

ARTICLE 11.
FIREWORKS; SALE AND DISCHARGE

- 5-1101. FIREWORKS. Except as hereinafter provided, it shall be unlawful for any person to sell or discharge fireworks as defined by the regulations of the fire marshall of the state of Kansas within the city.
(Ord. 748; Code 2003)
- 5-1102. SALE OF FIREWORKS. Upon application to the city clerk, a permit to sell fireworks shall be granted upon the following conditions.
- (a) All applications for a permit to sell fireworks shall be submitted to the city clerk at least ten (10) days prior to the granting of such permit. No permits shall be granted prior to June 24th of the year in which fireworks will be sold pursuant to such permit.
- (b) Approval of the location upon which fireworks are to be stored and/or sold, provided, however, that no such location shall be within one-hundred fifty (150) feet of another permit location, measured structure to structure. If a tent is used for the construction of the fireworks stand, the material must be of a flame-retardant type. Each such location upon which fireworks are to be sold shall provide for the public not less than one (1) off-street parking stall per one-hundred (100) square feet of sales structure floor area and adequate ingress and egress aisles. Fireworks shall not be stored or sold within fifty (50) feet of any source of flame, sparks, or flammable or volatile liquids in excess of one (1) gallon, except in stores where cleaners, paints, and oils are handled in sealed containers only. A description of each location referred to herein shall be provided to and approved by the public works director or his/her designee of the city prior to the issuance of a permit to sell fireworks. Each vendor shall furnish without cost to the city such flagperson and attendants as are necessary to insure the orderly parking of vehicles around each sale site, and shall in no way interfere with the normal flow of traffic on public roads. No vendor shall allow parking on public right-of-way around any sale site.
- (c) Prior to issuance of the permit, an inspection will be made of the applicant's facility to determine the square footage of the stand/tent/building and other pertinent laws and no permit shall be issued for any premises not in compliance with such laws. The sale of fireworks will be allowed in areas zoned D, E, F and G in the city. No sales of fireworks shall occur at any location, building, structure, tent or other similarly describable enclosure in conjunction with the retail sales of non-fireworks related items except as allowed by staff at the written request of the vendor. Any items sold under this exception must be approved by city staff prior to any sale taking place.
- (d) Approval of all safety precautions and equipment at each sales site by the public works director or his/her designee; such precautions to include fire extinguishers and such other equipment as required by applicable state and city laws and regulations.

(e) Each vendor shall obtain a policy of general comprehensive liability insurance for a minimum coverage of \$500,000 per occurrence, with the city of Haysville named as an additional insured, and shall provide the city with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by the vendor upon less than thirty (30) days notice.

(f) Each vendor shall obtain a policy of product liability insurance for a minimum coverage of \$500,000 per occurrence for products sold and/or stored within the city by the vendor, and shall provide the city with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by the vendor upon less than thirty (30) days notice.

(g) Each vendor shall at all times indemnify the City of Haysville, Kansas, its officials, representatives, designees and employees, and shall defend, save and hold them harmless, from and against any and all claims, actions, damages, liability and expense, including but not limited to attorneys and other professional fees, in connection with loss of life, personal injury and/or damage to property arising from or out of the storage, sale, discharge and/or transportation of fireworks by such vendor and vendor's customers, representatives, employees, contractors and designees.

(h) Permit fees shall be collected for each sale location based on square feet of the structure. The square footage shall be determined by the interior dimension measurements of the physical structure of the stand/tent/building. Permit fees as established by section 17-341 shall be collected for each sale location and shall be based on the square footage of the structure or location.

(i) Permit fees as established by section 17-341 shall be collected for each sale location and shall be based on the square footage of the structure or location. Each permit so issued shall be valid for forty-five (45) calendar days and then shall expire.

(j) No permit shall be issued or renewed to a holder who has failed to demonstrate financial responsibility. In this regard and by way of illustration, evidence that the holder of a permit has failed to pay the cost of merchandise when due, failed to pay costs associated with leased land or facilities when due, or failed to pay wages of employees when due in connection with sales of fireworks in prior years, may constitute sufficient grounds for the rejection of an application for a permit.

(Ord. 748, Sec. 2; Ord. 748-A, Ord. 748-B; Code 2003)

5-1103. DESIGNATED SALE TIMES. Fireworks permitted under this article shall be sold only during the following times; 8:00 a.m. to 10:30 p.m., June 27th through July 2nd and 8:00 a.m. to midnight July 3rd and July 4th.

(Ord. 748, Sec. 3; Code 2003)

5-1104. DESIGNATED TIMES FOR FIREWORKS DETONATION. Fireworks, which may be displayed, detonated, discharged, and/or ignited within the city limits shall only be those devices commonly known as fireworks legal for sale within the state of Kansas. Residents of the city and their guests may detonate fireworks permitted under this article on their private property during

authorized shooting hours as set forth in this article. The detonation of fireworks within the city shall be permitted only between 8:00 a.m. and 10:30 p.m. June 27th through July 2nd. On July 3rd and July 4th detonation of fireworks will be permitted between the hours of 8:00 a.m. to midnight. On December 31st detonation of fireworks will be permitted between the hours of 6:00 p.m. to 1:00 a.m. January 1st.

(Ord. 748, Sec. 4; Code 2003)

5-1105. **DISCHARGE OF FIREWORKS: EMERGENCY CONDITIONS.** Upon the determination of the mayor and based upon recommendations of the city staff, the discharge of fireworks may be limited, suspended or prohibited within the city limits of the city even during those times generally permitted by this article. Such determination shall be made if it appears to the mayor that the discharge of fireworks constitutes an immediate hazard to the safety of property or persons within the city. Such limitation, suspension or prohibition shall be by emergency proclamation, signed by the mayor, which shall be publicized and posted at the City Hall. If thereafter, circumstances occur which minimize or eliminate the hazardous condition resulting in such proclamation, the proclamation may be rescinded or modified by subsequent proclamation with similar posting. In the absence of the mayor, the then serving president of the council shall be empowered to issue such proclamation.

(Ord. 748, Sec. 5; Code 2003)

5-1106. **PROCEEDS FROM FIREWORKS PERMIT SALES.** Proceeds from the sale of fireworks permits shall be used to fund capital improvements for the Haysville Park System and/or the July 4th public fireworks display.

(Ord. 748, Sec. 6; Code 2003)

5-1107. **PENALTY CONNECTED WITH THE SALE OF FIREWORKS.** The violation of any provision shall be punishable by a fine of \$2,500.00 and/or imprisonment for not more than one (1) year and/or revocation of any permit to sell fireworks. Any permit holder violating any provisions shall first be issued a warning by the police department, and on any second or subsequent violation of this article, the police department shall revoke the permit for sale and terminate the sale of fireworks by the violator. Any permit holder whose permit is revoked hereunder may appeal to the governing body by notice served upon the city clerk, and a hearing shall be called and held not less than twenty-four (24) hours from the date of the filing of such notice of appeal.

(Ord. 748, Sec. 7; Code 2003)

5-1108. **PENALTY FOR UNLAWFUL DETONATION OF FIREWORKS.** The violation of any provision contained in section 5-1104 of this article shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00) and forfeiture of any and all fireworks that were then in the possession of the alleged offender.

(Ord. 748, Sec. 8; Code 2003)

17-341. FIREWORKS SALES PERMITS. There shall be collected for each location within the city for which a fireworks sales permit has been issued pursuant to section 5-1102 of this code permit fees based upon the square footage of the structure from which fireworks are to be sold:

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|---|-------------|
| (a) For structures not exceeding 400 square feet | \$ 2,500.00 |
| For structures having square footage of 401,
but not exceeding 800 square feet | \$ 5,000.00 |
| For structures greater than 800 square feet,
but not exceeding 1,500 square feet | \$ 7,500.00 |
| (d) For structures exceeding 1,500 square feet | \$10,000.00 |

For the purposes of this section, square footage shall be determined by the interior dimension measurement of the structure.

(Code 2003; Code 2007)

16B-209 TEMPORARY FIREWORK SIGNS

In order to allow accessory signage for temporary fireworks sales locations, the following standards shall apply:

(1). Structural Types Permitted: One of each structural type of sign shall be permitted, excluding permitted permanent signs.

(2). Maximum Gross Surface Area: One square foot of sign area for each one lineal foot of arterial street or U. S. Highway 81 frontage or four hundred square feet, whichever is lesser.

(3). Required Setback: All temporary firework signs not otherwise affixed to the fireworks sales structure shall be separated from any principal residential building by one foot for every one square foot of sign surface area or one hundred feet, whichever is the lesser.

(4). Maximum Height: 25 feet when adjacent to an arterial street.

(5). Time Restrictions: Temporary firework sign permits issued accessory to temporary fireworks sales locations shall be limited to three days prior to, and three days past the duration of the fireworks sales temporary use permit. Upon the expiration of the temporary sign permit, all of the elements of the sign, including any temporary support structure shall be removed.