

Sec. 7-501. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fire hazard* shall mean any arrangement of materials and/or heat sources that presents potential for harm, such as personal injury or ignition of combustibles.

*Fireworks* shall have the same meaning as defined in the International Fire Code Section 3302 of the most recent edition adopted by the City of Lansing.

*Sky lanterns* shall mean miniature, unmanned air balloon that relies on an open flame as a heat source to heat the air inside the lantern with the intention of causing it to lift into the atmosphere. Typically made of rice paper or flame resistant paper, it has a fuel cell in the opening.

*Sky rocket* shall mean a rocket designed to explode high in the air as a signal or firework.

Sec. 7-502. - Storage, sale, handling.

Fireworks to be sold shall be stored in a room set aside for the storage of fireworks only. Over the entrance to this room shall be posted a sign reading, "Fireworks—No Smoking—Keep Open Flames Away." The storage room shall not be within 100 feet of any type of flammable materials and/or goods.

Sec. 7-503. - Additional regulations; storage, sale.

Rules and regulations regulating storage and sale shall be as follows:

- A. Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate and distinct section or department of the store.
- B. No fireworks shall be sold from any other structure other than a three sided building with a roof, which building shall be constructed so as not to grant immediate and unrestricted access to the interior thereof by customers. Said building may be a permanent or temporary structure. If permanent the building must meet all building code requirements, and must pass a safety inspection by the City Inspector prior to the retail sale of fireworks. If temporary, the building must pass a safety inspection by the City Inspector prior to the retail sale of fireworks.
- C. Fireworks shall not be stored, kept, sold or discharged within 150 feet of any gasoline pump, or where 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.

Sec. 7-504. - Fire extinguishers required.

Two ABC certified fire extinguishers with a minimum rating of 2A, and one certified water extinguisher with at least a 20 pound rating must be provided and kept in close proximity to the stock of fireworks in all buildings where fireworks are sold.

Sec. 7-505. - Retail sales.

Rules and regulations relating to Retail sale of fireworks in the City shall be as follows:

A. *Where and when permitted.*

1. No person shall sell or store fireworks in within the City without first obtaining a permit from the City Clerk's Office as provided for in Section 7-505B.
2. Fireworks shall not be offered for sale to individuals at retail before the 1st day of July and after the 4th day of July, and no sales shall occur at retail other than between the hours of 9:00 a.m. and 9:00 p.m.
3. Fireworks for retail sale will not be allowed to be stored within the City limits of Lansing before June 30th or after July 5th of any given year. Any fireworks stored or located within the city of Lansing before June 30th or after July 5th will be subject to the penalties prescribed in Section 7-513.
4. Fireworks stands or empty temporary storage units shall not be erected prior to June 25th and shall be removed in their entirety by 5:00 p.m. on July 5th.

B. *Licenses.* Every person before selling or offering for sale fireworks in the City shall make application to the City Clerk for a license to sell same. The application shall be approved by the Public Works Director or his/her designated representative and the Fire Chief before the license shall be issued. The license fee shall be in the amount of \$500.00 per year. The licensee shall post a sign provided by the City designating the days and hours for discharging fireworks, prohibited fireworks, fine for non-compliance, and a statement that debris must be cleaned up no later than Noon the day after discharge. In addition to the application, the applicant must provide:

1. A copy of their Tax Clearance Letter from the Kansas Department of Revenue showing they are current on taxes;
2. A complete list of firework items on the premises for sale; and
3. A copy of the Distributors license with number issued by Kansas State Fire Marshall.

C. *[Adult presence.]* No retail stand shall be open for the sale of any fireworks unless there is at least one adult over the age of 18 years present on the premises at all times during the hours of operation.

Sec. 7-506. - Retailers, regulations.

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, and all fireworks kept for sale on front counters, must remain in original packages, except where an attendant is on constant duty at all times at counters where such fireworks are on display. 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. Signs reading, "Fireworks For Sale—No Smoking Allowed," shall be displayed in the section of the store set aside for the sale of fireworks.

Sec. 7-507. - Approved fireworks.

The sale, distribution, use, manufacture and possession of only those articles of fireworks labeled and classified as U.S. Department of Transportation (DOT) or Interstate Commerce Commission (ICC) Class C Fireworks, except bottle rockets and sky rockets are hereby approved within the City. The sale, distribution, use, manufacture, possession, lighting and/or release of sky lanterns, bottle rockets, sky rockets or like materials shall be prohibited within the City at all times.

Sec. 7-508. - Permit required; exhibitions; special events.

Fireworks to be used for exhibition purposes at fairs and celebrations or special events may be fired which otherwise are prohibited provided the individual, organization or business has been issued a Fireworks Permit by Leavenworth County Fire District No. 1. An applicant for a permit must meet all permitting requirements of Chapter 5, Article IV for Temporary Special Events Permits of the Lansing City Code. In addition, to the permitting requirements stated in Chapter 5, Article IV of the Lansing City Code an individual, organization or business must have someone supervising the handling of fireworks who is experienced, and must comply with the current State of Kansas Fire Marshall requirements and the International Fire Code requirements as specifically stated, but not limited to, Chapter 33 of said code. In addition, the public attending such exhibition or special event must be kept at a safe distance. Fireworks held in storage for such exhibition or special event must be kept in a closed box until they are removed for firing.

Sec. 7-509. - Discharge of fireworks.

The discharge of fireworks within the City is hereby prohibited except as provided by the following: Fireworks may be discharged within the City from the 1st day of July through the 4th day of July between the hours of 12:00 p.m. and 10:00 p.m., except that on the 4th day of July fireworks may be discharged within the City from the hours of 12:00 p.m. until 11:00 p.m. only.

Unless the Fire Chief of the Leavenworth County Fire District No. 1 shall make a report with the City Clerk stating that due to weather and/or other conditions that a fire hazard exists in the City and upon presentation to the governing body, and the approval thereof, and notice is given no later than the 26th day

of June by publication in a newspaper of general circulation in Leavenworth County, Kansas that an emergency exists with respect to the discharge of fireworks. Such notice shall have the effect of prohibiting the discharge of fireworks within the City from the 1st day of July through the 4th day of July.

No discharge of fireworks shall be allowed within 150 feet of a storage area for fireworks as well as 150 feet of the fireworks stands.

It is the responsibility of the person(s) discharging fireworks to remove all fireworks debris from private and public property no later than 12:00 p.m. (noon) on the day following the discharge of fireworks.

Any person violating any provision of this section shall, upon conviction, be punished by a fine of not less than \$50.00 and not more than \$100.00 for each offense.

#### Sec. 7-510. - Insurance.

All retailers are required to provide the City Clerk a copy of a liability insurance policy in an amount not less than \$100,000.00 per person, \$500,000.00 for injury or death for more than one person, and \$100,000.00 coverage for damage to property and shall name the City as an additional insured party. The copy of the insurance policy shall be provided to the City Clerk prior to the issuance of a permit for the purposes of retail sales of fireworks.

#### Sec. 7-511. - Enforcement.

This article shall be enforced by the Police Department of the City or by the Chief of the Leavenworth County Fire District No. 1 and or his/her designee.

#### Sec. 7-512. - Penalty.

- A. Any person violating any of the provisions of this article shall upon conviction thereof (other than those in Section 7-511) be fined an amount of not less than \$500.00 nor more than \$1,500.00, or by imprisonment for a period not exceeding 90 days, or by both such fine and imprisonment. Each violation of the ordinance shall constitute a separate offense. Each day during or on which a violation occurs or continues shall constitute a separate offense.
- B. In addition, any violations of the provisions of this article which result in a conviction in the municipal court of the City or any state court within Kansas shall bar the person so convicted from obtaining City permits and licenses relating to fireworks for a period of two years from the date of the conviction.