AGENDA

KOKOMO COMMON COUNCIL

CITY OF KOKOMO, INDIANA

PUBLIC INFORMATIONAL MEETING AT 5:30 P.M.

COUNCIL MEETING IMMEDIATELY FOLLOWING MAY 10, 2021 @ 6:00 P.M.

COUNCIL CHAMBERS CITY HALL 100 S. UNION ST

CALL TO ORDER:

INVOCATION:

PLEDGE:

ROLL CALL:

APPROVAL OF MINUTES:

COMMUNICATIONS:

COMMITTEE REPORTS:

Ordinance #6981: An Ordinance amending Ordinance #6187

Whereas, the City of Kokomo, Indiana has determined to restrict the use of fireworks which create excessive noise and disturbances within the City.

Second reading (Collins)
COUNCIL MEETING MINUTES

APRIL 26, 2021

The Common Council of the City of Kokomo, Indiana met Monday April 26, 2021 at 6:00 p.m.
in City Hall Chambers.

President Grecu called the meeting to order.

Councilwoman Sanders states those who wish to stand may, or you may remain seated.

Pastor Jeff Newton, Kokomo Urban Outreach Director offered invocation.

Pledge.

Present: Acord, Rudolph, R. Stewart, Collins, Grecu, McKibben, Sanders, Miklik

Absent: T. Stewart

Minutes for Council Meeting held April 12, 2021 were declared approved.

Communications: President Grecu stated, there were two appointments to The Human Rights
Commission, Amanda Holsapple and Jeff Himelick.

Councilwoman McKibben wanted to recognize two Kokomo Police Officers, Gabriel Uhrin and
Samantha Raber. Whom earlier this month were presented with, Exceptional Duty Award from
Kokomo Police Chief Stout. The officers assisted a citizen, who was giving birth.

The Clerk read Ordinance #6985 by title only. Councilwoman Sanders moved for suspension of
the rules, and pass ordinance #6985 on first and second reading, seconded by Councilman
Miklik.
Vote for suspension of the rules:

Aye: All

Nay: None

The vote was 8-0 for suspension of the rules.

Councilwoman Sanders moved for passage on Ordinance #6985 on second reading, seconded by Councilman Miklik. Councilwoman Sanders states, the petition of Kokomo Howard County Plan Commission, requesting the Kokomo City Plan Commission petition and recommend the Kokomo Common Council to amend the Kokomo Zoning Ordinance #6279 to add another year to the sunset provision for pole signs along S. R. 931.

Cle Oliver Kokomo stated he would like to see certified letters sent out to the business along 931 to make sure they were aware of this change.

Greg Sheline Kokomo Howard County Plan Commission stated that several business have already complied with this ordinance and letters would be sent out later.

Vote for passage follows:

Aye: All

Nay: None

The vote was 8-0 for passage on the first and second reading.
The Clerk read Ordinance #6989 by title only. Councilwoman Sanders moved for suspension of the rules, and pass ordinance #6989 on first and second reading, seconded by Councilman Miklik.

Vote for suspension of the rules:

Aye: All

Nay: None

The vote was 8-0 for suspension of the rules.

Councilwoman Sanders moved for passage on Ordinance #6989 on second reading. Seconded by Councilman Miklik. Councilwoman Sanders states, case P07-Z-21 is the petition of Robert & Roseann Aeschliman requesting a change in zone classification from C2 (medium to large scale) to IS (institutional uses) for property located at 3437 W Sycamore Rd. Kokomo IN. 46901.

Paul Wyman Kokomo provided details to the Council on the zone change.

Vote for passage follows:

Aye: All

Nay: None

The vote was 8-0 for passage on the first and second reading.

The Clerk read Ordinance #6990 by title only. Councilwoman Sanders moved for suspension of the rules, and pass ordinance #6990 on first and second reading, seconded by Councilman Miklik.
Vote for suspension of the rules:

Aye:

All

Nay: None

The vote was 8-0 for suspension of the rules.

Councilwoman Sanders moved for passage on ordinance #6990 on second reading, seconded by Councilman Miklik. Councilwoman Sanders states, case P08-Z-21 is the petition of Robert & Roseann Aeshliman requesting a change in zone classification from C2 (medium to large scale) to R1 (very low density residential) for property located at 3439 W Sycamore Rd. Kokomo IN. 46901.

Paul Wyman Kokomo provided details to the Council on the zone change.

Vote for passage follows:

Aye: All

Nay: None

The vote was 8-0 for passage on the first and second reading.

The Clerk read ordinance #6991 by title only. Councilwoman Sanders moved for suspension of the rules, and pass ordinance #6991 on the first and second reading, seconded by Councilman Collins.

Vote for suspension of the rules:
Aye: All

Nay: None

The vote was 8-0 for suspension of the rules. Councilwoman Sanders moved for passage on ordinance #6991 on second reading, seconded by Councilman Miklik. Councilwoman Sanders states, case P09-Z-21 is the petition of Janie Myers requesting a change in zone classification from AG (agricultural) to C2 (medium to large sale general commercial) for property located at 1441 E. 400 S. Kokomo IN. 46902.

Paul Wyman Kokomo provided details for the zone change.

Vote for passage follows:

Aye: All

Nay: None

The vote was 8-0 for passage on the first and second reading.

The Clerk read ordinance #6992 by title only. Councilwoman Sanders moved for suspension of the rules and pass ordinance #6992 on first and second reading, seconded by Councilman Miklik.

Vote for suspension of the rules:

Aye: All

Nay: None:

The vote was 8-0 for suspension of the rules.
Councilwoman Sanders moved for passage on ordinance #6992 on second reading, seconded by Councilman Miklik. Councilwoman Sanders states, case P10-Z-21 is the petition of Brett Head requesting a change in zone classification from C2 (medium to large scale general commercial) to NC (neighborhood commercial) for property located at 2389 S. Dixon Rd. Kokomo IN. 46902.

Paul Wyman Kokomo provided details to the Council for the zone change.

Vote for follows:

Aye: All

Nay: None

The vote was 8-0 for passage on first and second reading.

The Clerk read ordinance #6981 by title only. Councilman Collins moved for passage on ordinance #6981 on first reading, seconded by Councilman Miklik. Councilman Collins states, Whereas, the City of Kokomo, Indiana has determined to restrict the use of fireworks which create excessive noise with the City. The ordinance is designed to encourage responsible and courteous use of consumer fireworks in the City of Kokomo.

Joe Wampler Kokomo was not in favor of this ordinance.

Jerry Paul Kokomo opposes Memorial Day as a day to use fireworks.

Councilman Rudolph stated, He understands what this can do to the police department. He also would like to see added, an affidavit of complainant to be included in the investigation.

John Roberts Kokomo thanks the council for the work they have done.
Councilman Acord stated, he would like to expand further on Councilman Rudolph’s statement. That being if a person calls in to complain about fireworks, they would be required to provide their information by an affidavit.

Councilwoman McKibben inquired if this ordinance would have fines. In addition, will it be in compliance with the Ordinance Violations Bureau... Councilman Grecu stated it would.

Steve Long Kokomo stated a news channel out of Indianapolis had run a story about moving fireworks out of downtown Indianapolis due to construction in the area.

Councilwoman Sanders stated she did not agree with Memorial Day being in the ordinance, but she would not vote against it, if it were not removed.

Councilman Miklik stated, he did not see why the Council could not amend ordinance #6981 to include Veterans Day.

Councilman Grecu stated understanding that there will be amendments made between the first and second reading all in favor of passing ordinance #6981

The vote follows:

Aye: 6

Nay: 2

The clerk called roll.
The vote was 6-2 for passage on the first reading.

President Grecu states this marks the end of this Council Meeting. Our next meeting will be May 10, 2021

Adjourned at 6:45 p.m.

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Presiding Officer

ATTEST:

___________________________

City Clerk
ORDINANCE NO. 6981

AN ORDINANCE AMENDING ORDINANCE #6187
(AS AMENDED)

WHEREAS, the City of Kokomo, Indiana has determined to restrict the use of consumer fireworks which create excessive noise and disturbances within the City. This ordinance is designed to encourage the responsible and courteous use of consumer fireworks in the City of Kokomo.

AND WHEREAS, the Common Council of the City of Kokomo deems it necessary to enact legislation concerning fireworks usage and displays as provided for by Indiana Code: 22-11-14-10.5

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO THAT PURSUANT TO THE ORDINANCE, CHAPTER 132, SECTIONS 01 and 03 OF THE KOKOMO CODE OF ORDINANCES SHALL BE AMENDED TO READ AS FOLLOWS:

SECTION I

§132.01 DEFINITIONS

“CONSUMER FIREWORKS.” A consumer firework, which definition excludes items listed in I.C. 22-11-14-8(a), shall be defined in this ordinance pursuant to I.C. 22-11-14-1.

SECTION II

§132.03 PROHIBITED NOISES

(B) Prohibited Noises.

(12) Use of consumer fireworks is expressly forbidden except for the following dates:

(a) (NEW YEAR'S EVE) December 31st between the hours of 10:00 A.M. and 1:00 A.M. on January 1st.
(b) (MEMORIAL DAY) Last Monday of May between the hours of 5:00 P.M. and 2 hours after sunset.
(c) (OTHER DAYS ALLOWED) On June 29th, June 30th, July 1st, July 2nd, July 3rd, July 5th, July 6th, July 7th, July 8th and July 9th between the hours of 5:00 P.M. and 2 hours after sunset.
(d) (INDEPENDENCE DAY) July 4th between the hours of 10:00 A.M. and 12:00 A.M. (MIDNIGHT).
(e) (LABOR DAY) First Monday in September between the hours of 5:00 P.M. and 2 hours after sunset.
(f) The Common Council may authorize additional days and times if requested in writing and approved by the Common Council.

Nothing in this ordinance shall prohibit the local Fire Chief, State Fire Marshal, or any duly authorized law enforcement official from further restricting, or prohibiting, the use of consumer fireworks during the aforementioned periods of time for any weather related or public safety reasons.

Consumer fireworks may be used, ignited, or discharged during the permitted times set forth above only on the users’ own property, with the permission of the property owner, or at special discharge locations designated by the State Fire Marshal, Kokomo Fire Chief or the Kokomo Common Council. No person may use, ignite, or discharge consumer fireworks on any public street, public sidewalk, alleys, parks, public right of way or on any City property without written permission of the State Fire Marshal, Kokomo Fire Chief or the Kokomo Common Council. Any such request must be submitted to the Kokomo City clerk at least 30 days prior to the fireworks event. Users shall be responsible for all debris resulting from the discharge of consumer fireworks. It is a violation of this Ordinance if fireworks land upon property owned or occupied by another person from which permission was not obtained, or upon public streets or City property, and which fireworks and/or all related debris is not removed by the user within twenty-four (24) hours of such use or discharge. Notwithstanding the foregoing, nothing in this ordinance shall be interpreted to grant permission to any person to discharge, place, or land debris on property occupied or owned by another, and the twenty-four (24) hour removal period required by this ordinance shall not relieve any such user of any applicable civil liability, including but not limited to a cause of action for trespass or nuisance.

SECTION III

§132.05 MISCELLANEOUS

Any person making a noise complaint must provide their name and address to the Kokomo Police Department. If a violation occurs and a citation written, the complainant shall be available as a witness if the citation is disputed and a court hearing necessary.

This Ordinance shall be in full force and effect from and after it’s passage, signature by the Members of the Common Council of the City, and publication as provided by law.

Ordinance #6981

PASSED AND ADOPTED by the Common Council of the City of KOKOMO, Howard County, Indiana, this ___ day of 2021

COMMON COUNCIL

Presiding Officer
ATTEST:

Diane Howard, City Clerk

Presented by me to the Mayor of Kokomo, Indiana, this ___ day of ____________, 2021 at the hour of ____________ o’clock P.M.

Diane Howard, City Clerk

This Ordinance approved and signed by me this ___ day of ____________, 2021 at the hour of ____________ o’clock P.M.

Tyler Moore, Mayor