

MUSTANG CITY COUNCIL
MUSTANG TOWN CENTER
1201 N MUSTANG RD
LIBRARY EDUCATION ROOM
MUSTANG, OKLAHOMA 73064

JULY 11, 2016
6:30 P.M.

**AGENDA
SPECIAL MEETING**

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. DISCUSSION ITEMS**
 - 1. **Discussion** regarding Public Input Procedures as requested by Councilman Grider.
 - 2. **Discussion** regarding Fireworks Ordinances as requested by Councilman Riley.
 - 3. **Discussion and Power Point Presentation** regarding Ordinance 1139.
- D. UPDATE ON MANAGEMENT RELATED ISSUES**
- E. ADJOURNMENT**

**TO: THE HONORABLE MAYOR AND COUNCIL
CITY OF MUSTANG**

**FROM: TIMOTHY ROONEY
CITY MANAGER**

RE: DISCUSSION OF PUBLIC INPUT PROCEDURES

DATE: July 8, 2016

BACKGROUND:

This item has been placed on the work session agenda at the request of Councilor Grider for review and discussion. Councilor Grider has asked staff to also research procedures that other communities may have in place regarding that process.

ATTACHMENTS:

1. City of Owasso Public Comment Rules and Procedures

**CITY OF OWASSO
PUBLIC COMMENT RULES AND PROCEDURES**

In the effort to provide a more equitable and orderly process you are requested to review and adhere to the following procedures.

1. **BEFORE THE MEETING BEGINS:** All citizens, other than the applicant/proponent, speaking on any agenda item during the meeting must sign-in to speak under the corresponding agenda item. A sign-in sheet is placed at the entrance to the meeting chambers.

WHAT IF THE MEETING HAS ALREADY STARTED? A citizen may request to address members of the Council/Authority/Commission regarding any agenda item; until such time that the item has been closed for public comment by the Mayor/Chair.

2. All speakers must be recognized by the Clerk and begin by stating their name and address. Citizens attempting to speak without being recognized for comment by the Clerk may be removed from the meeting chambers.
3. Each citizen may address the Council/Trustees/Commissioners only once per agenda item, unless the Council/Trustees/Commissioners request the citizen to return to the microphone.
4. Applicant/Proponent shall be afforded an opportunity to return to the microphone upon conclusion of statements in opposition to an agenda item presented.
5. Citizens are asked to limit their remarks to three (3) minutes. A green light positioned in the lower center of the video screen will indicate the speakers time has begun, a yellow light will illuminate to signal one (1) minute remaining, and a red light will illuminate signaling that comment must cease.
6. Any citizen exceeding the allotted time may be directed to cease speaking. Any citizen who continues to speak in disregard of the request to cease may be removed from the meeting chambers.

**THESE RULES ARE INTENDED TO AFFORD ALL CITIZENS DESIROUS OF ADDRESSING
THE COUNCIL/TRUSTEES/COMMISSIONERS AN OPPORTUNITY TO DO SO. PLEASE
RESPECT YOUR FELLOW CITIZENS' REQUEST TO SPEAK.**

**TO: THE HONORABLE MAYOR AND COUNCIL
CITY OF MUSTANG**

**FROM: TIMOTHY ROONEY
CITY MANAGER**

RE: REVIEW OF FIREWORKS ORDINANCES

DATE: July 8, 2016

BACKGROUND:

This item has been placed on the work session agenda at the request of Councilor Riley for review and discussion.

ATTACHMENTS:

1. Chapter 46, Article IV of the Mustang Municipal Code

MUSTANG MUNICIPAL CODE

ARTICLE IV – FIREWORKS

Sec. 46-91. - Appeals.

Should a question arise concerning the eligibility of an organization to qualify for a license under this article or if the plot plan is not approved by the police chief or his designee or the fire chief or his designee or the application is denied for any other reason, the matter may be timely submitted to the city council for a final decision at the request of the applicant.

(Code 1977, § 8.20.050; Ord. No. 659, § 1, 12-17-1996)

Sec. 46-92. - Manufacture, sale and use generally.

Except as otherwise provided in this article, it shall be unlawful for any person to manufacture, purchase, offer for sale, sell at retail, or use or discharge or explode any consumer fireworks, display fireworks or other fireworks and related items within the corporate limits of the city. The term "consumer fireworks," "display fireworks" and "fireworks" shall have the meanings set forth in 68 O.S. § 1622.

(Code 1977, § 8.20.010; Ord. No. 659, § 1, 12-17-1996; Ord. No. 1103, § 1, 6-17-2014)

Sec. 46-93. - Permitted sales.

Any nonprofit civic, charitable, fraternal, educational or religious organization located and domiciled within the corporate limits of the city may be licensed by the city clerk to sell consumer fireworks and related items from June 27 through July 3, daily, from 3:00 p.m. until 9:00 p.m., and on July 4 from 9:00 a.m. until 10:00 p.m.

(Code 1977, § 8.20.020; Ord. No. 659, § 1, 12-17-1996; Ord. No. 1103, § 1, 6-17-2014)

Sec. 46-94. - License for sale.

- (a) Annual licenses for the sale of fireworks within the corporate limits of the city shall be obtained by filing a written application for each location with the city clerk and paying the annual license fee in the sum set forth in section 42-46 for each location no later than June 1 of each year. If the organization meets the requirements of this article, it shall be issued a license by the city clerk pending approval by the fire chief of the following requirements:
 - (1) A minimum liability insurance policy of \$250,000.00 for bodily injury and property damage, from an insurance company currently licensed to do business by the state.
 - (2) A plot plan submitted to the city clerk for review by the police chief or his designee and the fire chief or his designee. The plot plan will show the location, the size of the stand, parking areas, traffic circulation patterns, and the proposed methods of storing fireworks.
 - (3) Any and all licenses required by state law.
- (b) The approval of the plan shall be at the discretion of the chief of police or his designee and the fire chief or his designee, and their approval will be evidenced by their signature upon the plan.
- (c) Final approval of the application will be evidenced by the fire chief by his signature or that of his designee on the application.

(Code 1977, § 8.20.040; Ord. No. 659, § 1, 12-17-1996)

Sec. 46-95. - Operation of stands; sales to children.

All licensed fireworks stands and structures selling fireworks and related items must be staffed and operated by members of the licensed organization. An adult member (18 years or older) of the licensed organization must be present at all times during the operation of the stand. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of 12 years, unless accompanied by an adult.

(Code 1977, § 8.20.030; Ord. No. 659, § 1, 12-17-1996)

Sec. 46-96. - Removal of stands.

All fireworks stands and structures for the sale of fireworks and related items must be taken down and/or removed from their location within 15 days after July 4 of each year. In addition, the area wherein the stand or structure was located shall be returned to its prior condition by picking up all refuse pertaining to the operation of the fireworks stand or structure.

(Code 1977, § 8.20.060; Ord. No. 659, § 1, 12-17-1996)

Sec. 46-97. - Discharge restricted.

- (a) The discharge of consumer fireworks shall be allowed only between the hours of 3:00 p.m. and 10:00 p.m. for the period of June 27 through July 4, with the exception of July 4, when the hours shall be 9:00 a.m. through 11:00 p.m. Discharge of fireworks is totally prohibited during all hours from July 5 through the following June 26. Discharge of display fireworks or other fireworks shall be prohibited at any time, except as provided under section 46-99.
- (b) It shall be unlawful to explode or ignite fireworks within 500 feet of any church, hospital, asylum, unharvested flammable agricultural crop, public school, or place where fireworks are stored, sold or offered for sale.
- (c) No person shall ignite or discharge any article of fireworks within or throw any article of fireworks from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle or at or near any group of people.

(Code 1977, § 8.20.070; Ord. No. 659, § 1, 12-17-1996; Ord. No. 1103, § 1, 6-17-2014)

Sec. 46-98. - Storage and handling.

- (a) All fireworks and sales areas shall be conspicuously posted with signs reading "FIREWORKS—NO SMOKING."
- (b) Fireworks offered for retail sale must be protected from direct contact and handling by the public at all times. Self-service or marketing where retail customers are allowed to move among stocks of fireworks or serve themselves from fireworks stocks or displays is strictly prohibited. Fireworks offered for retail sale must be sold according to the most current version of National Fire Protection Association (NFPA) 1124 Chapter 7. Mail-order, internet or other indirect sales to consumers are prohibited through any medium of either interstate or intrastate commerce.
- (c) Fireworks shall not be sold or displayed to the public within any building or portion thereof, or any vehicle, which allows entry by any persons other than employees within such building or vehicle, unless the fireworks are kept where they cannot be reached or handled by those persons.
- (d) An enclosed building used for sale of fireworks to the public shall have adequate exits as determined by the fire chief. The use of tents or other non-rigid shelters for the sale or storage of fireworks where the public may move about, under or within the confines of a shelter is prohibited.

(Code 1977, § 8.20.080; Ord. No. 659, § 1, 12-17-1996; Ord. No. 1103, § 1, 6-17-2014)

Sec. 46-99. - Display permit.

- (a) It is unlawful to discharge any display fireworks, except as otherwise provided by this article, at any public display, including but not limited to any public display at any public park. The fire chief or his designee shall permit the use of display fireworks for public or private displays only when the following requirements are met:
 - (1) Applications for such permits must be filed with the city clerk and must give the location of the proposed display and complete description of the nature and size of the fireworks to be used. A fee in the amount set forth in section 42-46 shall be paid to the city clerk upon the filing of the application.
 - (2) A copy of federal form ATF F5400.4, Bureau of Alcohol, Tobacco and Firearms, must be submitted with the application.
 - (3) All the provisions of NFPA 1123 must be met. NFPA 1123 refers to the most current version of National Fire Protection Association's Standard for Public Display of Fireworks. This subsection does not apply to the use of consumer fireworks by the general public.
 - (4) Every display requiring a permit shall be handled by a properly trained operator and approved by the fire chief or his designee. Such fireworks shall be discharged or fired so as not to be hazardous to property or endanger any person.
 - (5) The use of display fireworks is limited to those persons licensed as a display operator by the Oklahoma State Fire Marshal.
- (b) Any permit issued by the fire chief or his designee shall be at his discretion and may impose such other restrictions upon the public display as the fire chief or his designee finds necessary.

(Code 1977, § 8.20.090; Ord. No. 659, § 1, 12-17-1996; Ord. No. 1103, § 1, 6-17-2014)

Sec. 46-100. - Qualifications of operators of public displays.

The operator of any public display of fireworks must be bonded by sureties licensed to do business in the state in a sum sufficient to satisfy the city council and must possess any and all licenses required by state law.

(Code 1977, § 8.20.100; Ord. No. 659, § 1, 12-17-1996)

**TO: THE HONORABLE MAYOR AND COUNCIL
CITY OF MUSTANG**

**FROM: TIMOTHY ROONEY
CITY MANAGER**

**RE: DISCUSSION AND POWERPOINT PRESENTATION
ORDINANCE NO 1139**

DATE: July 8, 2016

BACKGROUND:

Staff will present a preliminary version of the powerpoint presentation regarding Ordinance No. 1139.

ORDINANCE NO. 1139

AN ORDINANCE OF THE CITY OF MUSTANG, OKLAHOMA (THE "CITY"), AMENDING ORDINANCE NO. 647 OF THE CITY DATED JUNE 20, 1996, AS HERETOFORE AMENDED BY ORDINANCE NO. 710 OF THE CITY DATED MAY 12, 1999; PROVIDING FOR THE PURPOSE OF REVENUES AND TERM OF TAX; PROVIDING FOR THE EFFECTIVE DATE; PROVIDING REMAINDER OF ORDINANCE NO. 647, AS HERETOFORE AMENDED REMAIN UNCHANGED; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MUSTANG, OKLAHOMA, AS FOLLOWS:

Section 1. Amendment to Section 2 of Ordinance No. 647. Section 2 of Ordinance No. 647, as heretofore amended by Ordinance No. 710, currently reads as follows:

"Section 2. It is hereby declared to be the purpose of the revenues provided by the additional one percent (1%) excise tax levied by this Ordinance to provide revenues to enlarge, extend and improve the street systems of the City of Mustang, Oklahoma, and pay all costs related thereto. PROVIDED, after September 30, 2001, the revenues provided by the additional one percent (1%) excise tax levied by this Ordinance shall be expended to pay the principal of and interest on indebtedness incurred on behalf of the City of Mustang by The Mustang Improvement Authority to provide funds for constructing and equipping a community center facility, a public library facility, a sports complex, a new municipal police facility and an aquatic center. PROVIDED FURTHER, that when all of said indebtedness shall have been paid, or full cash provision for its payment made, but not later than July 31, 2030, this Ordinance shall cease to be effective and the additional excise tax levied by Ordinance No. 647 shall no longer be levied."

Section 2 of Ordinance No. 647 is hereby amended to read as follows:

"Section 2. It is hereby declared that the revenues of the one percent (1%) excise tax currently levied pursuant to Ordinance No. 647 be made available for the following purposes: (i) ninety percent (90%) of the revenues be used for capital expenditures for the use and benefit of the City, or any public trust with the City as beneficiary and/or for debt service in connection with obligations issued to finance said capital expenditures and (ii) ten percent (10%) of the revenues be used for personnel expenses

related to City public safety. The change in purpose as set forth above shall become effective on the date The Mustang Improvement Authority Utility System and Sales Tax Revenue Note, Taxable Series 2013 is paid or provision for payment is made. The one percent (1%) excise tax levied pursuant to Ordinance No. 647 shall terminate and shall cease to be levied after June 30, 2030.

Section 2. Effective Date. The provisions of this Ordinance shall become effective on and after August 23, 2016, subject to approval by a majority of the qualified electors of the City of Mustang, Oklahoma, voting on the same in the manner prescribed by law.

Section 3. Remainder of Ordinance No. 647 Remain Unchanged. Except as amended in Section 1 hereof, the remaining provisions of Ordinance No. 647 shall remain unchanged.

Section 4. Provisions Cumulative. The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City Ordinances.

Section 5. Severability. The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

[Remainder of Page
Intentionally Left Blank]

PASSED AND APPROVED this 7th day of June, 2016.

CITY OF MUSTANG, OKLAHOMA

(SEAL)

ATTEST:

By

City Clerk

By

Mayor