

APPLICATION FOR FIREWORKS SPECIAL USE EVENT PERMIT
IN THE CITY OF PHILLIPSBURG, KANSAS

NAME OF APPLICANT: _____

ADDRESS: _____

CITY, STATE, ZIP _____

PHONE NUMBER: _____

LOCATION OF DISPLAY: _____

DATE & TIME OF DISPLAY: _____

NATURE OR KIND OF
FIREWORKS TO BE USED: _____

WHO WILL DISCHARGE THE FIREWORKS _____

ADDRESS: _____

CITY, STATE, ZIP _____

PHONE NUMBER: _____

WILL POLICE SERVICES BE NEEDED? YES NO

WILL FIRE DEPARTMENT SERVICES BE NEEDED? YES. NO.

I understand this application must be submitted with the city office during posted office hours, Monday thru Friday at least 73 hours prior to the special use event date. I understand the event will occur no earlier than 8:00 a.m. or later than 10:00 p.m. I understand a permit shall not be issued if the location, nature of the fireworks or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property.

See City Ordinance #1426 and City Code Chapter VII. FIRE for detailed information pertaining to discharge of fireworks within the City of Phillipsburg on private property.

Applicants signature: _____

Date: _____

ARTICLE 4. FIREWORKS

- 7-401. FIREWORKS DEFINED. For purposes of this article, the term fireworks shall mean those items as defined by the rules and regulations of the Kansas state fire marshal, and shall include but not be limited to: firecrackers, torpedoes, sparklers, Roman candles, sky rockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than .25 grains of explosive mixture), canes, bombs, cannons or other like devices and all classes of fireworks that may be shot into the air or propelled over the ground by explosive discharges or any device using blank cartridges. (Code 2010)
- 7-402. FIREWORKS PROHIBITED. (a) Except as provided in sections 7-403:406; it shall be unlawful for any person to keep, store, display for sale, fire, discharge or explode any fireworks.
- (b) Nothing in this article shall be construed as applying to:
- (1) Toy paper caps containing not more than .25 of a grain of explosive composition per cap;
 - (2) The manufacture, storage, sale or authorized use of signals necessary for the safe operation of railroads or other classes of public or private transportation;
 - (3) The military or naval forces of the United States or of this state while in the performance of official duty;
 - (4) Law enforcement officers while in the performance of official duty; or
 - (5) The sale or use of blank cartridges for ceremonial, theatrical or athletic events.
- (Code 2010)
- 7-403. SAME: EXCEPTION; SALE OF FIREWORKS. Any person who has first obtained a valid permit to sell fireworks within the city may do so between the hours of 8:00 a.m. and 12:00 midnight commencing June 27th and through July 4th of each year. (Code 2010)
- 7-404. PERMIT FOR SALE OF FIREWORKS REQUIRED; FEE; ISSUANCE. (a) It shall be unlawful for any person to sell, display for sell, offer to sell or give away any type of fireworks within the city without first paying a fee, as set by policy of the governing body, per establishment or premises to the city clerk and applying for and securing a permit therefor on or before June 25th of the permit year.
- (b) No permit shall be issued for any location where retail sales are not permitted under the zoning laws. Prior to the issuance of the permit, an inspection will be made of the applicant's facility for compliance with this chapter and other pertinent laws, and no permit shall be issued for any premises not in compliance with such laws. Upon qualifying for the permit, the permittee shall prominently display the same at the establishment or premises where fireworks are to be sold or displayed for sale. The permit fee shall not be refundable upon failure to qualify for the permit or withdrawal or cancellation of the application or permit.
- (Code 2010)
- 7-405. PERMIT FOR PUBLIC FIREWORKS DISPLAY REQUIRED. (a) It shall be unlawful for any person to give or provide a fireworks display for the public or for organized groups without first obtaining a permit to do so by making application at least 30 days in advance of the desired display. Approval of the permit shall be by the governing body. No permit shall be approved unless the applicant furnishes a

certificate of public liability insurance for the display in a minimum amount of \$500,000, written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancellable except by giving 10 days advance written notice to the city clerk. In the event of cancellation of the insurance prior to the display, the permit shall automatically be revoked and void. The application for the permit shall clearly state:

- (1) The name of the applicant.
- (2) The group for which the display is planned.
- (3) The location of the display.
- (4) The date and time of the display.
- (5) The nature or kind of fireworks to be used.
- (6) The name of the person, firm or corporation that will make the actual discharge of the fireworks.

(7) Anticipated need for police, fire or other municipal services.

(b) No permit shall be issued if the location, nature of the fireworks or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property.

(Code 2010)

7-406. APPROVED FIREWORKS; BOTTLE ROCKETS PROHIBITED. (a) All fireworks offered for sale and discharged within the city shall be of a type that has been tested and approved for sale and use within the state by the state fire marshal.

(b) Bottle rockets and other similar self-propelled firework or fireworks devices consisting of a tube and attached guiding stock or rod shall not be sold or discharged in the city.

(Code 2010)

7-407. DISCHARGE ON STREETS AND PUBLIC PROPERTY PROHIBITED. It shall be unlawful for any person to discharge, ignite or fire any fireworks upon any public street, alley or avenue or in any park or public place within the city. (Code 2010)

7-408. THROWING PROHIBITED. It shall be unlawful for any person to throw, cast or propel fireworks of any kind in the direction of or into the path of any animal, person or group of persons, or from, in the direction of or into any vehicle of any kind. (Code 2010)

7-409. SALE OF FIREWORKS; WHERE PROHIBITED. (a) It shall be unlawful for fireworks to be stored, sold or displayed for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept, unless such fireworks are in a separate and distinct section or department of the premises.

(b) Where the fire chief deems there is a fire hazard, he or she is hereby authorized to have such hazard abated.

(Code 2010)

7-410. RETAIL DISPLAY OF FIREWORKS. (a) All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package.

(b) All fireworks displayed for sale must remain in original packages, except where an attendant is on constant duty at all times where such fireworks are on

display; provided, that fireworks in open stock may be kept in show cases or counters out of the reach of the public without an attendant being on duty.

(c) Signs reading "Fireworks for Sale--No Smoking Allowed" shall be displayed in the section of a store or premises set aside for the sale of fireworks. (Code 2010)

7-411.

FIRE EXTINGUISHERS REQUIRED. (a) Two functioning and approved fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all permanent buildings where fireworks are stored, sold or displayed for sale.

(b) Small stands, temporarily erected to be used as a place for storing and selling fireworks only, shall have one such fire extinguisher, or in lieu of the fire extinguisher, a pressurized water hose with nozzle end within five feet of the fireworks stand.

(Code 2010)

7-412.

RESTRICTIONS AS TO GASOLINE INSTALLATIONS. It shall be unlawful to store, keep, sell, display for sale or discharge any fireworks within 50 feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only. (Code 2010)

7-413.

AUTHORITY OF FIRE CHIEF. The chief of the fire department is authorized to seize and confiscate all fireworks which may be kept, stored or used in violation of any section of this article, and all of the rules of the state fire marshal. He or she shall dispose of all such fireworks as may be directed by the governing body. (Code 2010)

(First published in the Phillips County Review on July 22, 2020). It

ORDINANCE NO. 1426

AN ORDINANCE AMENDING SECTION 7-407 (b) OF ORDINANCE 1384 AS ORIGINALLY WRITTEN AND AS FURTHER AMENDED BY ORDINANCE 1390 AND ADOPTING NEW SECTION 7-407 (c) ENTITLED "SPECIAL USE EVENT PERMIT" WHICH PERTAINS TO DISCHARGE OF FIREWORKS WITHIN THE CITY OF PHILLIPSBURG, KANSAS, ON PRIVATE PROPERTY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PHILLIPSBURG, KANSAS:

SECTION 1. That Section 7-407 (b) of Ordinance 1384 and as amended by Ordinance 1390 of the City of Phillipsburg, Kansas, is hereby amended to read as follows:

7-407 (b). DISCHARGE ON PRIVATE PROPERTY. It shall be unlawful for any person to discharge, ignite or fire any fireworks upon any private property within the city, except when fireworks legally go on sale from June 27 until July 5, Superbowl Sunday, Memorial Day, Labor Day, and New Year's Eve of each year. During the period and dates fireworks may be discharged, ignited or fired upon any private property within the city, same may be discharged, ignited or fired from 8:00 a.m. until 10:00 p.m.; except, Superbowl Sunday, Memorial Day, July 4, Labor Day, and New Year's Eve wherein same may be discharged, ignited or fired from 8:00 a.m. until 12:00 a.m. midnight.

7-407 (c). SPECIAL USE EVENT PERMIT. A Special Use Event Permit may be obtained from the city to discharge, ignite or fire fireworks by filing with the city office during posted office hours, Monday thru Friday, a special use event permit form at least 72 hours prior to the special use event date. The time, place, and manner for the allowed discharge of fireworks will be specified therein and in no event earlier than 8:00 a.m. or later than 10:00 p.m. A special use event includes but is not limited to: a home athletic sporting event, homecoming event, birthday celebration, family event, etc.

SECTION 2. That Section 7-407 (b) of Ordinance 1384 as originally written November 18, 2013, and as further amended by Ordinance 1390, adopted July 20, 2015, are hereby repealed.

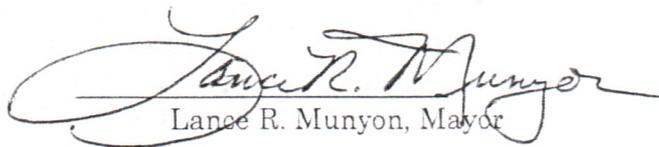
SECTION 3. That new Section 7-407 (c) is hereby adopted into Ordinance 1384.

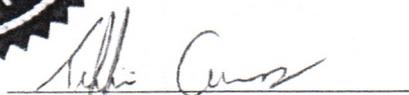
SECTION 4. This ordinance shall take effect and be in full force from and after its publication in the official newspaper of the City of Phillipsburg, Kansas.

PASSED BY THE CITY COUNCIL THE 20th DAY OF JULY, 2020.

APPROVED BY THE MAYOR THIS 20th DAY OF JULY, 2020.




Lance R. Munyon, Mayor


Tiffini Gross, City Clerk

(Ordinance Summary published in the Phillips County Review on July 22, 2020, and the full text of the Ordinance made available at www.cityofphillipsburg.com for a minimum of 1 week from the date of the publication) It

ORDINANCE NO. 1426

On July 20, 2020, the City of Phillipsburg, Kansas, adopted Ordinance No. 1426, adopting an ordinance by the governing body Amending Section 7-407 (b) of Ordinance 1384 and as amended by Ordinance 1390 which per pertains to Discharge of Fireworks on Private Property and repealing said Ordinance 1390, as adopted July 20, 2015, and Section 7-407 (b) of Ordinance 1384 as originally adopted November 18, 2013. Further, new Section 7-407 (c) pertaining to Special Use Event Permit for fireworks is adopted. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 945 Second Street, Phillipsburg, Kansas or at www.cityofphillipsburg.com. This summary is certified by S. Scott Sage, Phillipsburg City Attorney, pursuant to K.S.A. 12-3001 et seq.