

FIREWORKS LICENSE

Fees: For storage of fireworks - \$5,000.00
For the sale of fireworks from a stand of 1,000 square feet or less - \$500.00
For the sale of fireworks from a stand of more than 1,000 square feet - \$5,000.00

See below for detailed information.

FIREWORKS

GENERALLY

Kansas Administrative Regulations and certain Kansas Statutes adopted by reference.

There is hereby incorporated by reference for the purpose of regulating fireworks within the corporate limits of the city, article 6 of Agency 22 of the Kansas Administrative Regulations of 1994 (K.A.R. 22-6-1--22-6-17), compiled and published by the Office of the Secretary of the State of Kansas, Topeka, Kansas, and K.S.A. 31-155 and 31-156, compiled and edited by the Office of the Revisor of Statutes of the State of Kansas, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter modified or changed. No fewer than three copies of the aforesaid portions of the Kansas Administrative Regulations and Kansas Statutes Annotated shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3812," with all sections or portions thereof intended to be changed clearly marked to show any such change and to which shall be attached a copy of this article, and filed with the city clerk to be open for inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of this article shall be supplied, at the cost of the city, such number of official copies of such regulations and statutes similarly marked, as may be deemed expedient.

Amendment of regulations adopted in section 20-160.

Section 22-6-5 of Kansas Administrative Regulations of 1994 incorporated in section 20-160 shall be amended to read as follows:

22-6-5. Storage; Sale; Possession; Discharge; or Delivery; Days Permitted.

- (a) No person, firm or corporation shall store, sell possess or discharge fireworks at temporary retail stands or other locations, or deliver within the City of Wellington, Kansas, retail fireworks before 12:00 o'clock p.m. June 30 and after 12:00 o'clock p.m. on July 5.
- (b) Retail sales hours shall be from 10:00 a.m. to 10:00 p.m. on July 1 thru July 4.
- (c) Legal discharge hours shall be from 10:00 a.m. to 11:00 p.m. on July 1 thru July 3 and 10:00 a.m. to 12:00 midnight July 4. Any other times must be approved and authorized by the city council.
- (d) Except for public displays approved by the city, no fireworks shall at any time be stored, sold, possessed or discharged on the city property known as the Wellington Lake Recreation Area.

PERMIT

Storage and sale permits required.

- (a) No person shall store or sell fireworks within the city without first obtaining from the office of the city clerk a permit to store and sell the same.
- (b) An application for the storage and/or sale of fireworks shall be made at the office of the city clerk and shall contain the following information:
 - (1) The name and address of the applicant.
 - (2) Whether such application is for the storage or sale of fireworks, or both.
 - (3) The street address or location at which the fireworks are to be located.
 - (4) The days the applicant intends to store or sell the fireworks.
 - (5) A description of the structure in which the fireworks are to be located.
 - (6) The applicant's state sales tax number.
 - (7) If fireworks are to be stored or sold on land not owned by the applicant, he must furnish a consent letter from the landowner. The letter shall contain the landowner's name and address and consent to the applicant's use of the land to store and/or sell fireworks.
 - (8) A statement that the applicant, if issued a permit, will at all times comply with the laws of the state and ordinances of the city relating to the storage and sales of fireworks.

(c) Before a permit is issued hereunder the applicant shall:

(1) Furnish a sufficient bond or certificate of insurance showing public liability coverage in an amount not less than \$500,000.00;

(2) Furnish a written certificate from the fire chief or the fire chief's duly authorized agent stating that the location for which the permit is applied for has been duly inspected and found to be in compliance with the laws of the state and city ordinances; and

(3) Pay a fee in accordance with the following schedule:

a. For storage of fireworks, the sum of \$5,000.00.

b. For the sale of fireworks from a stand of 1,000 square feet or less, the sum of \$500.00.

c. For the sale of fireworks from a stand of more than 1,000 square feet, the sum of \$5,000.00.

(d) For purpose of this article the terms "storage" and "stored" shall mean fireworks kept or held by wholesalers or distributors for sale or delivery to retailers who take or purchase said fireworks for resale, said terms shall not apply to any fireworks held by retailers for immediate resale to customers for the customers use.

(e) Permits for the storage and, or sale of fireworks shall be issued only for locations in the city that are zoned for commercial and industrial uses, and no permits shall be issued for locations in the city that are zoned for uses other than commercial and industrial.

Inspections; compliance; revocation of permit.

Inspections of the locations for which permits for the storage and, or sale of fireworks have been issued under this article may be conducted by duly authorized fire/EMS department personnel at any time. If, upon any such inspection, the location is found not to be in compliance with the provisions of this article, the location shall immediately be made to comply with such provisions, or the permit issued for such location shall be immediately revoked, and any fireworks then held or kept on such location for storage, and, or sale shall be immediately removed from such location. In the event a permit is revoked pursuant to this section, no part of the permit fee paid shall be refunded.

Suspension or discharge of fireworks; emergency conditions.

The discharge of fireworks permitted by the provisions of this article may be suspended or limited upon a determination by the mayor of the city, or in the mayor's absence the president of the city council or the city manager, that emergency conditions exist which would make the discharge of fireworks an immediate hazard to persons and property in the city. Upon such a determination a written proclamation setting forth the reason for the suspension or limitation and describing in detail the extent of such suspension or limitation shall be signed by the official making such determination. The proclamation shall be posted on the front door of the city administration center at 317 South Washington Avenue in the city, at such other locations throughout the city as may be appropriate, published in the official city newspaper and disseminated over the local channel of Sumner Cable TV. Such proclamation may be modified or revoked at any time the official who signed said proclamation may deem proper. Notice of any modification or revocation of such proclamation shall be given in the same manner as notice of the proclamation was given.