

CHAPTER VII. FIRE

Article 1. Reserved

Article 2. Reserved

Article 3. Fireworks

ARTICLE 1. RESERVED

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ARTICLE 3. FIREWORKS

- 7-301. DEFINITIONS. The term fireworks shall mean and include any combustible or deflagrating composition, article, or device suitable for the use of the public for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and previously approved for transportation by the chemical laboratory of the United States Department of Transportation and as stated in K.A.R. 22-6-1. (Ord. 1855)
- 7-302. APPLICATION PROCESS. No person, firm, or corporation shall sell at retail fireworks of any kind without first completing the application process as stated below:
- (a) Applications for permits shall be required and shall be accepted by the city clerk only during regular office hours during the period from May 27 through June 15 and between the hours of 8:00 to 12:00 a.m. and 1:00 to 5:00 p.m.
 - (b) No permit shall be issued to any person, corporation, partnership or other entity that has been convicted in any court of competent jurisdiction of violating any fireworks ordinance or statute for the city, State of Kansas, or any other municipality or state within five years preceding the date on which the application for fireworks permit is filed with the city clerk.
 - (c) No person shall be permitted to work, with or without compensation, at any fireworks stand for which a fireworks permit is issued under the ordinances and resolutions of the city if that person has been convicted by a court of competent jurisdiction of any violations of any fireworks ordinance or statute for the city, the State of Kansas, or any municipality or state or of any felony within the five years preceding the 4th of July of the year in which the application for fireworks permit is filed with the city clerk.
 - (d) Fireworks permits shall not be transferable either with respect to the permit holder or with respect to the premises for which the fireworks permit is issued.
 - (e) If a fireworks permit is revoked for any reason whatsoever, no new fireworks permit shall be issued during the calendar year either to the holders of the revoked permit or such holder's agents or employees, or for the premises for which the revoked fireworks permit was issued.
 - (f) All applications for fireworks permits shall include the name, address and telephone number of all record owners of the premises for which the fireworks permit is requested and the name, address and telephone number of each and every person with the pecuniary interest in the fireworks to be sold. All applications for fireworks permits shall include the witnessed signatures of each record owner of the subject premises and every person with the pecuniary interest in such fireworks. (Ord. 1855, Sec. 1)
- 7-303. SELLING OF FIREWORKS. No person, firm or corporation shall sell at retail fireworks of any kind before the 27th day of June or after the 5th day of July in each year.
- (a) No person, firm or corporation shall sell fireworks without first obtaining a fireworks permit from the fire chief or his or her designated representative. The fee shall be \$25.
 - (b) No fireworks of any kind shall be sold within the corporate limits of the city before the hour of 10:00 a.m. and no later than 10:00 p.m. except on the 4th of July when they can be sold from 10:00 a.m. until 12:00 midnight.

(c) Fireworks stands are subject to inspection at any time by the fire chief or any law enforcement officer.

(d) All fireworks stands shall have a sign posted reading "FIREWORKS -- NO SMOKING-KEEP OPEN FLAMES AWAY."

(e) Fire extinguishers are required or a charged water hose with nozzle end within 15 feet of fireworks stand.

(f) No fireworks shall be stored, kept, sold or discharged within 50 feet of any gas pump or volatile liquids.

(g) No discharge of any fireworks within 50 feet of any stand or building.

(h) All fireworks stands shall be supervised by a person 21 years of age or older.

(i) No sale of fireworks upon city property at any time.

(j) Fireworks permit may be revoked by fire chief or city marshal upon violation of any part or portion of this section.

(Ord. 1855, Sec. 2)

7-304. DISCHARGE. No sale or discharge of any fireworks upon city property except fireworks to be used for exhibition purposes at public places, such as fairs and public celebrations, may be sold and fired provided the handling and firing is done in accordance with the requirements of Pamphlet No.1123 of the National Fire Protection Association and provided that written permission is obtained from the Fire Chief. (Ord. 1855, Sec. 3)

7-305. VIOLATIONS. Other violations

(a) No discharging of fireworks within 1,000 feet of any hospital, sanitarium, infirmary or nursing home.

(b) No discharging of fireworks within 50 feet of any gas station, building, fireworks stand or vehicle.

(c) No discharging of fireworks upon any road, street, highway or alley.

(d) No throwing of fireworks from vehicle whether moving or standing still.

(e) No discharging of fireworks between the hours of 10:00 p.m. and 10:00 a.m. with the exception of July 4th when fireworks can be discharged from 10:00 a.m. until 12:00 midnight.

(f) No throwing or discharging of fireworks in an unsafe manner or causing apprehension or possible injury, to another person or animal.

(g) No fireworks of any kind shall be set off or discharged inside the area bounded on the North by 5th Street, on the West by Genesee Street, the South by 7th Street and the East by Lincoln Street at any time during the day or night.

(h) No person, firm or corporation shall have in their possession bottle rockets nor shall be allowed to discharge them.

(i) No fireworks shall be discharged by individuals within the corporate limits of the city before the 27th of June or after the 5th of July in each year.

(Ord. 1855, Sec. 4)

7-306. ILLEGAL FIREWORKS. Fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this article shall be subject to seizure by the fire chief or any law enforcement official. (Ord. 1855, Sec. 5)

- 7-307. PENALTIES. Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$500. (Ord. 1855, Sec. 6)
- 7-308. BANNING FIREWORKS. The Chief of the Rural Fire Department and Mayor shall have the authority and discretion to ban the discharge of all fireworks within the corporate limits of the City of Blue Rapids if the weather conditions make discharge of fireworks in the City hazardous to persons or property. (Code 2013)