

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

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.

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 16th 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 6.4.4**Permit Fee**

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