

SMITHVILLE BOARD OF ALDERMAN

WORK SESSION

October 19, 2021, 6:30 p.m.
City Hall Council Chambers

Due to the COVID-19 pandemic this meeting was held via teleconference.

The meeting was streamed live on the city's FaceBook page.

1. Call to Order

Mayor Boley, present via Zoom, called the meeting to order at 6:30 p.m. A quorum of the Board was present via Zoom meeting: Steve Sarver, Kelly Kobylski, Dan Ulledahl, John Chevalier, Dan Hartman and Marv Atkins.

Staff present via Zoom: Cynthia Wagner, Anna Mitchell, Chief Jason Lockridge, Matt Denton, Stephen Larson, Jack Hendrix and Linda Drummond.

2. Discussion of Regulations for Fireworks

Cynthia noted that Anna had prepared the report and has information to provide. Cynthia explained that this topic is a result of some discussion earlier this year and questions with regards to our ordinance. Anna has reached out to other communities to determine what their ordinances provide, and that information is included the packet.

Anna said staff reached out to eighteen area communities. Currently Smithville's ordinance restricts bottle rockets and nothing else. Of those municipalities that responded, four do not allow any fireworks, four (including Smithville) restrict bottle rockets, seven restrict bottle rockets and other types of fireworks and four have no restrictions on fireworks.

Anna explained that when she reached out to officials, usually within the police department, she talked to them mainly about enforcement. In several of the conversations she had with city officials they explained that they have X Y and Z in place but because of staffing or because there are other emergent or police matters happening, they are not really able respond to the calls regarding fireworks. It is also difficult to issue citations in those cases because they would have to physically see the person shoot the fireworks. In those cases, only a warning is given and that creates frustration on several different levels, the person with the fireworks, the neighbors who called it in, as well as the police officer.

Past Boards have approved restrictions, including time, length, limiting the days around July 4 and the bottle rockets.

Anna also supplied information on how many complaints that have actually been called in the past several years. This year, officers responded to 19 firework complaints during the months of June and July. In 2020, there were 18 complaints. In 2019, there were 21 complaints and in 2018, there were 31 complaints.

Anna explained that staff is looking for a discussion from the Board as well as direction on how they would like for staff to proceed.

Alderman Sarver ask if anybody knew why we restricted bottle rockets?

Alderman Atkins asked what brought the conversation up asking about more restrictions?

Alderman Sarver explained that it was because a lot of people in his neighborhood asked him to check into why Smithville allows people to shoot almost professional grade fireworks in small neighborhoods. He said that truly a lot of fireworks that are shot in his neighborhood are almost professional fireworks. He asked why the City prohibits bottle rockets when there is not much difference in the professional fireworks being shot over people's houses in the neighborhoods.

Chief Lockridge explained that he did not know why bottle rockets were originally restricted, but it has been in effect since he started working for the City in late 1996. He suspected that it was related to the push to ban them in the late 1980's and through the 1990's in regard to concerns over wood shake shingles.

Mayor Boley noted that was what he remembered from Kansas City in the 1980's and 1990's there was a lot of restrictions due to wood shake shingles.

Alderman Sarver said that the reason for the restriction of bottle rockets was a safety issue. Basically, it is unsafe to shoot bottle rockets in a neighborhood because they could cause a fire. He noted that he still does not understand the difference between shooting bottle rockets and what is being shot off today which is almost the same as professional grade fireworks. He explained that residents are coming to him asking this same question and why we allow them in neighborhoods where houses are twenty feet apart. Alderman Sarver also noted that our ordinance states that fireworks are to be shot off in your own yard and he thought that might be the reason that bottle rockets were banned because it is impossible to keep it in your own yard. He said that obviously every other aerial is the same once they are shot into the air they do not stay on your property. Alderman Sarver noted that out of the eighteen cities that were polled they either banned bottle rockets or aerial or you have to have at least three acres. He said that makes sense because if you have at least three acres you are able to shoot an aerial and it would more than likely come down on your

property. Twelve of the cities polled allowed no aerial fireworks, no sky lanterns and no bottle rockets because of the danger. He explained that he researched eleven cities on the Kansas side and nine of those cities do not allow them either. The Kansas cities he researched were DeSoto, Leavenworth, Lawrence, Lenexa, Merriam, Mission, Mission Hills, Olathe, Overland Park, Prairie Village and Shawnee.

Mayor Boley asked Cynthia since she lives in DeSoto if the ordinance stops anyone from shooting aerial fireworks?

Cynthia said that it does not.

Alderman Sarver said he did not think that was the issue, just like if a car is speeding down the highway or not wearing their seat belt and a police officer is not there to see them you cannot enforce those either. He explained that the idea is if you tell someone they are breaking the law some people will not do it. He is not saying that an ordinance banning aerial fireworks will eliminate all people from shooting them off, but it will deter some people.

Mayor Boley asked Alderman Sarver if he is recommending the ordinance bottle rocket language be changed to aerial?

Alderman Sarver said yes change the language to aerial fireworks. He noted that some people have asked that fireworks be banned completely but he told them that probably would not happen. He explained that a lot of the concerns people have is the debris that lands on their houses and in the gutters from the aerial fireworks. He thinks that banning the aerial fireworks would make most people happy. Alderman Sarver noted that out of the twenty-three cities polled only nine have not banned aerial and Smithville is one of them. This is a complaint that he hears every year, and the aerial fireworks get bigger and that adds to the complaints. It is becoming more of a safety issue, with the debris, the pollution and the noise for the veterans with PTSD and the animals.

Mayor Boley noted that the Board had received a few letters from veterans a couple of years ago that brought up those same concerns. He agreed that some of the firework displays were pretty extensive and are being shot off in the streets which is also illegal.

Chief Lockridge explained that the way the ordinance is written you are only allowed to discharge fireworks on your own property or property where you have permission from the owner.

Mayor Boley noted that the street sweeper is scheduled to clean up after the Fourth of July. He said that he does not disagree with Alderman Sarver.

Alderman Sarver said that Smithville is one of the few cities that have not banned the aerial fireworks. He noted that with the growth of Smithville, this will need to be done at some point.

Alderman Kobylski explained that she lives in the Hills of Shannon, and they really enjoy their fireworks. They do a very good job of cleaning up the debris and mess. She noted that the Hills of Shannon would be a hard neighborhood to agree with the ban of aerial fireworks.

Alderman Sarver said that his neighborhood was the same only they do not clean it up.

Alderman Kobylski said that her neighborhood is very respectful that most of the streets are cleaned up. They also have not had the complaints about debris in gutters and on roofs. They have gotten some complaints about dog issues.

Alderman Hartman asked if we had gotten any feedback on this issue from Fire Chief Cline on what types of calls they have gotten during that time and types of injuries that have happened due to fireworks?

Mayor Boley said that we could definitely ask.

Alderman Ulledahl noted he had questions along the same lines as Alderman Hartman with the Fire and Ambulance districts. During the time period of the first through the sixth of July what types of calls they get for medical issues and fire issues directly related to fireworks for both injury and property damage?

Alderman Sarver explained that he is not asking that the City outlaw fireworks. The issue is that there are fireworks being shot off in neighborhoods and there are people that do not like fireworks and do not want them shot over their homes.

Mayor Boley asked if it was Liberty that has the three-acre restriction?

Anna said that was correct.

Alderman Ulledahl explained that bottle rockets were typically outlawed due to the fact that they were put together in such a cheap manner that they did not always go very far would land on a roof or in a gutter and cause a fire. He said that the aerial fireworks are designed to go up high enough that when it is falling back down to tree and house level it should have burnt out, but that is not always the case.

Mayor Boley said he had seen flaming parachutes every once in a while.

Alderman Ulledahl explained that the parachutes are put together pretty cheaply also.

Mayor Boley noted that aerals that only go up 75-100 feet typically do not have enough time to burn out. The burning lanterns are an issue also because you do not know where they will land.

Alderman Chevalier said that he feels that even if the City tried to ban them it could not be enforced. He noted the biggest challenge he sees is getting people to stop setting off the fireworks in the streets. Traffic has to stop and wait for the firework to be done. He said if there was an emergency and an ambulance or emergency vehicle needed to get through and they cannot because people are shooting off a large firework display in the street, he sees that as an issue and what concerns him the most.

Mayor Boley noted that at his residence prior to moving to Smithville people in his neighborhood would shoot of sticks of dynamite and one year he had damage to his car because of it. They also caused potholes in the street. He noted that we have not had that issue here in Smithville.

Mayor Boley asked if any of the Board members other than Alderman Sarver would like to look at adjusting the language of the ordinance from bottle rockets to aerial fireworks?

Alderman Kobylski said she personally did not.

Alderman Atkins noted that he had not heard enough evidence about safety issues to justify changing anything.

Alderman Ulledahl explained that was why he and Alderman Hartman made the request for information from emergency services to help make a better decision of what the next move needs to be for the betterment of the City and not based on our personal opinions.

Mayor Boley asked staff to get the information from the Fire and Ambulance District and have it for the City Administrator's report. If the Board then decides to move forward it can be brought up as new business.

Alderman Chevalier asked for additional information on street damage that we have had related to fireworks.

Mayor Boley suggested to do a FaceBook poll or some sort of a one question survey email out to residents to find out opinions on the subject after we hear back from the emergency services.

Cynthia noted that after hearing the concerns for public safety suggested that as we get closer to the Fourth of July, supplying more educational information. Posting the regulations on the City website and social media posts such as "Did You Know" reminding people that it is illegal to set off fireworks in the streets and to discharge fireworks offsite of your property. To create more of an educational process to hopefully minimize some of that.

Mayor Boley suggested that Alderman Sarver bring this issue to the attention of his HOA to possible have a designated area in the neighborhood for discharge of fireworks.

Alderman Chevalier noted that bringing it to the attention of the HOA was a good idea, that they might be able to regulate fireworks within the neighborhood.

3. Adjourn

Alderman Hartman moved to adjourn. Alderman Atkins seconded the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 6:52 p.m.


Linda Drummond, City Clerk
Damien Boley, Mayor