
<b>Totals</b>	<b>3008</b>	<b>3522</b>	<b>4209</b>	<b>3955</b>
<b>% Change</b>		<b>15</b>	<b>16</b>	<b>-6</b>
<b>Grand Total for Streets &amp; Lots</b>	<b>21434</b>	<b>22681</b>	<b>24154</b>	<b>24025</b>
<b>% Change</b>		<b>5</b>	<b>6</b>	<b>0</b>
<b>Rev 1-6-17</b>				
<b>Note: For 2013, took actual numbers for July - Dec and doubled them</b>				
<b>* Change due to increase in violations issued for Overtime Parking-Expired Meter</b>				

### Campustown Enforcement Trends

From the perspective of our parking staff, Campustown area parking activity is high with most spaces occupied during the day. Daytime complaints about vehicles exceeding the 4-hour limit



come mostly from Ash, Knapp, and Lynn. In the evening, there is still a great deal of parking but it appears to be relatively stable or perhaps down slightly. Houses that host a social gathering will trigger neighborhood complaints in the evening. These have been concentrated on Wood, Knapp, and Hunt, but occasionally occur elsewhere.

The high level of parking activity also means that Campustown area residents compete with visitors for space. Thus, the overall parking enforcement perspective shows relatively high levels of parking activity with little change in the number of violations.

## **PARKING IN SURROUNDING NEIGHBORHOODS:**

### **Neighborhood Parking**

Parking in city neighborhoods can be affected by activity in nearby business, entertainment, or other commuter activity. It can also become a scarce resource when residents own more vehicles than the available supply of parking. Situations where demand for parking exceeds the supply are often viewed as “problems” and, indeed they are when someone expects to be able to park and they cannot. Traditional efforts to address this problem involve promulgating regulations to limit use and then enforcing those regulations. A more contemporary approach involves influencing demand for parking with pricing policies that better reflect the value of increasingly scarce parking places. While enforcement is still necessary, it is not the sole solution in market models.

### **Regulations**

Neighborhood parking regulations for most of the city consist of a simple “No Parking This Side of Street” on one side of most neighborhood streets. In the neighborhoods adjacent to Downtown, parking enforcement shows fairly consistent patterns of violation and ticketing, although this analysis does not include the impact of the Hospital Medical area north of Ninth Street. In contrast, the residents adjacent to Campustown have expressed concerns with parking in their neighborhoods and have worked with previous City Councils to develop a wide variety of parking regulations. This variety of regulatory approaches has led to very complex rules that often change from block to block. This complexity has made it difficult for visitors to interpret the regulatory signs. For example, the two signs in the following illustrations are from Country Club and Greeley.



These regulations have evolved as various stakeholders sought to prioritize access to parking, particularly in those areas adjacent to their residence. The competition for parking in these areas is also affected by special events, most notably football games.

### **Neighborhood Permit Parking**

As noted in the previous section, residents in the neighborhoods adjacent to Campustown have a history of seeking regulatory solutions to parking concerns. This has led to occasional discussion of permit parking. In other communities, Neighborhood Parking Permits (NPP) have been used as another tool to manage parking in neighborhoods. This strategy can be viewed as adding an additional layer of regulation for parking users.

The options being employed in other college communities vary tremendously, in large part due to differing philosophies about parking and differences in customer demand for parking. For example, permits may be used to limit daytime parking if there is local commercial businesses or commuter parking that conflicts with residents. Other permit systems allow overnight parking only for neighborhood residents in order to accommodate on street parking for residents with insufficient parking at their residence. The most restrictive permit regulations may only permit residents to park on the street, eliminating all other parking. In these cases, special allocations of permits may be made to multi-family housing units if they are interspersed within the neighborhood.

Typically, the eligibility for neighborhood permits may be determined by residential status. A permit may be issued to the resident or to the vehicle. In either case, there need to be decisions about how many permits are given to each household in relation to how many parking spaces are available. While permit recipients often have an interest in parking near their home, most permit systems are neighborhood zones of multiple blocks. Other issues that must be addressed in a permit system include a method to allow visitors, service vehicles, and special events.

In most cases where permits are being used, there is demand for more parking spaces than the city has available. In those cases, the city determines which parties have priority over others and the permit system is created to reflect that prioritization. Permit systems do not expand available parking nor do they eliminate competing demands for parking. They often create expectations that permit holders will have access to parking and, unless this expectation is met, it can fall short of satisfying neighborhood residents. In fact, residents who purchase a permit can be very unhappy if no parking space is available. The permit systems also come with the overhead costs of determining eligibility, issuing permits, canceling or renewing permits, issue visitor or utility passes, and responding to complaints and concerns about the permit system. Therefore, it should be emphasized that effective permit systems must have specific goals to guide their development and implementation in order to make sure the system accomplishes the expectations of the residents.

## **ZONING REGULATIONS:**

### **Off-Street Zoning Requirements for Parking**

All new developments must meet off-street parking requirements, determined by the size of the use and their zoning district. Existing buildings that are enlarged or have a change of use are required to provide additional parking if those changes trigger a ten percent increase in their parking requirements.

Parking regulations in the Downtown Service Center (DSC) and Campustown Service Center (CSC) are the same. Residential uses require one parking space per dwelling unit. (In residential zoning districts, single-family and two-family homes require two parking spaces while parking for apartments is based on number of bedrooms.)

In DSC and CSC, commercial uses (offices, retail, restaurants, bars) do not require any parking. However, a few assembly-types spaces, such as hotels, auditoriums, theaters, and sports practice facilities, do have parking requirements.

The University-Impacted zoning districts (O-UIE and O-UIW) are overlay districts that are combined with the High Density Residential (RH) districts adjacent to Campustown. These residential overlay zones require 25 percent more parking than RH itself. RH requires one parking space per bedroom for units over two bedrooms while the overlay district requires 1.25 parking spaces per bedroom for units over two bedrooms. Both the RH and overlay districts require 1.5 parking spaces for one-bedroom units.

	DSC	CSC	RH	O-UI	Other R zones
<b>1 dwelling unit</b>	1 space	1 space	n/a	n/a	2 spaces
<b>1-bedroom</b>	n/a	n/a	1.5 spaces	1.5 spaces	1.5 spaces
<b>2+ bedrooms</b>	n/a	n/a	1 space per bedroom	1.25 spaces per bedroom	1 space per bedroom
<b>Commercial</b>	none	none	n/a	n/a	n/a

In general, all uses in all zones have to provide all their required parking on their own lot. However, there are two provisions that allow a development to provide less than their required number of spaces.

Joint use parking allows a use to share parking with another use on the same or adjacent lot if the two uses do not need the same spaces at the same time. An example might be a church and a restaurant where it can be expected that neither of the uses require the maximum number of spaces at the same time. Staff evaluates the two uses and their peak demand times and, if acceptable, the City Council has to approve the arrangement. Joint use parking allows both uses to be served by a fewer number of spaces.

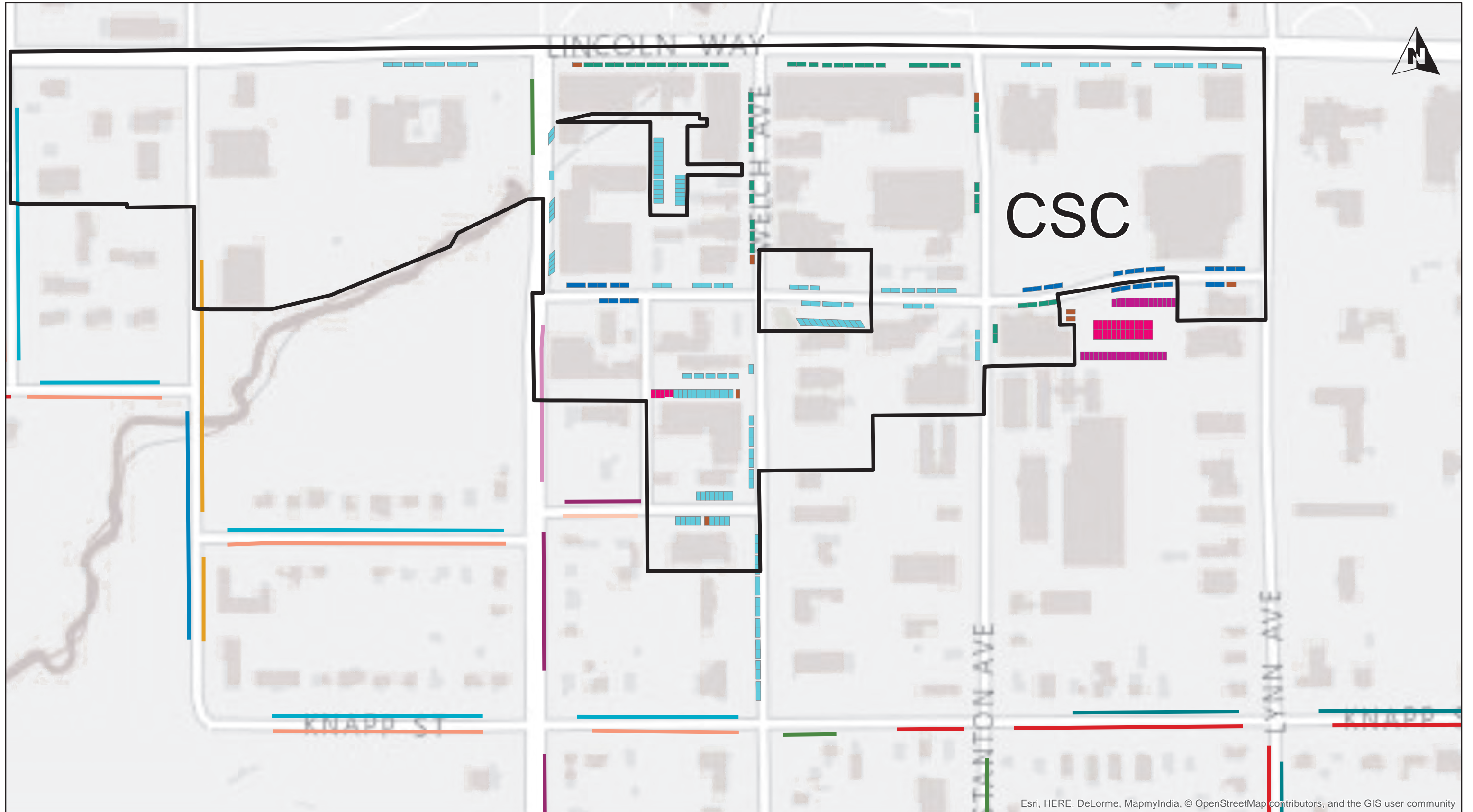
Remote parking allows a use to meet its requirement by finding permanent, excess spaces within 300 feet of the use. Remote parking is allowed in commercial districts and also requires approval from the City Council. The approved agreement has to be perpetual, but could be dissolved by the City Council if conditions change or an alternate means of meeting parking requirements is met.

### **NEXT STEPS – CONSIDERATION GIVEN TO CHANGING CURRENT FEES/REGULATIONS**

After reviewing the information contained in this report, the City Council might want to focus on one, or more, of the following policy changes:

- Increase on-street meter fees in the Campustown Business District to influence more use of the Intermodal facility
- Increase on-street meter fees in both the Downtown or Campustown Business Districts to generate sufficient revenue to cover operating costs, to cover repairs/renovation of the existing parking lots, to accumulate funds to assist with the construction of new parking ramps in the business districts, or to influence parking demand/prioritize customer demand

- Standardize and simplify on-street parking regulations in the surrounding Campustown neighborhoods to make them easier to understand
- Explore use of a residential permit system in specifically designated neighborhoods
- Reduce the off-street parking requirements for dwelling units in the Campustown and/or Downtown business districts
- Allow the residential and commercial parking spaces in Campustown and Downtown business districts to be shared
- Other issues identified by the City Council

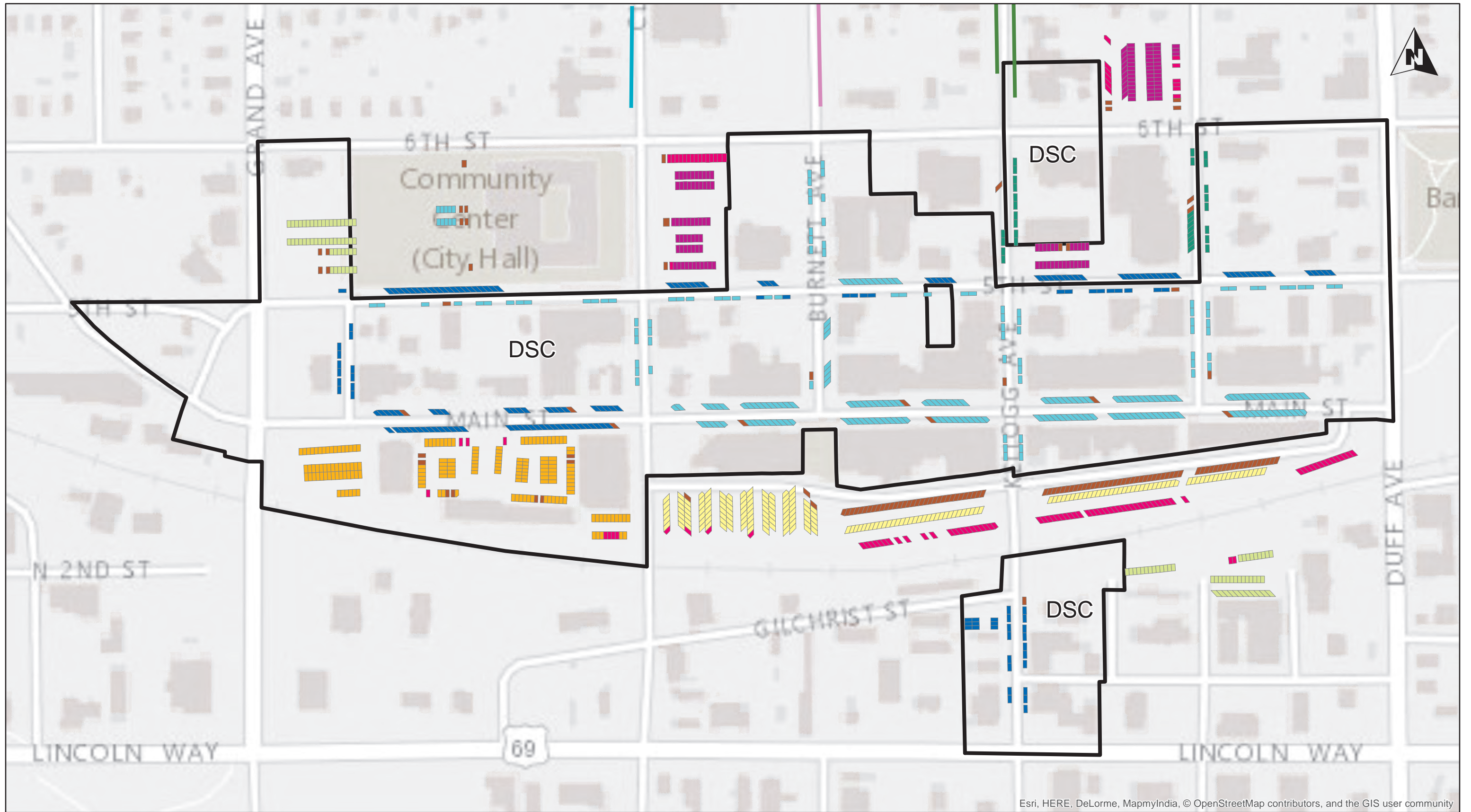


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## Campustown (Business District) Parking

<ul style="list-style-type: none"> <li>NO PARKING MON, WED, FRI, MIDNIGHT TO 9PM / 4HR PARKING TUES, THUR, SAT, SUN 7AM TO 7PM</li> <li>NO PARKING 8AM - 5PM MON, WED, FRI</li> <li>NO PARKING TUES, THUR, SAT, SUN MIDNIGHT TO 9PM / 4HR PARKING MON, WED, FRI, 7AM - 7PM</li> <li>NO PARKING 8AM - 5PM TUE, THUR, SAT, SUN</li> <li>OPEN PARKING</li> </ul>	<ul style="list-style-type: none"> <li>NO PARKING 12 MID - 9PM MON, WED, FRI</li> <li>NO PARKING 12 MID - 9PM TUE, THUR, SAT, SUN</li> <li>NO PARKING 2AM - 11PM MON, WED, FRI</li> <li>NO PARKING 2AM - 6AM EVERYDAY / 4HR PARKING ALL OTHER TIMES</li> <li>NO PARKING 3AM - 6AM EVERYDAY / 4HR PARKING ALL OTHER TIMES</li> </ul>	<ul style="list-style-type: none"> <li>NO PARKING 2AM - 11PM TUE, THUR, SAT, SUN</li> <li>NO PARKING 2AM - 6AM</li> <li>NO PARKING MON, WED, FRI AND 2AM - 6AM 6HR PARKING ALL OTHER PERIODS</li> <li>NO PARKING TUE, THUR, SAT, SUN 2AM - 11PM / 4HR PARKING MON, WED, FRI, 6AM - 11PM</li> <li>NO PARKING TUE, THUR, SAT, SUN, AND 2AM - 6AM 6HR PARKING ALL OTHER PERIODS</li> </ul>	<ul style="list-style-type: none"> <li>NO PARKING MON, WED, FRI, 2AM - 11PM / 4HR PARKING TUES, THUR, 6AM - 11PM</li> <li>NO PARKING 3AM - 6AM, TOW AWAY ZONE 12AM - 6AM DURING DESIGNATED SNOW EMERGENCIES</li> <li>NO PARKING 7AM - 6PM MON - SAT</li> <li>NO PARKING EXCEPT SUN</li> <li>NO PARKING MON, WED, FRI, 3AM - 11PM / 4HR PARKING TUES, THUR, 6AM - 11PM</li> <li>NO PARKING TUE, THUR, SAT, SUN 3AM - 11PM / 4HR PARKING MON, WED, FRI, 6AM - 11PM</li> </ul>	<ul style="list-style-type: none"> <li>Reserved Parking</li> <li>FREE - 2 HR LIMIT</li> <li>FREE - 3 HR LIMIT</li> <li>FREE - 4 HR LIMIT</li> <li>FREE - 24 HR LIMIT</li> <li>METERED - 1 HOUR</li> </ul>	<ul style="list-style-type: none"> <li>METERED - 2 HOUR</li> <li>METERED - 4 HOUR</li> <li>METERED - 10 HOUR</li> </ul>
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## Downtown Business District Parking

- |   |   |   |   |                    |                   |
|---|---|---|---|--------------------|-------------------|
| NO PARKING MON, WED, FRI, MIDNIGHT TO 9PM / 4HR PARKING TUES, THUR, SAT, SUN 7AM TO 7PM | NO PARKING 12 MID - 9PM MON, WED, FRI                       | NO PARKING 2AM - 11PM TUE, THUR, SAT, SUN   | NO PARKING MON, WED, FRI, 2AM - 11PM / 4HR PARKING TUES, THUR, 6AM - 11PM         | Reserved Parking   | METERED - 2 HOUR  |
| NO PARKING 8AM - 5PM MON, WED, FRI  | NO PARKING 12 MID - 9PM TUE, THUR, SAT, SUN                 | NO PARKING 2AM - 6AM  | NO PARKING 3AM - 6AM, TOW AWAY ZONE 12AM - 6AM DURING DESIGNATED SNOW EMERGENCIES | FREE - 2 HR LIMIT  | METERED - 4 HOUR  |
| NO PARKING TUES, THUR, SAT, SUN MIDNIGHT TO 9PM / 4HR PARKING MON, WED, FRI, 7AM - 7PM  | NO PARKING 2AM - 11PM MON, WED, FRI                         | NO PARKING MON, WED, FRI AND 2AM - 6AM 6HR PARKING ALL OTHER PERIODS              | NO PARKING 7AM - 6PM MON - SAT  | FREE - 3 HR LIMIT  | METERED - 10 HOUR |
| NO PARKING 8AM - 5PM TUE, THUR, SAT, SUN  | NO PARKING 2AM - 6AM EVERYDAY / 4HR PARKING ALL OTHER TIMES | NO PARKING TUE, THUR, SAT, SUN 2AM - 11PM / 4HR PARKING MON, WED, FRI, 6AM - 11PM | NO PARKING EXCEPT SUN   | FREE - 4 HR LIMIT  |                   |
| OPEN PARKING  | NO PARKING 3AM - 6AM EVERYDAY / 4HR PARKING ALL OTHER TIMES | NO PARKING TUE, THUR, SAT, SUN, AND 2AM - 6AM 6HR PARKING ALL OTHER PERIODS       | NO PARKING MON, WED, FRI, 3AM - 11PM / 4HR PARKING TUES, THUR, 6AM - 11PM         | FREE - 24 HR LIMIT |                   |
|   |   |   | NO PARKING TUE, THUR, SAT, SUN 3AM - 11PM / 4HR PARKING MON, WED, FRI, 6AM - 11PM | METERED - 1 HOUR   |                   |



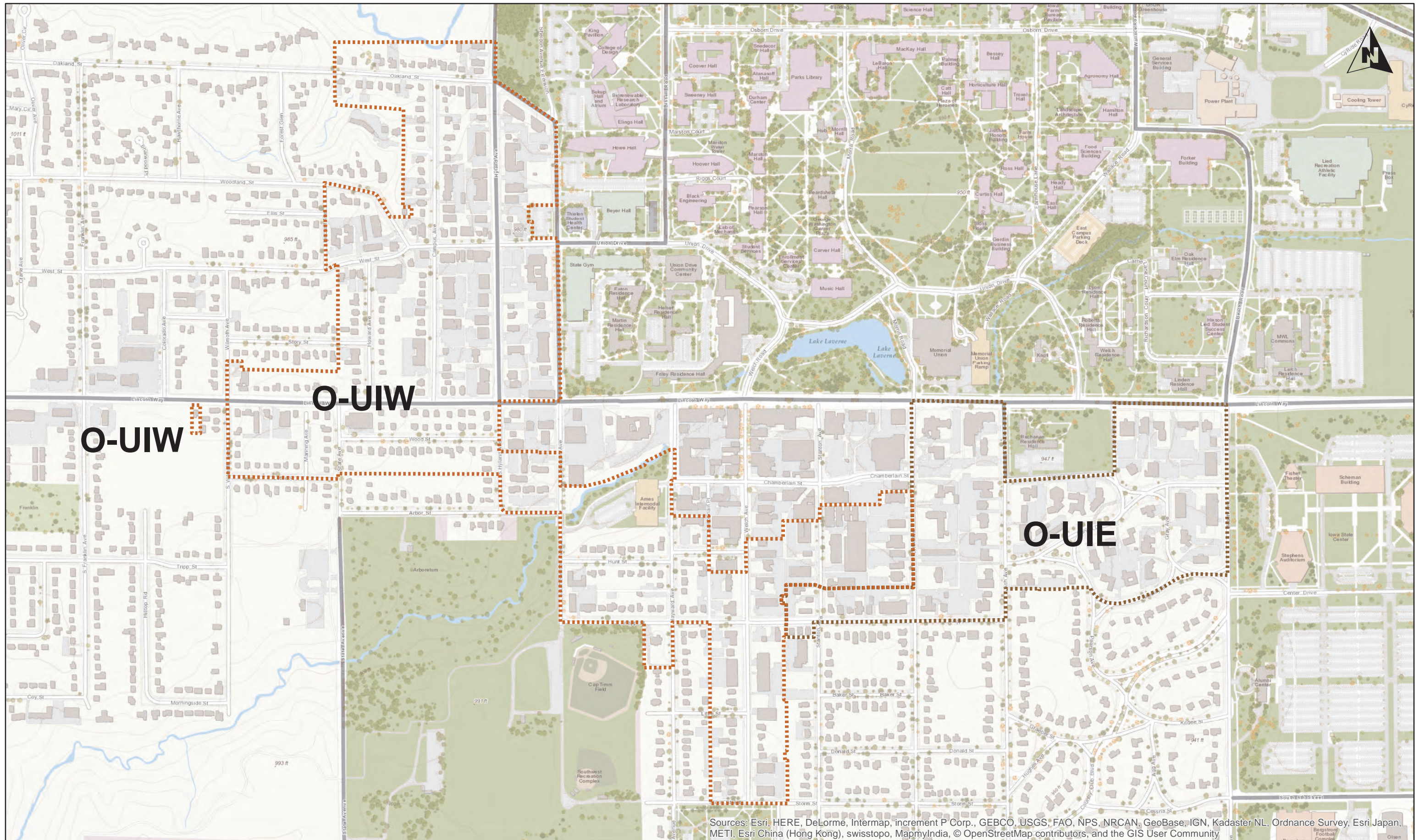
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community



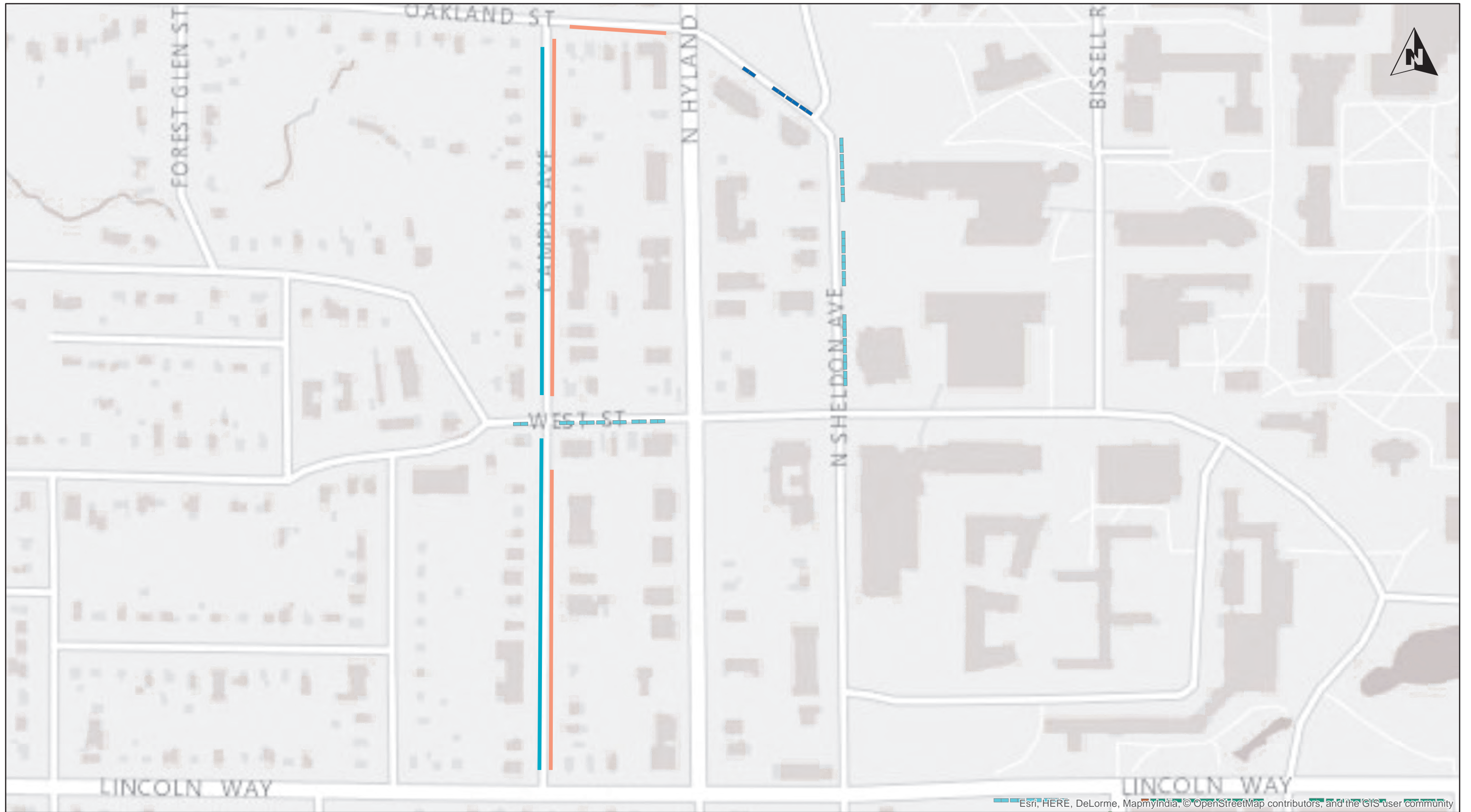
## Downtown Neighborhood District Parking

- |   |   |   |  |  |   |
|---|---|---|--|--|---|
| <ul style="list-style-type: none"> <li><span style="color: red;">—</span> NO PARKING MON, WED, FRI, MIDNIGHT TO 9PM / 4HR PARKING TUES, THUR, SAT, SUN 7AM TO 7PM</li> <li><span style="color: orange;">—</span> NO PARKING 8AM - 5PM MON, WED, FRI</li> <li><span style="color: teal;">—</span> NO PARKING TUES, THUR, SAT, SUN MIDNIGHT TO 9PM / 4HR PARKING MON, WED, FRI, 7AM - 7PM</li> <li><span style="color: blue;">—</span> NO PARKING 8AM - 5PM TUE, THUR, SAT, SUN</li> <li><span style="color: green;">—</span> OPEN PARKING</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: lightblue;">—</span> NO PARKING 12 MID - 9PM MON, WED, FRI</li> <li><span style="color: cyan;">—</span> NO PARKING 12 MID - 9PM TUE, THUR, SAT, SUN</li> <li><span style="color: lightorange;">—</span> NO PARKING 2AM - 11PM MON, WED, FRI</li> <li><span style="color: purple;">—</span> NO PARKING 2AM - 6AM EVERYDAY / 4HR PARKING ALL OTHER TIMES</li> <li><span style="color: pink;">—</span> NO PARKING 3AM - 6AM EVERYDAY / 4HR PARKING ALL OTHER TIMES</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: lightblue;">—</span> NO PARKING 2AM - 11PM TUE, THUR, SAT, SUN</li> <li><span style="color: gray;">—</span> NO PARKING 2AM - 6AM</li> <li><span style="color: red;">—</span> NO PARKING MON, WED, FRI AND 2AM - 6AM 6HR PARKING ALL OTHER PERIODS</li> <li><span style="color: orange;">—</span> NO PARKING TUE, THUR, SAT, SUN 2AM - 11PM / 4HR PARKING MON, WED, FRI, 6AM - 11PM</li> <li><span style="color: teal;">—</span> NO PARKING TUE, THUR, SAT, SUN, AND 2AM - 6AM 6HR PARKING ALL OTHER PERIODS</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: blue;">—</span> NO PARKING MON, WED, FRI, 2AM - 11PM / 4HR PARKING TUES, THUR, 6AM - 11PM</li> <li><span style="color: green;">—</span> NO PARKING 3AM - 6AM, TOW AWAY ZONE 12AM - 6AM DURING DESIGNATED SNOW EMERGENCIES</li> <li><span style="color: lightorange;">—</span> NO PARKING 7AM - 6PM MON - SAT</li> <li><span style="color: cyan;">—</span> NO PARKING EXCEPT SUN</li> <li><span style="color: lightorange;">—</span> NO PARKING MON, WED, FRI, 3AM - 11PM / 4HR PARKING TUES, THUR, 6AM - 11PM</li> <li><span style="color: purple;">—</span> NO PARKING TUE, THUR, SAT, SUN 3AM - 11PM / 4HR PARKING MON, WED, FRI, 6AM - 11PM</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: pink;">■</span> Reserved Parking</li> <li><span style="color: brown;">■</span> FREE - 2 HR LIMIT</li> <li><span style="color: orange;">■</span> FREE - 3 HR LIMIT</li> <li><span style="color: yellow;">■</span> FREE - 4 HR LIMIT</li> <li><span style="color: lightgreen;">■</span> FREE - 24 HR LIMIT</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: lightblue;">■</span> METERED - 2 HOUR</li> <li><span style="color: blue;">■</span> METERED - 4 HOUR</li> <li><span style="color: purple;">■</span> METERED - 10 HOUR</li> <li><span style="color: green;">■</span> METERED - 1 HOUR</li> </ul> |
|---|---|---|--|--|---|





Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



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## West Campustown Parking

- |   |  |   |   |   |  |
|---|--|---|---|---|--|
| <ul style="list-style-type: none"> <li><span style="color: red;">—</span> NO PARKING MON, WED, FRI, MIDNIGHT TO 9PM / 4HR PARKING TUES, THUR, SAT, SUN 7AM TO 7PM</li> <li><span style="color: orange;">—</span> NO PARKING 8AM - 5PM MON, WED, FRI</li> <li><span style="color: teal;">—</span> NO PARKING TUES, THUR, SAT, SUN MIDNIGHT TO 9PM / 4HR PARKING MON, WED, FRI, 7AM - 7PM</li> <li><span style="color: blue;">—</span> NO PARKING 8AM - 5PM TUE, THUR, SAT, SUN</li> <li><span style="color: green;">—</span> OPEN PARKING</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: orange;">—</span> NO PARKING 12 MID - 9PM MON, WED, FRI</li> <li><span style="color: cyan;">—</span> NO PARKING 12 MID - 9PM TUE, THUR, SAT, SUN</li> <li><span style="color: lightblue;">—</span> NO PARKING 2AM - 11PM MON, WED, FRI</li> <li><span style="color: purple;">—</span> NO PARKING 2AM - 6AM EVERYDAY / 4HR PARKING ALL OTHER TIMES</li> <li><span style="color: pink;">—</span> NO PARKING 3AM - 6AM EVERYDAY / 4HR PARKING ALL OTHER TIMES</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: lightblue;">—</span> NO PARKING 2AM - 11PM TUE, THUR, SAT, SUN</li> <li><span style="color: grey;">—</span> NO PARKING 2AM - 6AM</li> <li><span style="color: red;">—</span> NO PARKING MON, WED, FRI AND 2AM - 6AM 6HR PARKING ALL OTHER PERIODS</li> <li><span style="color: orange;">—</span> NO PARKING TUE, THUR, SAT, SUN 2AM - 11PM / 4HR PARKING MON, WED, FRI, 6AM - 11PM</li> <li><span style="color: teal;">—</span> NO PARKING TUE, THUR, SAT, SUN, AND 2AM - 6AM 6HR PARKING ALL OTHER PERIODS</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: blue;">—</span> NO PARKING MON, WED, FRI, 2AM - 11PM / 4HR PARKING TUES, THUR, 6AM - 11PM</li> <li><span style="color: green;">—</span> NO PARKING 3AM - 6AM, TOW AWAY ZONE 12AM - 6AM DURING DESIGNATED SNOW EMERGENCIES</li> <li><span style="color: orange;">—</span> NO PARKING 7AM - 6PM MON - SAT</li> <li><span style="color: cyan;">—</span> NO PARKING EXCEPT SUN</li> <li><span style="color: lightblue;">—</span> NO PARKING MON, WED, FRI, 3AM - 11PM / 4HR PARKING TUES, THUR, 6AM - 11PM</li> <li><span style="color: purple;">—</span> NO PARKING TUE, THUR, SAT, SUN 3AM - 11PM / 4HR PARKING MON, WED, FRI, 6AM - 11PM</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: pink;">■</span> Reserved Parking</li> <li><span style="color: brown;">■</span> FREE - 2 HR LIMIT</li> <li><span style="color: yellow;">■</span> FREE - 3 HR LIMIT</li> <li><span style="color: lightgreen;">■</span> FREE - 4 HR LIMIT</li> <li><span style="color: limegreen;">■</span> FREE - 24 HR LIMIT</li> <li><span style="color: teal;">■</span> METERED - 1 HOUR</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: lightblue;">■</span> METERED - 2 HOUR</li> <li><span style="color: blue;">■</span> METERED - 4 HOUR</li> <li><span style="color: purple;">■</span> METERED - 10 HOUR</li> </ul> |
|---|--|---|---|---|--|

Attachment 6 will be distributed Monday, May 15<sup>th</sup>.

Staff Report

**DOWNTOWN PARKING REQUIREMENTS**

March 24, 2017

In anticipation of future redevelopment projects involving housing in the downtown business district, on January 28, 2017 the City Council requested an overview of the downtown parking and storm water requirements. The following information is related to the first issue, private parking standards and public parking regulations.

**Off-Street Parking Standards**

The Downtown has a unique zoning district of Downtown Service Center (DSC) that is written to encourage a “main street” character by promoting commercial use with residential uses on upper floors of buildings. In this area there is no requirement for providing parking for commercial uses and a requirement of one parking space per residential dwelling. Miscellaneous uses of hotels and theaters require additional parking.

Excerpt of Parking Standards

PRINCIPAL LAND USE	ALL ZONES EXCEPT DOWNTOWN AND CAMPUSTOWN SERVICE CENTER ZONES	DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES
APARTMENTS DWELLINGS	1.5 space/RU; for one-bedroom units 1 space/bedroom for units of 2 bedrooms or more 1.25 space/bedroom for units of 2 bedrooms or more in University Impacted (O-UIE and O-UIW) 1 space/residential unit for an Independent Senior Living Facility	1 space/RU
AUDITORIUMS, THEATERS, STADIUMS AND ARENAS	Greater of 1 space/5 seats or 10 spaces/1,000 sf, with a minimum of 20 spaces	Greater of 1 space/4 seats or 10 spaces/1,000 sf, with a minimum of 20 spaces
RETAIL SALES AND SERVICES-GENERAL	1 space/300 sf	NONE
SIT-DOWN RESTAURANT	9 spaces/1,000 sf	NONE

Remote parking is allowed within the DSC when it is 1) approved by the City Council, 2) permanently committed to parking for use by the site, and 3) within 300 feet of the site. (The distance of 300 feet is roughly equal to the length of a traditional city block in Downtown.) It should be emphasized that the use of the City’s public parking spaces does not satisfy the remote parking requirement since the City’s spaces are not offered for permanent leasing.

Downtown does not specifically have parking design requirements that differ from the City’s general requirements for surface parking lots or for parking decks. DSC zoning does require that a minimum of 50% of the ground floor of the building be used for commercial uses, but does not directly address parking configurations in relation to the ground floor of the building. The City’s standards for parking lots require a minimum of a five-foot landscape separation along streets and property lines. Larger parking lots would also require internal tree planter islands.

Parking decks include specific requirements about design in an effort to minimize the impact of the look of parking garages and their compatibility with pedestrian character at street level. Parking decks are defined as having two or more levels of parking, either above or below the ground level. Parking decks often create a feeling of “dead space” compared to the activity of businesses and storefronts. Parking decks require that 75% of the frontage be lined with space for walk-in retail or services uses and that parking spaces are setback at least 35 feet from front property lines at street level. These standards have consistently been applied to redevelopment projects that have occurred within Campustown.

### **On-Street Parking Requirements**

Downtown has a significant number of public parking spaces to support the commercial and public uses found in the Downtown. There are a total of 1,399 public parking spaces within Downtown, excluding the Lot M parking behind City Hall that is principally for City use and for employees during business hours.

<b>Downtown Public Parking</b>	
<b>Free Parking, Standard</b>	559
<b>Free Parking, Compact</b>	30
<b>ADA Parking</b>	43
<b>Metered Parking</b>	600
<b>Reserved Parking</b>	167

Public parking has restrictions on time and use. Metered on-street parking has a typical limit of 2 hours along Main Street and up to 4 hours in other areas. The free parking located within off-street parking lots is typically restricted to 2 to 4 hours, but may be as long as 10 hours near City Hall and the Library. Parking restrictions do not apply after 6 pm. However, there is no overnight parking allowed within the public parking stalls and parking is prohibited after 3 am, with the exception of public parking permitted within Lot MM behind City Hall. Reserved parking spaces allow for 24-hour parking. A complete map of parking location and restrictions is available online through the Ames GIS Information.

Downtown is an Urban Revitalization Area (URA) with a property tax abatement incentive for commercial development that is consistent with its standards. The Downtown URA differs significantly from the Campustown URA in that it is based upon commercial development following design guidelines for traditional “main street” design features and does not include requirements for structured parking decks or for mixed-use development as are prerequisites that exist in Campustown. The Campustown URA is, in part, based upon incentivizing high-density development that included the high cost of providing parking structures to encourage the highest intensity of development nearest campus and to reduce the demand for City to construct additional public parking.

## Staff Report

### CAMPUS AREA PARKING

December 7, 2016

#### **BACKGROUND:**

On August 9, 2016, the City Council requested that City staff provide a review of the previous City Council reports regarding the possibility of changing the parking regulations in the Campus Impacted Area.

#### **1991 Parking Report to Council**

In 1991, the City Council received a report by the Traffic Engineer. This report was the result of a year-long study that included a survey of vehicles parking in various areas adjacent to campus. **The objective of this study was to develop a campus area parking restriction plan that was uniform, simplistic, practically enforced, accommodating, and effective.** Study elements included street and block location, day of week, daytime period, number of parked vehicles, out of county license plates, repeat parkers, and all of this was then reviewed in relation to the ISU academic schedule.

Analysis included three groups of parking regulations:

1. Class #1-Alternate side restriction only.
2. Class #2-Alternate side restrictions plus four or six hour limits.
3. Class #3-Alternate side, four/six hour limits, plus no parking 2 a.m. to 6 a.m.

Regulatory effects were considered in relation to effects on long-term parking and commuter parking. The findings included:

Class #1 restrictions were effective in reducing the long term parking in the campus area except where there were “concentrated living areas.” (Page 7-8). It was noted that this deterrent effect was greatest in areas more than six blocks from campus and three blocks from the concentrated living areas. Class #1 restrictions had no impact on commuter parking.

Class #2 restrictions were effective in reducing long-term parking when applied more than a block from highly concentrated living areas. These restrictions were marginally effective in reducing commuter parking (Page 10).

Class #3 restrictions were similarly effective in reducing storage or long-term parking but achieved marginal results during daytime (commuter periods). The study noted that this was likely due in part to the fact that the “*sign message was complex and*

*confusing.*” Thus, Class #2 and Class #3 regulations showed similar effectiveness, noted in the study as “*comparably similar.*”

The report included the following recommendations:

1. Simplify parking regulations. Create a system with two classes of regulation:  
1) Standard alternate side regulations with a standard switchover time and 2) Standard alternate side regulations plus a four hour limit.
2. Consider a Residential Permit System in areas where the Class #2 and Class #3 systems had limited effectiveness.

Council discussion ensued regarding parking restrictions south and west of campus. Two types of simplified parking regulations were proposed.

Restrictions were adopted by Council making Forest Glen, County Club, and Arbor more restrictive than in the past.

### **1992 Council Action**

In a Council Action Form discussed on June 23, 1992, staff recommended the standard Type Two parking restrictions be implemented on Ash, Lynn, Stanton, Storm, and Hughes Avenues and Baker, Donald, Knapp, and Graeber Streets. This restriction consisted of alternate side with changeover from 9 p.m. to midnight and, a four hour limit between 7 a.m. to 7 p.m. These changes were approved by the Council with the third reading and approval occurring on August 11, 1992.

After the implementation of this change, a survey of residents showed 80% felt that the combination of alternate side and four hour limits led to improvements in parking conditions.

### **2003 Complaint Summary**

The City Manager provided Council with a summary of parking complaints from neighborhoods. These included:

1. Alternate side parking where many complainants noted that the signage is confusing.
2. “Unfriendly” regulations and concerns were noted regarding stadium events and move-in/move-out days as points of friction.
3. The four and six hour limits on Stanton, Pearson, Greeley, Ash, and Hayward generated complaints about unfair limitations.

4. Both Campustown and Downtown generated some complaints about the “No Parking 2 a.m. to 6 a.m.” regulation. This especially affected residents living in these areas without off-street parking and those who work at night or overnight.
5. Concerns were also mentioned about special regulations like front-yard limits, 48 hour limits, and boat and trailer restrictions, particularly since these are not posted violations.

No formal action was taken on these issues in 2003. Staff continued to gather citizen concerns from complaints and neighborhood meetings.

### **2006 Staff Report University Impacted Area Parking Study**

A staff study presented to Council in March of 2006 provided a more detailed review of the issues identified in 2003. It also provided feedback from complaints, as well as, input from stakeholder meetings held during 2005.

The committee of staff and stakeholders presented the following seven recommendations to Council:

1. Alternate side parking is necessary and should be consistent throughout the UIA.
2. Clearer and consistent signage is needed.
3. “No Parking 2 a.m. to 6 a.m.” should be dropped in those areas where there is already alternate side parking.
4. The “No Parking 3-6 a.m.” restriction should be retained in metered spots such as Main Street, Welch, Chamberlain, and Hayward.
5. The Public Works Department should investigate whether Hayward Avenue is able to accommodate parking on both sides every other day. If so, an ordinance change should be considered while retaining the No Parking 3-6 a.m.
6. The 4 and 6 hour limits should be abolished.
7. Ames parking fines should be increased to \$15 for illegal parking.

**These items were discussed at a City Council meeting on April 25, 2006. After a great deal of public comment, Council voted to ask the City Attorney to draft an Ordinance 1) changing to a uniform alternate side parking sign, 2) eliminating the 2:00 a.m. to 6:00 a.m. parking prohibition (except in metered areas), and 3)**

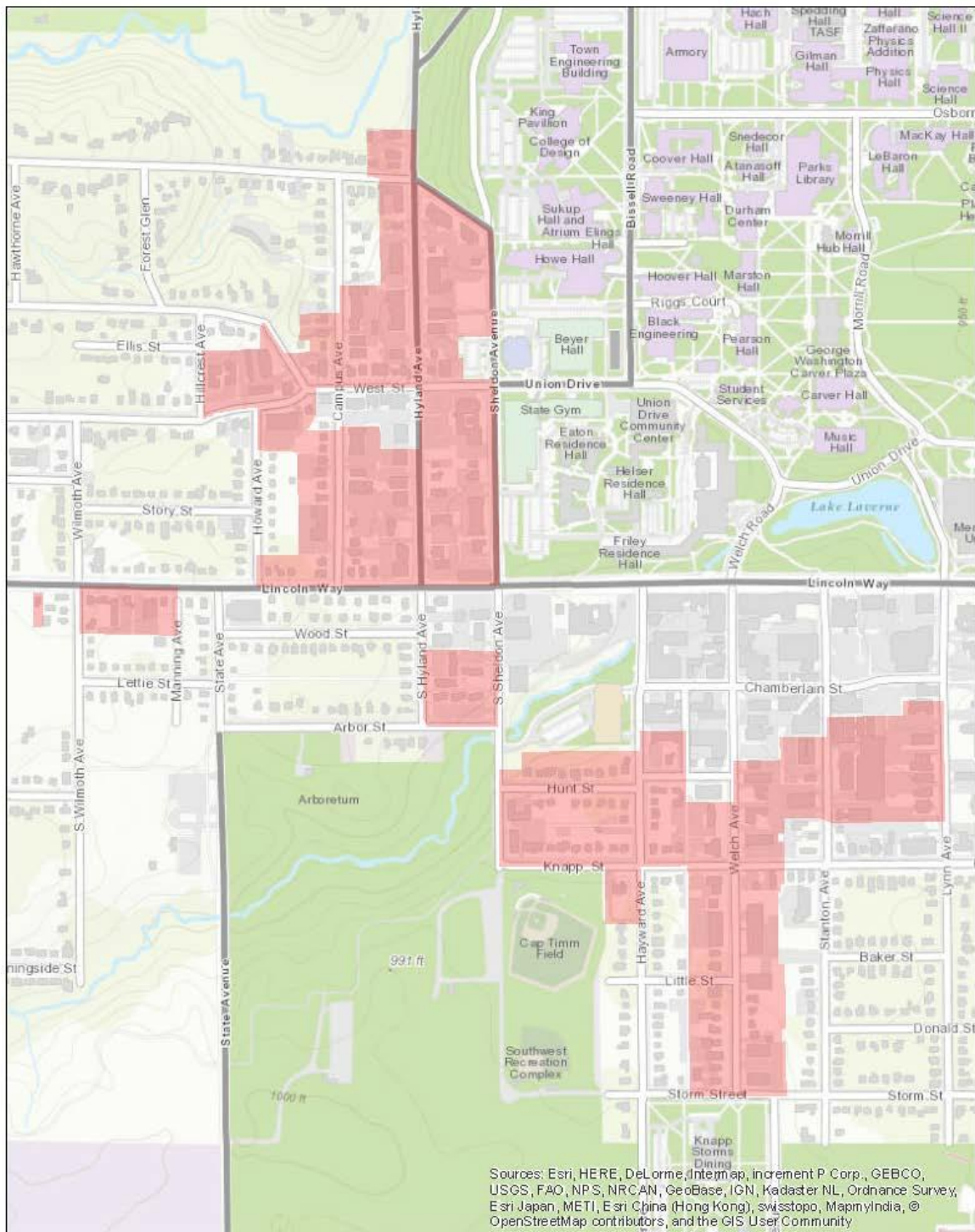


**abolishing the four and six hour parking limitation in high density areas only of the University-Impacted Area.**


Former City Attorney Doug Marek prepared this ordinance, however, further analysis of the resulting signage raised concerns that implementation would result in additional confusion. Had this directive been implemented, regulations and signage would change at zoning boundaries and not cleanly at intersections. This means that seemingly similar adjacent street segments would have different parking regulations. (See attached map) Apparently, after Mr. Marek left for a new position in Colorado, this assignment was never completed.

**2012 Parking Fee Study-Input on Parking System**

In August of 2011, Council directed staff to discuss potential changes in parking fines with various stakeholder groups. Following a series of discussions, staff recommended to Council that the fine for illegal parking increase to \$20 (\$15 if paid within seven days). Council subsequently asked the City Attorney to prepare an ordinance making this change. This revision was completed and illegal parking fines were changed.



## High Density Residential in University Impacted Area

 RH & O-UIW Areas

Document Path: G:\ames\Departmental\ames\_Police\GIS\PROJECTS\RH\0 UM\mxd

MEMO

To: Mayor Ann Campbell, Ames City Council Members

From: Mark Lambert, Assistant City Attorney and other city staff

Re: Information about fireworks for Council consideration

Date: May 12, 2017

Governor Branstad has now signed the legislation legalizing fireworks in Iowa, SF 489. It goes into effect immediately (but fireworks aren't allowed to be sold or exploded until June 1).

Cities are allowed to have ordinances prohibiting or limiting the use of consumer fireworks. The City of Ames already has such an ordinance, Section 17.6. So, as it now stands, it will be unlawful for people to use fireworks in Ames. The state law specifies that using fireworks in violation of a city ordinance prohibiting or limiting fireworks use is a simple misdemeanor with a \$250 minimum fine.

There are numerous issues the Council can consider in light of this new state law.

First, the overarching question is whether the Council wants to stay with the current prohibition, or whether the Council would prefer to repeal the ordinance in light of the new state law. Other issues include zoning considerations regarding sales (or use, if the Council decides to repeal the ordinance), and possible safety regulations.

Attached is a summary of the key provisions of the new state law.

Following is a list of some of the potential issues for Council consideration:

- Given the new state law legalizing the use of consumer fireworks, would the Council prefer to keep the existing ordinance prohibiting use of fireworks in the City limits or would the Council prefer to repeal the ordinance?
- Since the new state law does not allow the City to prohibit sales of consumer fireworks, would the Council like to add some safety or other requirements?
- Should the Council implement new zoning regulations regarding fireworks sales or use?

### THE CITY ORDINANCE:

Ames Municipal Code section 17.6 makes the use of consumer or display fireworks illegal except with a permit from the City. Violations may be charged as a municipal infraction or a simple misdemeanor. The options for the Council include retaining the current ordinance, repealing the current ordinance, or amending the current ordinance in some way.

If the Council wants to retain the ordinance, the Legal Department would recommend:

- Removing municipal infraction language from the ordinance. The ordinance should specify that violations are a simple misdemeanor with a minimum \$250 fine (as specified in the new state law).
- Updating the reference to the 1987 Code of Iowa definition of fireworks. This would ensure the City's definition matches the new state law, which has new definitions of categories of fireworks.
- Consider removing the language in the ordinance which allows consumer fireworks use with a permit from the City (but retaining that provision for display fireworks).

### SAFETY/OTHER REQUIREMENTS:

Whether the Council decides to retain the current ordinance or repeal it, there are safety regulations that the Council could consider putting in place. Some examples include

- Requiring a setback from temporary fireworks stands and nearby buildings
- Requiring fireworks retailers to inform customers that exploding fireworks within the City limits is prohibited and is a simple misdemeanor with a \$250 minimum fine

Other cities are considering ordinances that don't prohibit fireworks use, but would require such things as:

- Those under the age of 18 may not use consumer fireworks unless supervised by an adult
- No person who is intoxicated or otherwise impaired may purchase or discharge consumer fireworks. (See also, Fire Code and Building Code information, below).

### ZONING CONSIDERATIONS:

Although the City has no specific Zoning Ordinances referencing fireworks sales, there are Zoning Ordinance standards that impact such sales. Fireworks would be viewed a Retail Sales and Service Trade Use. Retail Sales is permitted within all commercial zoning districts and for limited industrial areas. Residential zones would not permit retail sales; however, someone

could request Zoning Board of Adjustment approval of Special Home Occupation, although it would be difficult to meet the performance standards for a home occupation.

There is also an issue of how the City treats fireworks sales within structure versus as temporary uses. Some zoning districts permit outdoor sales, such as our common Highway Oriented Commercial (HOC) zoning district which would potentially allow for temporary uses to sell fireworks. By practice the City has applied requirements to temporary uses that they must occur on an improved lot and meeting development standards for parking and access. Site Plan review may or may not be triggered depending on the conditions of a site.

Typically, if a use or structure is present for more than 72 hours in one location it is viewed as a permanent structure, which then requires a site development plan review. However, the practice is not well established in the Zoning Ordinance and the City has not always required site plans in such situations. It may be appropriate to address temporary vendors, including fireworks vendors, with a clear approval process. Also, the Council may wish to consider regulations for safety, such as setbacks between the fireworks stands and other businesses and compatibility issues with proximity to residential areas.

#### PEDDLERS/SOLICITORS/TRANSIENT MERCHANT ORDINANCE:

Although the new state law does not allow the City to prohibit sales of fireworks, the Legal Department has determined that the law does not prohibit the City from enforcing our “Peddlers, Solicitors, and Transient Merchants” registration requirements under Ames Municipal Code section 17.26 for temporary fireworks vendors. They will be treated as any other temporary vendors.

#### BUILDING/FIRE CODE:

Following is a description of how the Building Code and Fire Code address fireworks:

The Building Code/ Fire Code have two classifications of fireworks: Division 1.4G and Division 1.3. The Div 1.3 are the professional/commercial fireworks and the Div 1.4G are the consumer fireworks. Under the requirements of these two model codes vendors are allowed to store or display in one control area up to 125 pounds of the 1.4G and 5 pounds of the 1.3 net pyrotechnic composition of the fireworks. If the actual amount of pyrotechnic composition of the fireworks is not known vendors are instructed to use 25% of the gross weight of the fireworks including the packaging.

If the building the fireworks are contained in has a fire sprinkler system throughout, the amount of fireworks that may be stored/displayed may be increased by 100%.

If the fireworks are stored in approved storage cabinets, day boxes, gas cabinets or exhausted enclosures or listed safety cans, that quantity may be increased by 100%

Both of these increases shall be applied accumulatively

So if the storage/display in a control area is less than the quantities listed above for the 1.3( 5 lbs) and 1.4G (125 lbs) it is not considered by the Building code or Fire Code to be a hazardous condition and they could be sold anywhere (a stand-alone fireworks business, stand on private property or on the shelf of any retail store) without any additional precautions being required. Note: if properly constructed and separated by code requirements they are allowed up to 4 control areas in a single story building.

If the allowable quantities are exceeded for a control area then the occupancy would be considered an H3 hazardous location and the Building code and Fire code have special construction requirements for that type of occupancy.

Side note: Items stored inside of trucks are subject to DOT regulations

### **SUMMARY OF KEY PROVISIONS OF THE NEW STATE FIREWORKS LEGISLATION**

Governor Branstad has now signed the legislation legalizing fireworks in Iowa, SF 489. It goes into effect immediately (but fireworks aren't allowed to be sold or used until later, starting June 1).

Following are the key points of the new state law:

1. Sales of "consumer fireworks" (such as firecrackers, bottle rockets, Roman candles, etc.) are now legal in Iowa. Cities may not prohibit sales of these items. The new state law defines categories of fireworks: "display" (professional), "consumer," and "novelties."
2. Fireworks may be sold and used (exploded) only on certain dates and at certain times.
3. Consumer fireworks sales and use is allowed June 1 to July 8, and Dec. 10 to January 3. Generally, they are only allowed to be used between the hours of 9:00 a.m. and 10:00 p.m. But, there are extended hours on certain dates: On July 4, and the Saturdays and Sundays immediately preceding and following July 4, use is allowed from 9:00 a.m. to 11:00 p.m. On December 31, use is allowed from 9:00 a.m. until 12:30 a.m. on January 1, and use is allowed on the Saturdays and Sundays immediately preceding and following Dec. 31 from 9:00 a.m. to 11:00 p.m.
4. **Cities are expressly allowed to prohibit the use of fireworks within the City limits.**
5. **The City of Ames already has an ordinance banning the use of fireworks. This ordinance remains valid under the new state law. Ames Municipal Code §17.6.**
6. Anyone using fireworks in violation of such a City ordinance, commits a simple misdemeanor, punishable by a minimum \$250 fine.

7. Violations of the ban on using fireworks in Ames would have to be charged by the police as a state crime (and not as a municipal infraction), simple misdemeanor, citing Iowa Code §727.2(3)(c)(1).
8. The City fireworks ordinance allows fireworks with a permit granted by the City. It does not distinguish between display (professional) and consumer fireworks. So, under our existing ordinance, someone could apply for a permit to use consumer fireworks. We need to decide as a policy matter how to handle any such applications.
9. Sales of consumer fireworks to minors (under 18) are unlawful. A minor who purchases consumer fireworks commits a violation. Both are simple misdemeanors (state crime) with a minimum fine of \$250. There is another section making it a simple misdemeanor (with no minimum fine specified) for a retailer to “transfer” (give) consumer fireworks to a minor. There is nothing in the law making it a crime for an adult who is not a retailer to give fireworks to a minor, and nothing in the law that makes mere possession or use of fireworks by a minor a crime.
10. Novelties, such as sparklers, flitter sparklers (the kind with no wire, where you light the paper on the end), and “snakes,” which were legal before the new legislation, would remain legal in Ames, under our ordinance.
11. Consumer fireworks can be sold beginning June 1 (to July 8) and Dec. 10 to Jan. 3 in permanent structures, and beginning June 13 (to July 8) in temporary structures. Any structure, permanent or temporary, has to meet standards set by the State Fire Marshall, based on National Fire Protection Association standards.

**Senate File 489 - Introduced**

SENATE FILE 489

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 236)

(SUCCESSOR TO SSB 1051)

**A BILL FOR**

1 An Act relating to the possession, sale, transfer, purchase,  
2 and use of fireworks, providing penalties, and including  
3 effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



DIVISION I

FIREWORKS REGULATION

1  
2  
3 Section 1. Section 100.1, subsection 4, paragraph b, Code  
4 2017, is amended to read as follows:

5 b. The storage, transportation, handling, and use of  
6 flammable liquids, combustibles, fireworks, and explosives;

7 Sec. 2. Section 100.1, Code 2017, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 8. To order the suspension of the use  
10 of consumer fireworks, display fireworks, or novelties, as  
11 described in section 727.2, if the fire marshal determines that  
12 the use of such devices would constitute a threat to public  
13 safety.

14 Sec. 3. NEW SECTION. 100.19 **Consumer fireworks seller**  
15 **licensing — penalty — fund.**

16 1. As used in this section:

17 a. "APA 87-1" means the American pyrotechnics association  
18 standard 87-1, as published in December 2001.

19 b. "Community group" means a nonprofit entity that is open  
20 for membership to the general public which is exempt from  
21 federal income taxation pursuant to section 501(c)(3) of the  
22 Internal Revenue Code or a fraternal benefit society, as that  
23 term is defined in section 512B.3.

24 c. "First-class consumer fireworks" means the following  
25 consumer fireworks, as described in APA 87-1, chapter 3:

26 (1) Aerial shell kits and reloadable tubes.

27 (2) Chasers.

28 (3) Helicopter and aerial spinners.

29 (4) Firecrackers.

30 (5) Mine and shell devices.

31 (6) Missile-type rockets.

32 (7) Roman candles.

33 (8) Sky rockets and bottle rockets.

34 (9) Multiple tube devices under this paragraph "c" that are  
35 manufactured in accordance with APA 87-1, section 3.5.

1     *d.* "Retailer" means as defined in section 423.1.

2     *e.* "Second-class consumer fireworks" means the following  
3 consumer fireworks, as described in APA 87-1, chapter 3:

4     (1) Cone fountains.

5     (2) Cylindrical fountains.

6     (3) Flitter sparklers.

7     (4) Ground and hand-held sparkling devices, including  
8 multiple tube ground and hand-held sparkling devices that are  
9 manufactured in accordance with APA 87-1, section 3.5.

10    (5) Ground spinners.

11    (6) Illuminating torches.

12    (7) Toy smoke devices that are not classified as novelties  
13 pursuant to APA 87-1, section 3.2.

14    (8) Wheels.

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

17    2. *a.* The state fire marshal shall establish a consumer  
18 fireworks seller license. An application for a consumer  
19 fireworks seller license shall be made on a form provided  
20 by the state fire marshal. The state fire marshal shall  
21 adopt rules consistent with this section establishing minimum  
22 requirements for a retailer or community group to be issued a  
23 consumer fireworks seller license.

24    *b.* A person shall possess a consumer fireworks seller  
25 license under this section in order to sell consumer fireworks.

26    3. *a.* The state fire marshal shall establish a fee schedule  
27 for consumer fireworks seller licenses as follows:

28    (1) For a retailer at a permanent building who devotes fifty  
29 percent or more of the retailer's retail floor space to the  
30 sale or display of first-class consumer fireworks, an annual  
31 fee of one thousand dollars.

32    (2) For a retailer at a temporary structure who devotes  
33 fifty percent or more of the retailer's retail floor space  
34 to the sale or display of first-class consumer fireworks, an  
35 annual fee of five hundred dollars.

1 (3) For a retailer who devotes less than fifty percent of  
2 the retailer's retail floor space to the sale or display of  
3 first-class consumer fireworks, an annual fee of four hundred  
4 dollars.

5 (4) For a community group that offers for sale, exposes for  
6 sale, or sells first-class consumer fireworks, an annual fee  
7 of four hundred dollars.

8 (5) For a retailer or community group that offers for sale,  
9 exposes for sale, or sells second-class consumer fireworks,  
10 but not first-class consumer fireworks, an annual fee of one  
11 hundred dollars.

12 *b.* A license issued to a retailer or community group  
13 pursuant to paragraph "a", subparagraph (1), (2), (3), or (4),  
14 shall allow the licensee to sell both first-class consumer  
15 fireworks and second-class consumer fireworks.

16 4. The state fire marshal shall adopt rules to:

17 *a.* Require that any retailer or community group offering  
18 for sale at retail any consumer fireworks, as described in APA  
19 87-1, chapter 3, shall do so in accordance with the national  
20 fire protection association standard 1124, published in the  
21 code for the manufacture, transportation, storage, and retail  
22 sales of fireworks and pyrotechnic articles, 2006 edition.

23 *b.* Require that a retailer or community group to be issued  
24 a license pursuant to this section provide proof of and  
25 maintain commercial general liability insurance with minimum  
26 per occurrence coverage of at least one million dollars and  
27 aggregate coverage of at least two million dollars.

28 *c.* Permit a retailer or community group issued a license  
29 pursuant to this section to sell consumer fireworks, as  
30 described in APA 87-1, chapter 3, at the following locations  
31 as specified:

32 (1) At a permanent building that meets the requirements of  
33 paragraph "a", between June 1 and July 8 and between December 10  
34 and January 3 each year, all dates inclusive.

35 (2) At a temporary structure that meets the requirements of

1 paragraph "a" between June 13 and July 8 each year, both dates  
2 inclusive.

3 d. A retailer or community group shall not transfer consumer  
4 fireworks, as described in APA 87-1, chapter 3, to a person who  
5 is under eighteen years of age.

6 5. a. The state fire marshal shall adopt rules to provide  
7 that a person's consumer fireworks seller license may be  
8 revoked for the intentional violation of this section. The  
9 proceedings for revocation shall be held before the division  
10 of the state fire marshal, which may revoke the license or  
11 licenses involved as provided in paragraph "b".

12 b. (1) If, upon the hearing of the order to show cause,  
13 the division of the state fire marshal finds that the licensee  
14 intentionally violated this section, then the license or  
15 licenses under which the licensed retailer or community group  
16 sells first-class consumer fireworks or second-class consumer  
17 fireworks, shall be revoked.

18 (2) Judicial review of actions of the division of the  
19 state fire marshal may be sought in accordance with the terms  
20 of the Iowa administrative procedure Act, chapter 17A. If  
21 the licensee has not filed a petition for judicial review in  
22 district court, revocation shall date from the thirty-first  
23 day following the date of the order of the division of the  
24 state fire marshal. If the licensee has filed a petition for  
25 judicial review, revocation shall date from the thirty-first  
26 day following entry of the order of the district court, if  
27 action by the district court is adverse to the licensee.

28 (3) A new license shall not be issued to a person whose  
29 license has been revoked, or to the business in control of the  
30 premises on which the violation occurred if it is established  
31 that the owner of the business had actual knowledge of the  
32 violation resulting in the license revocation, for the period  
33 of one year following the date of revocation.

34 6. a. A consumer fireworks fee fund is created in the  
35 state treasury under the control of the state fire marshal.

1 Notwithstanding section 12C.7, interest or earnings on  
2 moneys in the consumer fireworks fee fund shall be credited  
3 to the consumer fireworks fee fund. Moneys in the fund are  
4 appropriated to the state fire marshal to be used to fulfill  
5 the responsibilities of the state fire marshal for the  
6 administration and enforcement of this section and section  
7 100.19A and to provide grants pursuant to paragraph "b". The  
8 fund shall include the fees collected by the state fire marshal  
9 under the fee schedule established pursuant to subsection 3  
10 and the fees collected by the state fire marshal under section  
11 100.19A for wholesaler registration.

12     **b.** The state fire marshal shall establish a local fire  
13 protection and emergency medical service providers grant  
14 program to provide grants to local fire protection service  
15 providers and local emergency medical service providers to  
16 establish or provide fireworks safety education programming  
17 to members of the public. The state fire marshal may also  
18 provide grants to local fire protection service providers and  
19 local emergency medical service providers for the purchase  
20 of necessary enforcement, protection, or emergency response  
21 equipment related to the sale and use of consumer fireworks in  
22 this state.

23     **7.** The state fire marshal shall adopt rules for the  
24 administration of this section.

25     **8.** A person who violates a provision of this section or a  
26 rule adopted pursuant to this section is guilty of a simple  
27 misdemeanor.

28     **Sec. 4. NEW SECTION. 100.19A Consumer fireworks wholesaler**  
29 **— registration — penalty.**

30     **1.** For purposes of this section:

31     **a.** "*Consumer fireworks*" means first-class consumer fireworks  
32 and second-class consumer fireworks, as those terms are defined  
33 in section 100.19.

34     **b.** "*Wholesaler*" means a person who engages in the business  
35 of selling or distributing consumer fireworks for the purpose

1 of resale in this state.

2 2. The state fire marshal shall adopt rules to require all  
3 wholesalers to annually register with the state fire marshal.  
4 The state fire marshal may also adopt rules to regulate the  
5 storage or transfer of consumer fireworks by wholesalers and to  
6 require wholesalers to maintain insurance.

7 3. The state fire marshal shall establish an annual  
8 registration fee of one thousand dollars for wholesalers  
9 of consumer fireworks within the state. Registration fees  
10 collected pursuant to this section shall be deposited in the  
11 consumer fireworks fee fund created in section 100.19.

12 4. A person who violates a provision of this section or a  
13 rule adopted pursuant to this section is guilty of a simple  
14 misdemeanor.

15 Sec. 5. Section 101A.1, subsection 3, Code 2017, is amended  
16 to read as follows:

17 3. "*Explosive*" means any chemical compound, mixture  
18 or device, the primary or common purpose of which is to  
19 function by explosion with substantially instantaneous  
20 release of gas and heat, unless such compound, mixture, or  
21 device is otherwise specifically classified by the United  
22 States department of transportation. The term "*explosive*"  
23 includes all materials which are classified as a class 1,  
24 division 1.1, 1.2, 1.3, or 1.4 explosive by the United States  
25 department of transportation, under [49 C.F.R. §173.50](#), and all  
26 materials classified as explosive materials under 18 U.S.C.  
27 §841, and includes, but is not limited to, dynamite, black  
28 powder, pellet powders, initiating explosives, blasting caps,  
29 electric blasting caps, safety fuse, fuse lighters, fuse  
30 igniters, squibs, cordeau detonative fuse, instantaneous fuse,  
31 igniter cord, igniters, smokeless propellant, cartridges for  
32 propellant-actuated power devices, cartridges for industrial  
33 guns, and overpressure devices, but does not include "*fireworks*"  
34 as "*consumer fireworks*", "*display fireworks*", or "*novelties*" as  
35 those terms are defined in [section 727.2](#) or ammunition or small

1 arms primers manufactured for use in shotguns, rifles, and  
2 pistols. Commercial explosives are those explosives which are  
3 intended to be used in commercial or industrial operations.

4 Sec. 6. Section 331.301, Code 2017, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 17. The board of supervisors may by  
7 ordinance or resolution prohibit or limit the use of consumer  
8 fireworks or display fireworks, as described in section 727.2,  
9 if the board determines that the use of such devices would  
10 constitute a threat to public safety or private property, or  
11 if the board determines that the use of such devices would  
12 constitute a nuisance to neighboring landowners.

13 Sec. 7. Section 331.304, subsection 8, Code 2017, is amended  
14 to read as follows:

15 8. The board, upon application, may grant permits for the  
16 ~~display~~ use of display fireworks as provided in [section 727.2](#).

17 Sec. 8. Section 364.2, Code 2017, is amended by adding the  
18 following new subsection:

19 NEW SUBSECTION. 6. A city council may by ordinance or  
20 resolution prohibit or limit the use of consumer fireworks,  
21 display fireworks, or novelties, as described in section 727.2.

22 Sec. 9. Section 461A.42, subsection 2, Code 2017, is amended  
23 to read as follows:

24 2. The use of consumer fireworks or display fireworks,  
25 as defined in [section 727.2](#), in state parks and preserves is  
26 prohibited except as authorized by a permit issued by the  
27 department. The commission shall establish, by rule adopted  
28 pursuant to [chapter 17A](#), a fireworks permit system which  
29 authorizes the issuance of a limited number of permits to  
30 qualified persons to use or display fireworks in selected state  
31 parks and preserves.

32 Sec. 10. Section 727.2, Code 2017, is amended to read as  
33 follows:

34 **727.2 Fireworks.**

35 1. Definitions. For purposes of this section:

1 a. "Consumer fireworks" includes first-class consumer  
 2 fireworks and second-class consumer fireworks as those terms  
 3 are defined in section 100.19, subsection 1. "Consumer  
 4 fireworks" does not include novelties enumerated in chapter  
 5 3 of the American pyrotechnics association's standard 87-1  
 6 or display fireworks enumerated in chapter 4 of the American  
 7 pyrotechnics association's standard 87-1.

8 b. The term "fireworks" "Display fireworks" includes any  
 9 explosive composition, or combination of explosive substances,  
 10 or article prepared for the purpose of producing a visible  
 11 or audible effect by combustion, explosion, deflagration,  
 12 or detonation, and includes blank cartridges, firecrackers,  
 13 torpedoes, skyrockets, roman candles, or other fireworks of  
 14 like construction and fireworks containing any explosive or  
 15 flammable compound, or other device containing any explosive  
 16 substance. The term "fireworks" "Display fireworks" does not  
 17 include goldstar-producing sparklers on wires which contain  
 18 no magnesium or chlorate or perchlorate, flitter sparklers  
 19 in paper tubes that do not exceed one-eighth of an inch in  
 20 diameter, toy snakes which contain no mercury, or caps used  
 21 in cap pistols novelties or consumer fireworks enumerated in  
 22 chapter 3 of the American pyrotechnics association's standard  
 23 87-1.

24 c. "Novelties" includes all novelties enumerated in chapter  
 25 3 of the American pyrotechnics association's standard 87-1, and  
 26 that comply with the labeling regulations promulgated by the  
 27 United States consumer product safety commission.

28 2. Display fireworks.

29 a. A person, firm, partnership, or corporation who offers  
 30 for sale, exposes for sale, sells at retail, or uses or  
 31 explodes any display fireworks, commits a simple misdemeanor.  
 32 In addition to any other penalties, the punishment imposed  
 33 for a violation of this section shall include assessment  
 34 of, punishable by a fine of not less than two hundred fifty  
 35 dollars. However, the a city council of a city or a county



1 board of supervisors may, upon application in writing, grant a  
2 permit for the display of display fireworks by municipalities,  
3 fair associations, amusement parks, and other organizations  
4 or groups of individuals approved by the city or the county  
5 board of supervisors when the display fireworks ~~display~~ will  
6 be handled by a competent operator, but no such permit shall  
7 be required for the display of display fireworks at the Iowa  
8 state fairgrounds by the Iowa state fair board, at incorporated  
9 county fairs, or at district fairs receiving state aid. Sales  
10 of display fireworks for such display may be made for that  
11 purpose only.

12 b. (1) A person who uses or explodes display fireworks  
13 while the use of such devices is prohibited or limited by an  
14 ordinance or resolution adopted by the county or city in which  
15 the firework is used commits a simple misdemeanor, punishable  
16 by a fine of not less than two hundred fifty dollars.

17 (2) A person who uses or explodes display fireworks while  
18 the use of such devices is suspended by an order of the state  
19 fire marshal commits a simple misdemeanor, punishable by a fine  
20 of not less than two hundred fifty dollars.

21 3. Consumer fireworks and novelties.

22 a. A person or a firm, partnership, or corporation may  
23 possess, use, or explode consumer fireworks in accordance with  
24 this subsection and subsection 4.

25 b. A person, firm, partnership, or corporation who sells  
26 consumer fireworks to a person who is less than eighteen years  
27 of age commits a simple misdemeanor, punishable by a fine of  
28 not less than two hundred fifty dollars. A person who is less  
29 than eighteen years of age who purchases consumer fireworks  
30 commits a simple misdemeanor, punishable by a fine of not less  
31 than two hundred fifty dollars.

32 c. (1) A person who uses or explodes consumer fireworks  
33 or novelties while the use of such devices is prohibited or  
34 limited by an ordinance adopted by the county or city in which  
35 the fireworks are used commits a simple misdemeanor, punishable

1 by a fine of not less than two hundred fifty dollars.

2 (2) A person who uses or explodes consumer fireworks or  
3 novelties while the use of such devices is suspended by an  
4 order of the state fire marshal commits a simple misdemeanor,  
5 punishable by a fine of not less than two hundred fifty  
6 dollars.

7 4. Limitations.

8 a. A person shall not use or explode consumer fireworks on  
9 days other than June 1 through July 8 and December 10 through  
10 January 3 of each year, all dates inclusive.

11 b. A person shall not use or explode consumer fireworks at  
12 times other than between the hours of 9:00 a.m. and 10:00 p.m.,  
13 except that on the following dates consumer fireworks shall not  
14 be used at times other than between the hours specified:

15 (1) Between the hours of 9:00 a.m. and 11:00 p.m. on July  
16 4 and the Saturdays and Sundays immediately preceding and  
17 following July 4.

18 (2) Between the hours of 9:00 a.m. on December 31 and 12:30  
19 a.m. on the immediately following day.

20 (3) Between the hours of 9:00 a.m. and 11:00 p.m. on the  
21 Saturdays and Sundays immediately preceding and following  
22 December 31.

23 c. A person shall not use consumer fireworks on real  
24 property other than that person's real property or on the real  
25 property of a person who has consented to the use of consumer  
26 fireworks on that property.

27 d. A person who violates this subsection commits a simple  
28 misdemeanor. A court shall not order imprisonment for  
29 violation of this subsection.

30 ~~3.~~ 5. Applicability.

31 a. This section does not prohibit the sale by a resident,  
32 dealer, manufacturer, or jobber of such fireworks as are  
33 not prohibited by this section, or the sale of any kind of  
34 fireworks if they are to be shipped out of the state, or the  
35 sale or use of blank cartridges for a show or the theater,

1 or for signal purposes in athletic sports or by railroads  
2 or trucks, for signal purposes, or by a recognized military  
3 organization.

4 *b.* This section does not apply to any substance or  
5 composition prepared and sold for medicinal or fumigation  
6 purposes.

7 *c.* Unless specifically provided otherwise, this section does  
8 not apply to novelties.

9 DIVISION II

10 RULEMAKING

11 Sec. 11. EMERGENCY RULES. The state fire marshal shall  
12 adopt emergency rules under section 17A.4, subsection 3, and  
13 section 17A.5, subsection 2, paragraph "b", to implement  
14 the provisions of this Act and the rules shall be effective  
15 immediately upon filing unless a later date is specified in the  
16 rules. Any rules adopted in accordance with this section shall  
17 also be published as a notice of intended action as provided  
18 in section 17A.4.

19 DIVISION III

20 EFFECTIVE DATE

21 Sec. 12. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
22 of immediate importance, takes effect upon enactment.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill relates to the regulation of fireworks.

27 The bill provides that the state fire marshal has the duty to  
28 enforce all laws, and rules of the department of public safety  
29 concerned with the storage, transportation, handling, and use  
30 of fireworks.

31 Current law provides that a person, firm, partnership, or  
32 corporation who offers for sale, exposes for sale, sells at  
33 retail, or uses or explodes any fireworks, commits a simple  
34 misdemeanor. Current law, however, also provides that a county  
35 board of supervisors or the department of natural resources may

1 grant a permit for the display of fireworks if the fireworks  
2 display will be handled by a competent operator. Current  
3 law further provides that the term "fireworks" includes any  
4 explosive composition, or combination of explosive substances,  
5 or article prepared for the purpose of producing a visible  
6 or audible effect by combustion, explosion, deflagration,  
7 or detonation, including blank cartridges, firecrackers,  
8 torpedoes, skyrockets, roman candles, or other fireworks of  
9 like construction and fireworks containing any explosive or  
10 flammable compound, or other device containing any explosive  
11 substance with limited exceptions.

12 The bill maintains these restrictions for display fireworks  
13 and provides that the term "display fireworks" shall not  
14 include novelties or consumer fireworks. The bill provides  
15 definitions for the terms "novelties" and "consumer fireworks".

16 The bill requires that the state fire marshal establish  
17 a consumer fireworks seller license, and requires possession  
18 of such a license to legally sell consumer fireworks in this  
19 state. The state fire marshal is required to establish a fee  
20 schedule for consumer fireworks seller licenses. The bill  
21 establishes two classes of consumer fireworks and requires  
22 a \$1,000 annual licensing fee for a retailer at a permanent  
23 building who devotes 50 percent or more of the retailer's  
24 retail floor space to the sale or display of first-class  
25 consumer fireworks, and a \$500 annual licensing fee for a  
26 retailer at a temporary structure who devotes 50 percent or  
27 more the retailer's retail floor space to the sale or display  
28 of first-class consumer fireworks. Retailers who devote less  
29 than 50 percent of the retailer's retail floor space to the  
30 sale or display of first-class consumer fireworks are required  
31 to pay an annual licensing fee of \$400. A community group  
32 that sells first-class consumer fireworks is required to pay  
33 an annual licensing fee of \$400. The bill requires an annual  
34 licensing fee of \$100 for retailers or community groups that  
35 sell only second-class consumer fireworks.

1 The bill requires that the state fire marshal adopt rules  
2 to require that licensed retailers and community groups only  
3 offer consumer fireworks for sale in accordance with specified  
4 industry standards. The bill also requires that retailers  
5 and community groups provide proof of and maintain commercial  
6 general liability insurance with specified coverage amounts.  
7 Under the bill, the state fire marshal is required to adopt  
8 rules to permit licensed retailers and community groups to sell  
9 consumer fireworks at conforming permanent buildings between  
10 June 1 and July 8 and between December 10 and January 3 each  
11 year and at conforming temporary structures from June 13 to  
12 July 8 each year.

13 The bill also provides for the revocation of a consumer  
14 fireworks seller license for the intentional violation of  
15 licensing requirements. The bill establishes procedures  
16 for the revocation of such licenses and procedures for  
17 review for such revocations. The bill also establishes a  
18 consumer fireworks fee fund under the control of the state  
19 fire marshal. The fund shall consist of the fees collected  
20 for the licensing of retailers and community groups and the  
21 registration of wholesalers. The fund is required to be used  
22 for administration and enforcement of the state fire marshal's  
23 consumer fireworks related duties and to provide grants to  
24 local fire protection and emergency medical service providers.

25 The bill requires that the state fire marshal adopt rules  
26 to require that wholesalers of consumer fireworks annually  
27 register with the state fire marshal and allows the state fire  
28 marshal to adopt rules related to wholesaler insurance and the  
29 storage and transfer of consumer fireworks by wholesalers. The  
30 state fire marshal is also required to establish an annual  
31 \$1,000 wholesaler registration fee to be deposited in the  
32 consumer fireworks fee fund.

33 Under the bill, a violation of a licensing or registration  
34 provision established in Code or by rule is considered a simple  
35 misdemeanor. A simple misdemeanor is punishable by confinement

1 for no more than 30 days or a fine of at least \$65 but not more  
2 than \$625, or by both.

3 The bill provides that a person or a firm, partnership, or  
4 corporation may possess consumer fireworks as provided in the  
5 bill. The bill provides that a person, firm, partnership, or  
6 corporation who sells any consumer firework to a person who  
7 is less than 18 years of age commits a simple misdemeanor.  
8 A person who is less than 18 years of age who purchases any  
9 consumer fireworks commits a simple misdemeanor. A simple  
10 misdemeanor is generally punishable by confinement for no more  
11 than 30 days or a fine of at least \$65 but not more than \$625 or  
12 by both, but the bill provides for a fine of at least \$250.

13 The bill provides that the state fire marshal may order the  
14 suspension of the use of consumer fireworks, display fireworks,  
15 or novelties if the fire marshal determines that the use of  
16 such devices would constitute a threat to public safety. The  
17 bill provides that a person who violates such an order by the  
18 fire marshal commits a simple misdemeanor, punishable by a fine  
19 of at least \$250.

20 The bill provides that a county board of supervisors may  
21 adopt an ordinance or resolution to prohibit or limit the  
22 use of consumer fireworks or display fireworks if the use of  
23 such devices would constitute a threat to public safety or  
24 a nuisance. The bill also provides that a city council may  
25 adopt an ordinance or resolution to prohibit or limit the use  
26 of consumer fireworks, display fireworks, or novelties if the  
27 use of such devices would constitute a threat to public safety  
28 or a nuisance to landowners. The bill provides that a person  
29 who uses fireworks when the use is prohibited or limited by an  
30 ordinance in the city or county in which the devices are used  
31 commits a simple misdemeanor, punishable by a fine of at least  
32 \$250.

33 The bill also provides certain restrictions on the use or  
34 explosion of consumer fireworks. The bill prohibits the use  
35 or explosion of consumer fireworks on days other than June

1 1 through July 8 and December 10 through January 3 of each  
2 year. The bill prohibits the use or explosion of consumer  
3 fireworks at a time other than between the hours of 9:00 a.m.  
4 and 10:00 p.m. of those days, except as specified in the  
5 bill. The bill further prohibits the use of fireworks by a  
6 person on the real property of another person unless the owner  
7 of the real property has consented to such use. Under the  
8 bill, a violation of these restrictions is considered a simple  
9 misdemeanor, provided, however, that a court shall not order  
10 imprisonment for such a violation.

11 The bill requires the state fire marshal to adopt emergency  
12 rules to implement the provisions of the bill, which shall be  
13 effective immediately upon filing.

14 The bill takes effect upon enactment.

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Ames Fireworks Ordinance

Michael Warnick

to:

Diane R Voss, jripperger

05/12/2017 02:14 AM

Hide Details

From: Michael Warnick <michael.warnick@gmail.com>

To: Diane R Voss <DVoss@city.ames.ia.us>, jripperger@city.ames.ia.us

To whom it may concern,

Currently Ames City Ordinance 17.6 prohibits the use of fireworks without a permit issued by the City of Ames. Recently with the passing of the Iowa Fireworks Bill, fireworks vendors will be selling consumer grade fireworks in nearby cities. This will allow the citizens of Ames easy access to purchase and use these fireworks with or without knowledge of the legality of use within city limits. I suggest amending the City Ordinance to include citizen use as allowed by the State and permit the sale of fireworks by reputable vendors for the following reasons:

1) Loss of Sales Revenue - By not allowing use by citizens, reputable fireworks vendors are likely not to sell in Ames. Ames citizens will drive a short commute and take their hard earned dollars elsewhere. This not only include what they would sell on fireworks but also food, drinks, and other merchandise used for parties and holiday celebrations held at family and friends residences in neighboring communities taking money out of the Ames economy and the loss of tax dollars for community use.

I can even attest that i have done this in years past where the state ban of use of fireworks other than sparklers and snappers and made a yearly trip with my family to the state of Nebraska where we would host a family get together where we could use a wide variety of fireworks. The only purchase in Iowa on those trips in the state of Iowa was for the fuel to make the drive.

Furthermore, many non-profits, schools, and organization will use fireworks sales for fundraising. If the non-profits do not do this of their own accord they will partner with for profit vendors to fundraise earning a percentage of sales in exchange for manning the retail locations and driving those sales. Non-profits within Ames could not take advantage of either or those options as the product they are selling are technically illegal to use in those communities.

2) General Public Safety - by not allowing the use by citizens for some you are forcing people to the edge of city limits and to remote locations to legally use fireworks. This is farther away from emergency services in the case of injury or fire. Any access to water will be limited and in the event of a dry season there will be plenty of dry brush and tinder to ignite making fires more likely.



For those not aware of the ordinance, they will tie up police services having to enforce the fireworks ban. For those unaware of the ban they will receive a ticket, causing embarrassment, and ruining a holiday party for the consumer which has the potential of creating distrust law enforcement officials who already have a taxing occupation serving the public.

Most firework laws were in place to prevent injuries and accidents. At one time there was a place for these laws but firework injuries are on the decline even as the sale of fireworks consumed are ever increasing. The injury rate from fireworks in 2015 is 42% lower than in 2000 (APA). This is due to not only safer products being manufactured but the safety education by reputable vendors provide to customers.

The injuries that do occur now are often from misuse of product and failing to abide by simple common sense safety rules which can easily be discussed and provided to the customer. By not allowing citizens the ability to buy these locally from reputable vendors, that push for safety and education will not be available and those who have not handled fireworks before are likely to misuse causing injury. Access to fireworks is now more readily available even if only purchased in neighboring communities and we need to be able to educate the Ames Community after generations no having the ability to legally handle this product or we risk losing all of the positive benefits (revenue, entertainment, etc.) in order to try protect a few uneducated and misguided.

4) Parental Supervision - As a parent I have kids, and their friends whom I have coached through sports activities and watched grow up whom i do not want to see injured by fireworks. With the City Ordinance parents will have a harder time supervising the use of fireworks if the kids are not able to use fireworks on their own property. Children between the ages of 5 and 18 are by nature adventurous & experimental; thus much more likely to take risks. Because of this, children in this age group require close adult supervision. Even though the law prevents the sale to minors, teenagers and kids may be able to acquire the fireworks without parental knowledge and go to a remote location to try avoid any legal encounters without any training.

I have been safely using fireworks legally as a consumer in the State of Nebraska for over 30 years around the 4th of July season. My parents taught me at a young age to respect and to use fireworks in a safe manner. They were able to do this due to the laws available at the time where they lived. In my early 20's I even had the pleasure to work with professional firework company putting on a Class B fireworks shows for a few small townships around the Lincoln Metro area for a season.

With the foundation that I received from my parents i have not been injured using fireworks far beyond the scale of which will be available for sale in the state of Iowa. This is not a matter of luck that I have avoided injury but by good choices instilled through education. By not allowing firework use in the Ames Community you are taking that choice away from many parents and the kids are farther away from help if needed.

My goal is to provide a safe experience for the 4th of July celebrations, to help create ever lasting memories for families and friends, to be able to provide consumer education from my knowledge and experience and industry standards, and to help the community through synergistic sales with local

businesses. To that end I am looking to become vendor selling fireworks within the City of Ames. This venture would include a safety training program available for both adults and kids. For the safety and profit of the community because of the reasons I mentioned above I urge the City of Ames to consider amending City Ordinance 17.6 to allow the consumer use of fireworks as permitted by the State of Iowa.

Thank you for your consideration,

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Michael Warnick

<http://www.americanpyro.com/assets/docs/FactsandFigures/consumpvinjuriesliberalizationgraph%201980-2010.pdf>

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Ames City Council  
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Dear Ames City Council Members,

I am writing to request a public hearing concerning Ames city code Section 17.6 and the recent state legislation concerning fireworks sales. I first came to Ames in 1996 and I currently live in Huxley where I am the father of three boys (eleven, six and five years old). I also care deeply about their friends and classmates – many of whom I have coached in various sports or chaperoned during various field trips and other school functions. As a parent and member of the community, I am concerned that recent changes in the legislation could pose a risk to these children and I believe that a public hearing would provide an opportunity to determine the best way to develop an approach to address this risk.

Starting in 1938, the State of Iowa banned fireworks. While this did not completely eliminate the use of consumer fireworks in the state, it created a high enough hurdle (driving to a different state to make the purchase) that fireworks have not been a significant concern for quite some time. The ban also had the effect of creating generations of parents with no experience on firework safety. The new law, which prevents cities from banning the sale of fireworks, has eliminated the hurdle to purchasing fireworks and has effectively brought fireworks into our community.

Ames currently has an ordinance prohibiting the “use or exploding” of fireworks within city limits.<sup>1</sup> While continuing this ban seems like the easiest way to address the topic, I have concerns that a ban may increase the likelihood that people will be harmed through the improper handling and misuse of fireworks.

Looking at a recent poll by the Des Moines Register, it appears that Iowans already have an appetite for fireworks.<sup>2</sup> On average, 65% of Iowans were in favor of the legalization of fireworks in Iowa. When only Iowans under 35 were considered, the number increased to 81% in favor. According to the last census, this demographic (35 and under) constitutes over 68% of the population in Ames.<sup>3</sup> Looking at this data, it appears that the majority of Ames population believes that the use of fireworks should be legal and will now have ready access to fireworks.

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<sup>1</sup> Ames City Ordinance 17.6

<sup>2</sup> <http://www.desmoinesregister.com/story/news/politics/iowa-poll/2017/02/23/iowa-poll-65-percent-say-yes-legal-fireworks/97906322/>

<sup>3</sup> <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

Given these statistics, it seems likely that the use of fireworks in Ames will dramatically increase in the city – notwithstanding the current ordinance. In turn, our police will be distracted from their regular duties to address complaints of firework use in the city. For many children, this will mean that their first serious interaction with a uniformed police officer will be the confiscation of their fireworks and the receipt of a citation.

Vigorous enforcement efforts will also have the effect of pushing usage of fireworks outside of city limits – to a place where the ordinance does not apply. While this does move the problem outside of the city. It also means that firework use would happen further from parental supervision, increasing the likelihood of an injury or accident. Further these injuries and accidents would occur further away from first responders – potentially increasing their severity.

However, it doesn't have to be this way. Data shows that fireworks are quite safe and used and handled properly. At present, 44 states permit the sale and use of at least some types of consumer fireworks.<sup>4</sup> With this relatively broad usage of fireworks, the Consumer Products Safety Commission reports only 11,133 reported injuries from fireworks (including injuries which resulted from improper use of fireworks).<sup>5</sup> By way of perspective, baseball equipment was responsible for 123,247 reported injuries and bicycles were responsible for 460,099 reported injuries.

As someone who grew up in a state (and city) that permitted the use of fireworks (Columbus, NE), my personal experience matches the statistics. I was fortunate enough to have parents who knew about firework safety, took the time to teach me and then supervised me to make sure that I followed their lessons. With their guidance, I started lighting off fireworks at age five and have not received injuries.

With this perspective, I sincerely want to help protect my children and their friends. Based on the statistics, facts and my own personal experience – education is the key to ensuring proper handling of fireworks and preventing needless injuries. To that end, I have been exploring the possibility of establishing a fireworks stand in the City of Ames. My vision is to have a stand that focuses on safety by providing classes on proper use and handling of fireworks as well as providing clear and well written instructions to purchasers.

Drawing on my experience, I believe this is one way that I could contribute back to a community that has provided me with so many opportunities. The recent change in state legislation has brought fireworks to our community, it is now up to us to determine the best way to protect our community. I believe a public hearing would provide an opportunity for myself and other citizens to help the City Council address the new state legislation concerning fireworks.

Please do not hesitate to contact me with any questions or comments.

Sincerely,



Brad Powers

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<sup>4</sup> [http://www.americanpyro.com/assets/docs/State\\_Laws/2017%20state%20laws%20firework%20map.pdf](http://www.americanpyro.com/assets/docs/State_Laws/2017%20state%20laws%20firework%20map.pdf)

<sup>5</sup> <https://www.cpsc.gov/cgibin/NEISSQuery/home.aspx> NEISS Codes: 1313 (Fireworks), 5040 (Bicycles), 5041 (Baseball)