

## **ORDINANCE 1917**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANKENY, IOWA, BY AMENDING PROVISIONS OF THE ZONING ORDINANCE REGARDING FIREWORKS SALES**

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

**SECTION 1.** Section 190.03, Definitions, is hereby amended by adding the following definition:

**104.** “Fireworks Retail Sales Facility” means a retail sales facility for the sale of First-class Consumer Fireworks as defined in Iowa Code Section 100.19(1)(c) and/or Second-class Consumer Fireworks as defined in Iowa Code Section 100.19(1)(e).

**SECTION 2.** Section 192.13(1)(C), M-2 Heavy Industrial District, Principal Permitted Uses, is hereby amended by deleting the first sentence and inserting in lieu thereof:

The uses listed in Paragraph D of this section shall be permitted through a Special Use Permit as provided for in Section 196.02 of the Ankeny Municipal Code, issued after public hearing and approval by the Board of Adjustment.

**SECTION 3.** Section 192.13(1)(D), Principal Permitted Uses, M-2 Heavy Industrial District, is hereby amended by adding the following:

(19) Fireworks Retail Sales Facility.

**SECTION 4.** Section 192.13, M-2 Heavy Industrial District is hereby amended by adding the following new section:

5. Fireworks Retail Sales Facility Required Conditions. Required conditions for a Fireworks Retail Sales Facility are as follows:

- A. Operator shall provide proof of licensure by the State Fire Marshal.
- B. For a facility occurring within a permanent structure, the allowable dates of operation shall be between June 1<sup>st</sup> through July 8<sup>th</sup> (38 total days) and between December 10<sup>th</sup> and January 3<sup>rd</sup> (25 total days).
- C. For a facility occurring within a temporary structure, the allowable dates of operation shall be between June 13<sup>th</sup> through July 8<sup>th</sup> (26 total days).
- D. The facility shall be located a minimum of 200 feet from property containing:
  - a. residential uses,
  - b. fuel pumps or fuel containers,
  - c. schools,
  - d. public parks, or
  - e. churches.

- E. For a facility located within a permanent structure, the facility shall not be located in a multiple-tenant building and shall be located in a stand-alone structure that shall have a minimum of 50 feet of separation from adjacent structures.
- F. All signage shall comply with City of Ankeny Sign Code.
- G. Parking for the facility must be provided at 1 space per 200 square feet of floor area.
- H. For a facility occurring in a temporary structure, required parking for the other uses on the site shall not be occupied by the temporary structure.
- I. The operator of the facility will require to be posted in plain clear view of all patrons a sign which reads, "It is unlawful to discharge fireworks in the Ankeny City limits at any time, except between 9:00am – 11:00pm on July 4<sup>th</sup>."
- J. The facility shall comply with all applicable Building and Fire Codes.
- K. A site plan shall be provided with the Special Use Permit application that depicts at a minimum those items outlined in Section 192.02.4 of the Ankeny Municipal Code.

**SECTION 5.** Chapter 132, Peddlers, Solicitors and Transient Merchants, is hereby amended by adding the following Section 132.21:

**132.21. Fireworks License.** Notwithstanding anything contained in this Chapter 132, the sale of First-class Consumer Fireworks and Second-class Consumer Fireworks as defined in Iowa Code Section 727.2 shall not be subject to this Chapter but shall require a Special Use Permit in accordance with Ankeny Municipal Code Sections 192.13 and 196.02.

**SECTION 6.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 7.** This ordinance shall be effective upon its passage, approval and publication as provided by law.

**PASSED** and approved this 5<sup>th</sup> day of June 2017.

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GARY LORENZ, Mayor

**ATTEST:**

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PAMELA DeMOUTH, City Clerk

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**1<sup>st</sup> Con 5/23/17 P. Hrg  
2<sup>nd</sup> Con 5/30/17  
3<sup>rd</sup> Con 6/5/17**