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3 **ORDINANCE No. _____**

4 AN ORDINANCE OF THE CITY OF BEL AIRE, KANSAS PERTAINING TO
5 FIREWORKS REGULATIONS; CLARIFYING DATES AND TIMES FOR
6 DETONATION AND SALES; ADDING POSTING OF DATES AND TIMES
7 FOR DETONATIONS AND SALES BY FIREWORK VENDORS; REPEALING
8 ORDINANCES 485, 536, 573, 620, AND 697; REPEALING ALL OTHER
9 CONFLICTING ORDINANCES; AND AMENDING CHAPTER 6, ARTICLE 4
10 OF THE CODE OF THE CITY OF BEL AIRE, KANSAS.
11

12 NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Bel Aire,
13 Kansas:

14 SECTION 1. Chapter 6, Article 4 of the Code of the City of Bel Aire, Kansas, entitled
15 “Fireworks” is hereby amended by replacing all existing sections of that Article with the new
16 sections as follows:

17 **Article 4. Fireworks**

18
19 **6.4.1. Discharge of fireworks.**

20 Except as hereinafter provided, it shall be unlawful for any person to detonate, discharge,
21 display, ignite, sell, and/or use fireworks as defined by the regulations of the Fire Marshal of the
22 State of Kansas, within the corporate limits of the City [Added text: of Bel Aire, Kansas
23 (hereinafter “City”). Fireworks that may be detonated, discharged, displayed, and/or ignited
24 within the City, shall only be those devices commonly known as fireworks legal for sale
25 within the State of Kansas.]

26 **6.4.2. Permits for sale of fireworks required.**

27 The purpose of issuing a permit for the sale or transfer of fireworks pursuant to this Article is
28 to permit locations for the sale of fireworks within the City, which controls the inconvenience,
29 interference with pedestrian and vehicular traffic and danger to the public that may arise from the
30 unregulated placement of locations for the sale of fireworks within the City.

31 **6.4.3. Sale or transfer of fireworks; permit required.**

32 It shall be unlawful for a person to sell, display for sale, offer to sell, or give away any type of
33 fireworks within the City limits, without first qualifying for and paying the appropriate permit fee
34 per establishment or premises. To qualify, each applicant must complete an application and remit

35 a permit fee to the City Clerk prior to May 5th of the year for which such permit is requested. All
36 references to “permit” within this Article shall refer to a permit issued pursuant to this section,
37 unless specifically identified as a “Public Display Permit.”

38 **6.4.4. Permit fee.**

39 The permit fee is based upon the total square footage of the tent, shed or other structure where
40 fireworks are to be sold or displayed for sale. The permit fee for a tent, shed or other structure with
41 a total square footage of up to 2500 square feet shall be \$2,500.00. The permit fee for a tent, shed
42 or other structure with a total square footage in excess of 2500 square feet shall be a sum equal to
43 one (1) dollar per square foot. The permit fee shall only be refundable upon failure of the applicant
44 for permit to qualify for the permit.

45 **6.4.5. Public display of fireworks; permit required.**

46 A. It shall be unlawful for any person to give or provide a fireworks display for the public
47 or for organized groups without first obtaining a public display permit from the City of ~~Bel Aire~~.
48 The City shall not review an application for a public display permit until the Sedgwick County
49 Fire Marshall has reviewed and approved the application. Said application for a public display
50 permit shall be submitted to the City at least 30 days in advance of the desired public display and
51 shall be approved in accordance with the provisions of 6.4.11, except all applications will be
52 submitted to the Governing Body at the first meeting after the applicant has met all requirements
53 of submission of the application. No public display permit shall be approved unless the applicant
54 furnishes a certificate of public liability insurance for the display in a minimum amount of
55 \$1,000,000.00 for each occurrence including damage to vehicles, naming the City of ~~Bel Aire~~ as
56 additional insured and providing for both workers compensation, which is written by an insurance
57 carrier licensed to do business in Kansas. Insurance certificate shall not be cancelled by insured or
58 insurer until written notice is provided to the City Clerk of the City of ~~Bel Aire~~. In the event of
59 cancellation of the insurance prior to the display, the public display permit shall automatically be
60 revoked and void. Presenting a fireworks display after insurance has been cancelled shall be a
61 violation of this code and may be prosecuted as an unclassified misdemeanor in accordance with
62 this Article. The application for the public display permit shall clearly state:

- 63 1. The name of the applicant.
- 64 2. The group for which the display is planned.
- 65 3. The location of the display. Shall include:
- 66 (a) Address of the grounds upon which the display is to be held;

- 67 (b) A diagram of the grounds on which the display is to be held. The diagram must
68 indicate distances from the point of discharge of fireworks to:
- 69 (i) the perimeter of the grounds,
- 70 (ii) to all structures located upon the grounds,
- 71 (iii) all structures on abutting properties within 500 feet of the point of discharge,
- 72 (iv) all abutting streets points of ingress/egress to the grounds, and
- 73 (v) the area at which the audience will be located.
- 74 (vi) The date, time and duration of the display.
- 75 (vii) The nature or kind of fireworks to be used.
- 76 (viii) The name of the person, firm or corporation that will make the actual
77 discharge of the fireworks.
- 78 (ix) The name of the person, firm or corporation that will discharge the
79 fireworks. Must present a valid firework operators certificate issued by the
80 State of Kansas Fire Marshal's Office.
- 81 (x) Anticipated need for police, fire or other municipal services.

82 B. No public display permit shall be issued if in the opinion of the Sedgwick County Fire
83 Marshall the location, nature of the fireworks or any other relevant factor creates a hazard, risk of
84 harm, or risk of damage to persons or property.

85 C. Prior to approval of any public display permit application, the Sedgwick County Fire
86 Marshall shall have the power to issue reasonable rules and regulations for the granting of said
87 public display permit. City law enforcement and the Sedgwick County Fire Marshall are
88 authorized to terminate a fireworks display event if the event operator or party responsible for
89 fireworks detonation violates any such rules and regulations.

90 D. The Chief of Police shall review the application to determine whether police or security
91 shall be required as a condition of approval of the public display permit. Such review shall include
92 determination of traffic control concerns, and identifying and preventing concerns arising from
93 individuals watching the display in unsafe areas located off the display grounds. All costs of
94 security or additional policing requirements shall be borne by the event operator.

95 **[Added text: E. The City Attorney shall review the application to confirm insurance**
96 **requirements are fully met and ensure legal compliance with all ordinance requirements.]**

97 F. Only those people actually approved as operators by the Fire Marshall shall handle or
98 discharge any fireworks at such a public display.

99 G. **[Deleted text: Fireworks displays shall be completed by midnight on Fridays and
100 Saturdays and 11:00 pm Sunday through Thursday nights.] [Added text: Fireworks displays
101 shall conclude no later than 10:00pm on each day from June 27 through July 3, and no later
102 than 11:00 p.m. on July 4.]**

103 H. Public display permit fee shall be \$250.00 per application. Such fee shall be refunded if
104 the public display permit is not issued.

105 I. No individual, business, or organization shall receive more than one permit for public
106 display of fireworks per calendar year. To limit negative impacts upon abutting properties, a site
107 for a public display of fireworks shall only be authorized for a public display of fireworks once
108 annually. The City shall limit the number of public display permits to four annually.

109 J. **[Deleted text: A permit authorizing a public display of fireworks shall hereby
110 require that the permittee remove all trash and debris from the property associated with the
111 public display of fireworks, including both trash and debris generated by the display itself
112 as well as by the attendees at the event.] [Added text: Any permit authorizing a public display
113 of fireworks shall require the permittee to remove all trash and debris from the property
114 associated with the display, including debris generated by the display itself and by attendees.
115 For fireworks detonated from June 27 through July 3, all trash and debris must be removed
116 the same night, no later than 11:00 p.m. For fireworks detonated on July 4, all trash and
117 debris must be removed the same night, no later than 11:59 p.m.]**

118 **6.4.6. Location inspection.**

119 **[Deleted text: Prior to issuance of the permit, an inspection will be made of the
120 applicant's facility for compliance with this Ordinance and other pertinent laws, and no
121 permit shall be issued for any premises not in compliance with such laws. Each location
122 where fireworks are to be sold or displayed for sale shall be inspected by and subject to the
123 standards imposed by the Sedgwick County Fire Marshal. A permit may only be issued with
124 proof that the premises have passed the required inspection by the Sedgwick County Fire
125 Marshal.] [Added text: Prior to issuance of a permit, an inspection shall be conducted of the
126 applicant's facility and of each specific area where fireworks are to be sold or displayed to
127 ensure compliance with this Ordinance and other applicable laws. No permit shall be issued
128 for any premises or area not in compliance with such laws. Each location where fireworks
129 are to be sold or displayed shall be inspected by, and subject to the standards imposed by,
130 the Sedgwick County Fire Marshal. A permit may be issued only upon proof that the
131 premises and designated display or sales areas have passed the required inspection by the
132 Sedgwick County Fire Marshal.]**

133 **6.4.7. Location safety.**

134 Approval of all safety precautions and equipment at the sales location shall be by the City
135 Manager or his/her designee, in conjunction with the Sedgwick County Fire Marshal. Safety
136 precautions and equipment shall include fire extinguishers and such other equipment as required
137 by applicable state and city laws and regulations. Fireworks shall not be stored or sold with fifty
138 (50) feet of any source of flame, sparks, or flammable or volatile liquids in excess of one gallon.
139 If housed in a tent, the tent shall be constructed of a flame retardant material, with a certificate of
140 such flame retardant attached. Any electrical cords shall be appropriately protected from damage
141 by weather, the public and automobiles. No sales of fireworks shall occur at any location, building,
142 structure, tent or other similarly describable enclosure in conjunction with the retail sales of non-
143 fireworks related items except as allowed by the City Manager at the written request of the
144 Permittee. Any items sold under this exception must be approved by the City Manager prior to any
145 sale taking place.

146 **6.4.8. Location parking.**

147 Each location where fireworks are to be sold shall provide for the public not less than ten (10)
148 off street vehicular parking spaces, in addition to any necessary employee parking. **[Added Text:**
149 **No vendor shall allow parking on public right-of-way around any sale location.]**

150 **6.4.9. Permit display.**

151 Upon qualifying for the permit, the Permittee shall conspicuously post and prominently
152 display the same along with the Sedgwick County Fire Marshal inspection receipt at the
153 establishment or premises where fireworks are to be sold or displayed for sale.

154 **6.4.10. Permit application.**

155 Applications for permits to sell or transfer fireworks shall not be accepted before the first
156 business day of January of the year for which the permit is to be issued. The City shall only issue
157 four permits to retail establishments or premises to sell or transfer fireworks in any calendar year.
158 Permits will be awarded based upon the standards set forth within this Chapter. Priority of
159 approvals shall be based upon the date upon which the application was received by the **[Deleted**
160 **text: city clerk]** **[Added text:City Clerk.]** No individual, business or organization shall receive
161 more than one permit per calendar year.

162 **6.4.11. Application process.**

163 All applications shall be on a form determined by, and include the information requested by,
164 the City Clerk. The appropriate permit fee, in certified funds, must accompany each application.
165 The City Clerk shall present all applications received to the Governing Body of the City at the first

166 meeting in March or the first meeting after receipt of the application, whichever is later. Subject
167 to a determination by the Governing Body that said applicant has met all the requirements set forth
168 within the application and this Article, including a determination as to the appropriateness of the
169 proposed site and the availability of a permit, a permit shall be issued. The City Clerk shall notify
170 each applicant by first-class mail whether said applicant was successful in obtaining a permit
171 within ten (10) business days of the determination by the Governing Body. The permit fee
172 submitted by all unsuccessful applicants shall be returned with the notice that said applicant was
173 not successful in obtaining a permit.

174 **6.4.12. Insurance.**

175 Each vendor shall obtain a policy of general comprehensive liability insurance for a minimum
176 coverage of \$500,000 per occurrence, [**Added text: within the City. Such insurance shall be**
177 **maintained in full force and effect, without interruption or any lapse in coverage, at all times**
178 **during loading, unloading, occupancy, sales operations, setup, storage, teardown, and any**
179 **period during which the vendor, its employees, agents, invitees are present at the premises**
180 **of the sales location. In addition, the vendor shall name]** the City of Bel Aire, Kansas, ~~named~~
181 as an additional insured, and shall provide the City with a copy of the certificate of such insurance.
182 [**Deleted text: Such policy or policies shall not be cancelable by the vendor upon less than**
183 **thirty (30) days' notice.**]

184 **6.4.13. Permittee indemnification.**

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

192 **6.4.14. Permit revocation.**

193 A. Any permit holder violating any provisions shall first be issued a warning by the police
194 department, and on any second or subsequent violation of this article, the police department shall
195 revoke the permit for sale and terminate the sale of fireworks by the violator. Any action deemed
196 extremely negligent or reckless by the Chief of Police may result in immediate revocation of the
197 permit to sale fireworks. No refund of permit fee shall be refunded in association with any permit
198 revoked for violation of this Article, the permit, or the fire code of Sedgwick County, Kansas.

199 B. Any permit holder whose permit is revoked hereunder may appeal to the City Manager by
200 notice served upon the City Clerk, and a hearing shall be called and held not less than twenty-four

201 (24) hours from the date of the filing of such notice of appeal. The City Manager may, when in
202 his/her discretion such action is appropriate, impose additional safety requirements upon a vendor
203 prior to reinstating a revoked permit. The determination of the City Manager shall be final.

204 **6.4.15. Permittee disqualification.**

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

211 **6.4.16. Sale times and location.**

212 A. Any permit holder who has first obtained a valid permit to sell fireworks under this Article
213 may sell fireworks [**Added text: only at the dates and times established herein:**

214 **June 27: 9:00 a.m. until 10:00 p.m.**

215 **June 28: 9:00 a.m. until 10:00 p.m.**

216 **June 29: 9:00 a.m. until 10:00 p.m.**

217 **June 30: 9:00 a.m. until 10:00 p.m.**

218 **July 1: 9:00 a.m. until 10:00 p.m.**

219 **July 2: 9:00 a.m. until 10:00 p.m.**

220 **July 3: 9:00 a.m. until 10:00 p.m.**

221 **July 4: 9:00 a.m. until 11:00 p.m.**

222 [**Deleted text: only between the hours of 8:00 a.m. and 10:00 p.m.,**]

223 [Added text: B. Any permit holder who has first obtained a valid permit to sell fireworks under
224 this Article may sell fireworks at the permitted establishment or premises location.] [**Deleted text:**
225 **from June 27th through July 4th of that same year.**] Such solicitation, sale, and transfer of
226 fireworks shall be permitted only at the site of the establishment or premises inspected and
227 approved by the Sedgwick County Fire Marshall in accordance with section 6.4.6 of this Article.

228 **6.4.17. Detonation times and location.**

229 A. Fireworks, which may be displayed, detonated, discharged, and/or ignited within the city
230 limits shall only be those devices commonly known as fireworks as defined by the regulations of
231 the Fire Marshal of the State of Kansas. Individuals aged fourteen (14) and older, and individuals
232 under the age of fourteen with adult supervision, may detonate fireworks **[Added text: only at the**
233 **dates and times established herein:**

234 **June 27: 9:00 a.m. until 10:00 p.m.**

235 **June 28: 9:00 a.m. until 10:00 p.m.**

236 **June 29: 9:00 a.m. until 10:00 p.m.**

237 **June 30: 9:00 a.m. until 10:00 p.m.**

238 **July 1: 9:00 a.m. until 10:00 p.m.**

239 **July 2: 9:00 a.m. until 10:00 p.m.**

240 **July 3: 9:00 a.m. until 10:00 p.m.**

241 **July 4: 9:00 a.m. until 11:00 p.m.**

242 **[Deleted text: permitted under this Article beginning at 9:00 a.m. June 27th, and ending**
243 **at midnight when July 4th falls on a Friday or Saturday, and 11:00 p.m. when July 4th falls**
244 **on a Sunday – Thursday.]**

245 B. Fireworks may be detonated at a private residence, with the permission of an adult residing
246 at that residence, or within the authorized shooting area as described by a Resolution of the
247 Governing Body. However, no fireworks may be displayed, detonated, discharged, and/or ignited
248 in a manner that may cause personal injury or property damage. **[Deleted text: Any adult granting**
249 **permission to detonate fireworks shall clear the front yard of that private residence and all**
250 **adjacent public right-of-way areas of all debris arising from the detonation of the fireworks**
251 **before 10:00 p.m. on July 5th of that same year.]** **[Added text: Any adult granting permission**
252 **to detonate fireworks shall remove all trash and debris from the front ard of the private**
253 **residence, the premises, and all adjacent public right-of-way areas. For fireworks detonated**
254 **from June 27 through July 3, all trash and debris must be removed the same night, no later**
255 **than 11:00 p.m. For fireworks detonated on July 4, all trash and debris must be removed**
256 **the same night, no later than 11:59 p.m.]**

257 **[Added text: 6.4.18 Posting of Dates and Times for Detonations and Sales by Firework**
258 **Vendors]**

259 [Added text: 6.4.18 Each fireworks vendor shall display a 3 foot by 3 foot sign visible to the
260 public. The sign shall notify all customers of the dates and times for fireworks detonations
261 within the City. The sign may also provide notice of the dates and times for fireworks within
262 the City.]

263 [Deleted text: 6.4.18.] [Added text: 6.4.19.] **Emergency conditions.**

264 Upon the determination of the City Manager and based upon recommendations of staff, the
265 discharge of fireworks may be limited, suspended or prohibited within the city limits of the [Added
266 text: City] even during those times generally permitted by this article. Such determination shall
267 be made if it appears to the City Manager that the discharge of fireworks constitutes an immediate
268 hazard to the safety of property or people within the city. Such limitations, suspension or
269 prohibition shall be by emergency proclamation, signed by the City Manager, which shall be
270 publicized, including posting [Added text: on] the City’s website, and physically posted at the
271 City Hall. If thereafter, circumstances occur which minimize or eliminate the hazardous condition
272 resulting in such proclamation, the proclamation may be rescinded or modified by subsequent
273 proclamation with similar postings. The Mayor is hereby equally empowered to issue any such
274 proclamation.

275 [Deleted text: 6.4.19.] [Added text: 6.4.20.] **Penalty.**

276 Any person, whether acting on his or her own behalf, or that of any group or organization,
277 who violates any section of this Article shall be deemed to be guilty of an unclassified
278 misdemeanor, and shall upon conviction, be punished by a fine of not more than \$500 or
279 imprisonment of not more than thirty (30) days, or by both such fine and imprisonment. The
280 municipal court judge may also impose restitution for physical damages arising out of such
281 violations as appropriate. Restitution under this article shall be limited to \$500.00.

282 SECTION 2. Repeal.

283 All original sections in Chapter 16 of the City Code and Ordinances numbered 485, 536, 573,
284 620, and 697, to the extent they are in conflict herewith are repealed, as are all other ordinances or
285 parts of ordinances which are in conflict herewith.

286 SECTION 3. Severability.

287 If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to
288 be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the
289 validity of the remaining portions of this ordinance.

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292 SECTION 4. Effective Date.

293 This ordinance shall take effect and be in force from and after its adoption by the Governing
294 Body of the City, approval by the Mayor, and publication once in the official city newspaper.

295

296

[Remainder of this page intentionally left blank]

297 ADOPTED by the Governing Body of the City of Bel Aire, Kansas on this 17th day of March,
298 2026.

299

300 SIGNED by the Mayor on this _____ day of March, 2026.

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302

303 CITY OF BEL AIRE, KANSAS

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308 Jim Benage, Mayor

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310 ATTEST:

311

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314 _____

315 Melissa Krehbiel, City Clerk

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318 APPROVED AS TO FORM:

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322 _____

323 Maria A. Schrock, City Attorney