

## STAFF REPORT

DATE: October 5, 2022

TO: Governing Body

FROM: City Attorney



RE: Amending the Fireworks ordinance to limit who can qualify for permit to sell **and detonation days**

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**Background:** Residents raised a concern that the current fireworks code allows anyone to qualify for a license to sell fireworks in Bel Aire regardless of their affiliation with a Bel Aire business or non-profit. This eliminated the incentive for distributors to partner with Bel Aire non-profits or Bel Aire brick and mortar businesses when applying for a permit to sell fireworks. Local non-profits rely on the funds they make by volunteering to assist with sales. The below proposed language would require any entity selling fireworks in Bel Aire to be affiliated with a Bel Aire commercial business or a non-profit.

### UPDATE:

**At the October 4th Council meeting Council requested options for amending code to have the detonation dates correspond with the sale dates. Currently fireworks are authorized to be sold from June 27<sup>th</sup> – July 4<sup>th</sup>, this change would allow fireworks to also be detonated during that same 8 day window instead of just on July 4<sup>th</sup>.**

### Section 6.4.1 Fireworks

Except as hereinafter provided, it shall be unlawful for any person to sell display, detonate, discharge, and/or ignite fireworks as defined by the regulations of the Fire Marshal of the State of Kansas, within the corporate limits of the City.

### Section 6.4.2 Permit to Sell or Transfer Fireworks; Purpose

The purpose of issuing a permit for the sale or transfer of fireworks pursuant to this Article is to permit a location for the sale of fireworks within the City while controlling the inconvenience, interference with pedestrian and vehicular traffic and danger to the public that may arise from the unregulated placement of said sale location(s).

### Section 6.4.3 Sale or Transfer of Fireworks; Permit Required

It shall be unlawful for any person to sell, display for sale, offer to sell or give away any type of fireworks with the City without first [qualifying for and](#) paying the appropriate permit fee per

establishment or premises. To qualify, each applicant must own or operate an existing business with a physical commercial, nonresidential, location in Bel Aire at the time of application and sale or be affiliated with and financially support a non-profit located in Bel Aire. The application and permit fee must be remitted to the City Clerk ~~securing a permit~~ prior to June 16<sup>th</sup> of the year for which such permit is requested. All references to “permit” within this Article shall refer to a permit issued pursuant to this section, unless specifically identified as a “Public Display Permit.”

[...]

#### **Section 6.4.16                      Sale Times and Location**

Any permit holder who has first obtained a valid permit to sell fireworks under this Article may sell fireworks only between the hours of 8:00 a.m. and 10:00 p.m., at the permitted establishment or premises location, from June 27<sup>th</sup> through July 4<sup>th</sup> of that same year. Such solicitation, sale, and transfer of fireworks shall be permitted only at the site of the establishment or premises inspected and approved by the Sedgwick County Fire Marshall in accordance with section 6.4.6 of this Article.

#### **Section 6.4.17                      Detonation Times and Location**

Fireworks, which may be displayed, detonated, discharged, and/or ignited within the city limits shall only be those devices commonly known as fireworks as defined by the regulations of the Fire Marshal of the State of Kansas. Individuals age fourteen (14) and older, and individuals under the age of fourteen with adult supervision, may detonate fireworks permitted under this Article beginning at 9:00 a.m. ~~July 4<sup>th</sup>~~ June 27<sup>th</sup>, and ending at midnight when July 4<sup>th</sup> falls on a Friday or Saturday, and 11:00 p.m. when July 4<sup>th</sup> falls on a Sunday – Thursday. Fireworks may be detonated at a private residence, with the permission of an adult residing at that residence, or within the authorized shooting area as described by a Resolution of the Governing Body. However, no firework may be displayed, detonated, discharged, and/or ignited in a manner that may cause personal injury or property damage. Any adult granting permission to detonate fireworks shall clear the front yard of that private residence and all adjacent public right-of-way areas of all debris arising from the detonation of the fireworks before 10:00 p.m. on July 5<sup>th</sup> of that same year.