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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 of Bel Aire, Kansas (hereinafter “City”).
23 **Fireworks that may be detonated, discharged, displayed, and/or ignited within the City, shall only**
24 **be those devices commonly known as fireworks legal for sale within the State of Kansas.**

25 **6.4.2. Permits for sale of fireworks required.**

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

30 **6.4.3. Sale or transfer of fireworks; permit required.**

31 It shall be unlawful for a person to sell, display for sale, offer to sell, or give away any type of
32 fireworks within the City limits, without first qualifying for and paying the appropriate permit fee
33 per establishment or premises. To qualify, each applicant must complete an application and remit
34 a permit fee to the City Clerk prior to May 5th of the year for which such permit is requested. All

35 references to “permit” within this Article shall refer to a permit issued pursuant to this section,
36 unless specifically identified as a “Public Display Permit.”

37 **6.4.4. Permit fee.**

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

44 **6.4.5. Public display of fireworks; permit required.**

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

- 62 1. The name of the applicant.
- 63 2. The group for which the display is planned.
- 64 3. The location of the display. Shall include:
- 65 (a) Address of the grounds upon which the display is to be held;
- 66 (b) A diagram of the grounds on which the display is to be held. The diagram must
67 indicate distances from the point of discharge of fireworks to:

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

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

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

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

94 E. The City Attorney shall review the application to confirm insurance requirements are fully
95 met and ensure legal compliance with all ordinance requirements.

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

98 G. Fireworks displays shall be completed by midnight on Fridays and Saturdays and 11:00
99 pm Sunday through Thursday nights.

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

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

106 J. A permit authorizing a public display of fireworks shall hereby require that the permittee
107 remove all trash and debris from the property associated with the public display of fireworks,
108 including both trash and debris generated by the display itself as well as by the attendees at the
109 event.

110 **6.4.6. Location inspection.**

111 Prior to issuance of the permit, an inspection will be made of the applicant's facility for
112 compliance with this Ordinance and other pertinent laws, and no permit shall be issued for any
113 premises not in compliance with such laws. Each location where fireworks are to be sold or
114 displayed for sale shall be inspected by and subject to the standards imposed by the Sedgwick
115 County Fire Marshal. A permit may only be issued with proof that the premises have passed the
116 required inspection by the Sedgwick County Fire Marshal.

117 **6.4.7. Location safety.**

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

130 **6.4.8. Location parking.**

131 Each location where fireworks are to be sold shall provide for the public not less than ten (10)
132 off street vehicular parking spaces, in addition to any necessary employee parking. **No vendor shall**
133 **allow parking on public right-of-way around any sale location.**

134 **6.4.9. Permit display.**

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

138 **6.4.10. Permit application.**

139 Applications for permits to sell or transfer fireworks shall not be accepted before the first
140 business day of January of the year for which the permit is to be issued. The City shall only issue
141 four permits to retail establishments or premises to sell or transfer fireworks in any calendar year.
142 Permits will be awarded based upon the standards set forth within this Chapter. Priority of
143 approvals shall be based upon the date upon which the application was received by the ~~city clerk~~
144 **City Clerk**. No individual, business or organization shall receive more than one permit per calendar
145 year.

146 **6.4.11. Application process.**

147 All applications shall be on a form determined by, and include the information requested by,
148 the City Clerk. The appropriate permit fee, in certified funds, must accompany each application.
149 The City Clerk shall present all applications received to the Governing Body of the City at the first
150 meeting in March or the first meeting after receipt of the application, whichever is later. Subject
151 to a determination by the Governing Body that said applicant has met all the requirements set forth
152 within the application and this Article, including a determination as to the appropriateness of the
153 proposed site and the availability of a permit, a permit shall be issued. The City Clerk shall notify
154 each applicant by first-class mail whether said applicant was successful in obtaining a permit
155 within ten (10) business days of the determination by the Governing Body. The permit fee
156 submitted by all unsuccessful applicants shall be returned with the notice that said applicant was
157 not successful in obtaining a permit.

158 **6.4.12. Insurance.**

159 Each vendor shall obtain a policy of general comprehensive liability insurance for a minimum
160 coverage of \$500,000 per occurrence, **within the City. Such insurance shall be maintained in full**
161 **force and effect, without interruption or any lapse in coverage, at all times during loading,**
162 **unloading, occupancy, sales operations, setup, storage, teardown, and any period during which the**

163 vendor, its employees, agents, invitees are present at the premises of the sales location. In addition,
164 the vendor shall name the City of Bel Aire, Kansas, named as an additional insured, and shall
165 provide the City with a copy of the certificate of such insurance. ~~Such policy or policies shall not~~
166 ~~be cancelable by the vendor upon less than thirty (30) days' notice.~~

167 **6.4.13. Permittee indemnification.**

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

175 **6.4.14. Permit revocation.**

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

182 Any permit holder whose permit is revoked hereunder may appeal to the City Manager by
183 notice served upon the City Clerk, and a hearing shall be called and held not less than twenty-four
184 (24) hours from the date of the filing of such notice of appeal. The City Manager may, when in
185 his/her discretion such action is appropriate, impose additional safety requirements upon a vendor
186 prior to reinstating a revoked permit. The determination of the City Manager shall be final.

187 **6.4.15. Permittee disqualification.**

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

194 **6.4.16. Sale times and location.**

195 Any permit holder who has first obtained a valid permit to sell fireworks under this Article
196 may sell fireworks **only at the dates and times established herein:**

197 **June 27: 8:00 a.m. until 10:00 p.m.**

198 **June 28: 8:00 a.m. until 10:00 p.m.**

199 **June 29: 8:00 a.m. until 10:00 p.m.**

200 **June 30: 8:00 a.m. until 10:00 p.m.**

201 **July 1: 8:00 a.m. until 10:00 p.m.**

202 **July 2: 8:00 a.m. until 10:00 p.m.**

203 **July 3: 8:00 a.m. until 10:00 p.m.**

204 **July 4: 8:00 a.m. until 10:00 p.m.**

205 ~~only between the hours of 8:00 a.m. and 10:00 p.m., at the permitted establishment or premises~~
206 ~~location, from June 27th through July 4th of that same year.~~ Such solicitation, sale, and transfer of
207 fireworks shall be permitted only at the site of the establishment or premises inspected and
208 approved by the Sedgwick County Fire Marshall in accordance with section 6.4.6 of this Article.

209 **6.4.17. Detonation times and location.**

210 Fireworks, which may be displayed, detonated, discharged, and/or ignited within the city
211 limits shall only be those devices commonly known as fireworks as defined by the regulations of
212 the Fire Marshal of the State of Kansas. Individuals aged fourteen (14) and older, and individuals
213 under the age of fourteen with adult supervision, may detonate fireworks **only at the dates and**
214 **times established herein:**

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

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

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

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

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

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

- 221 July 3: 9:00 a.m. until 10:00 p.m.
- 222 July 4: 9:00 a.m. until 11:00 p.m. (when July 4 occurs on Sunday, Monday,
223 Tuesday, Wednesday, or Thursday)
- 224 July 4: 9:00 a.m. until 11:59 p.m. or 12:00 a.m. (when July 4 occurs on Friday or Saturday)

225 ~~permitted under this Article beginning at 9:00 a.m. June 27th, and ending at midnight when~~
226 ~~July 4th falls on a Friday or Saturday, and 11:00 p.m. when July 4th falls on a Sunday—Thursday.~~
227 Fireworks may be detonated at a private residence, with the permission of an adult residing at that
228 residence, or within the authorized shooting area as described by a Resolution of the Governing
229 Body. However, no fireworks may be displayed, detonated, discharged, and/or ignited in a manner
230 that may cause personal injury or property damage. Any adult granting permission to detonate
231 fireworks shall clear the front yard of that private residence and all adjacent public right-of-way
232 areas of all debris arising from the detonation of the fireworks before 10:00 p.m. on July 5th of
233 that same year.

234 **6.4.18 Posting of Dates and Times for Detonations and Sales by Firework Vendors**

235 Each fireworks vendor shall display a 3 foot by 3 foot sign visible to the public. The sign shall
236 notify all customers of the dates and times for detonations and sales of fireworks within the City.

237 Each fireworks vendor shall provide flyers to all customers. The flyers shall notify all
238 customers of the dates and times for detonations and sales of fireworks within the City.

239 **6.4.189. Emergency conditions.**

240 Upon the determination of the City Manager and based upon recommendations of staff, the
241 discharge of fireworks may be limited, suspended or prohibited within the city limits of the City
242 even during those times generally permitted by this article. Such determination shall be made if it
243 appears to the City Manager that the discharge of fireworks constitutes an immediate hazard to the
244 safety of property or people within the city. Such limitations, suspension or prohibition shall be by
245 emergency proclamation, signed by the City Manager, which shall be publicized, including posting
246 on the City's website, and physically posted at the City Hall. If thereafter, circumstances occur
247 which minimize or eliminate the hazardous condition resulting in such proclamation, the
248 proclamation may be rescinded or modified by subsequent proclamation with similar postings. The
249 Mayor is hereby equally empowered to issue any such proclamation.

250 **6.4.1920. Penalty.**

251 Any person, whether acting on his or her own behalf, or that of any group or organization,
252 who violates any section of this Article shall be deemed to be guilty of an unclassified
253 misdemeanor, and shall upon conviction, be punished by a fine of not more than \$500 or

254 imprisonment of not more than thirty (30) days, or by both such fine and imprisonment. The
255 municipal court judge may also impose restitution for physical damages arising out of such
256 violations as appropriate. Restitution under this article shall be limited to \$500.00.

257

258 SECTION 2. Repeal.

259 All original sections in Chapter 16 of the City Code and Ordinances numbered 485, 536, 573,
260 620, and 697, to the extent they are in conflict herewith are repealed, as are all other ordinances or
261 parts of ordinances which are in conflict herewith.

262 SECTION 3. Severability.

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

266 SECTION 4. Effective Date.

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

269

270 *[Remainder of this page intentionally left blank]*

271 ADOPTED by the Governing Body of the City of Bel Aire, Kansas on this 3rd day of March, 2026.

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

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276 CITY OF BEL AIRE, KANSAS

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Jim Benage, Mayor

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283 ATTEST:

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288 Melissa Krehbiel, City Clerk

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291 APPROVED AS TO FORM:

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296 Maria A. Schrock, City Attorney