

ORDINANCE NO. 825

AN ORDINANCE CONCERNING THE REGULATION OF FIREWORKS IN THE CITY OF SEDGWICK, KANSAS, ADOPTING CERTAIN RULES AND REGULATIONS OF THE KANSAS STATE FIRE MARSHALL DEFINING FIREWORKS, REGULATING THE USE AND PUBLIC DISPLAY THEREOF, AND PROVIDING FOR PERMITS FOR THE SALE OF SUCH FIREWORKS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS.

SECTION 1. Definitions: The term "fireworks" and the type and kind of such fireworks permitted under this ordinance shall be referred to and be in compliance with KSA 31-155 and the Rules and Regulations of the Kansas State Fire Marshall in Section 22-6-7 of such Rules and Regulations effective January 1, 1973, which are hereby incorporated by reference as provided by law. In addition, fireworks shall not be permitted which are of the "bottle-rocket" type or which cause a projectile with an aerial explosion and to further ban the sale, ignition, and use of "aerial luminaries" to prevent conditions hazardous to life and property from fire and explosion; such prohibitions to be effective within the corporate limits of the City of Sedgwick, Kansas.

SECTION 2. Use of Fireworks:

- A. The discharging, firing or igniting of fireworks, as defined in Section 1 of this Ordinance, is hereby prohibited except on dates and times as established by the Governing Body ninety (90) days prior to the 4th of July of each year.
- B. The discharging, firing or igniting of fireworks, as defined in Section 1 of this Ordinance, is hereby allowed on City streets and rights-of-way, so long as traffic is not impeded or impaired excluding City owned buildings or property of any kind or character, including, but not limited to, the City Park, on the dates and times as established annually by the Governing Body provided that the trash and residue is removed within 12 hours of discharge. Failure to cleanup discharge area shall result in further action being taken.
- C. The Governing Body may grant a permit for the public display of fireworks by responsible persons at such places and times as the Governing Body may determine. The application for a permit for display shall be made through the City Clerk in writing at least 10 days in advance of the date of display. The application must be accompanied by proof of a bond or certificate of insurance in an amount deemed adequate by the Governing Body for the payment of all damages which could be caused to persons or property by reason of the permitted display.

SECTION 3. Fire zones: It shall be unlawful for any person to discharge, fire or ignite any fireworks, as defined in Section 1 of this Ordinance, within the existing fire zone as outlined in Ordinance 302 of the City of Sedgwick at any time.

SECTION 4. Fireworks Bans: The Fire Chief, or lawfully constituted designate, can ban the use of fireworks if conditions exist that pose a hazard to life or property.

SECTION 5. Permit To Sell Fireworks:

- A. Permit applications shall be made at the City Administrative Offices between the first business day of April and the first business day of June.
- B. Clubs, organizations, and residents of the City of Sedgwick shall be eligible to apply for a permit to engage in the sale of fireworks.
- C. It shall be unlawful for any person to sell any fireworks as defined by Section I of this Ordinance within the corporate limits of the City without having first obtained a permit to engage in such sale.
- D. Such permit shall be issued by the City Clerk upon the payment of a fee established by the Governing Body for each location at which fireworks are to be sold by organizations, clubs, and/or residents of the City of Sedgwick only.

SECTION 6. Fireworks Sales Location: No permit shall be issued for a location of sale within the existing fire zone, nor shall any fireworks be sold within the existing fire zone, as outlined in Ordinance 302 of the City of Sedgwick.

SECTION 7. Effective Dates: Each permit shall only be effective for sales on dates established by the Governing Body ninety (90) days prior to the 4th of July of each year.

SECTION 8. Violations: Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punishable by a fine of not more than \$500.00 and by a term of confinement in the county jail not to exceed thirty days.

SECTION 9. Repeal: Ordinance No. 819, 637, and 523 of the Code of the City of Sedgwick is hereby repealed and all other Ordinances in conflict herewith are hereby repealed.

SECTION 10. Effect: This Ordinance shall take effect and be in force from and after its once publication in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS, THIS 21ST DAY OF APRIL, 2014.


Rodney Eggleston, Mayor

ATTEST:


Janise Enterkin, City Clerk

SEAL: