

**ORDINANCE NO. 382**

**AN ORDINANCE RELATING TO AND PROVIDING FOR THE REGULATION AND RESTICTIONS ON THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CITY OF HAVILAND, KANSAS.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAVILAND, KANSAS:**

**SECTION 1. FIRING OR DISCHARGE OF FIREWORKS RESTRICTED.** Fireworks may be fired or discharged on private property within the City between the hours of 8:00 a.m. and 10:30 p.m. on July 2 through July 5.

**SECTION 2. SALE OF FIREWORKS RESTRICTED.** Fireworks may be sold within the City limits between the hours of 8:00 a.m. and 10:30 p.m. commencing June 28 through July 5 of each year. A permit to sell fireworks shall be required after January 1, 2021.

**SECTION 3. PERMITS FOR SALE OF FIREWORKS REQUIRED.** Beginning on January 1, 2021, it shall be unlawful for a person to sell, display for sale, or offer to sell Fireworks within the City limits, without first securing a permit to do so from the City Clerk. A permit will authorize a holder of a permit to Fireworks from June 28 to July 5 of the year the permit is issued. A permit will not be issued if the selling of Fireworks would not be in compliance with pertinent City Ordinances, State statutes and State regulations. Applications must be submitted and approved prior to the sell, display for sale, or offer to sell any Fireworks.

**SECTION 4. SALE OF FIREWORKS; WHERE PROHIBITED.**

- (1) It shall be unlawful for Fireworks to be stored, sold or displayed for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept, unless such Consumer Fireworks are in a separate and distinct section or department of the premises.
- (2) Where the fire chief deems there is a fire hazard.

**SECTION 5. RETAIL DISPLAY OF FIREWORKS.** All Fireworks displayed for sale must remain in original packages, except where an attendant is on constant duty at all times where such Fireworks are on display; provided, that 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 a store or premises set aside for the sale of Consumer Fireworks. All stands or buildings where fireworks are sold are required to have fire extinguishers within 5 feet of the where the Fireworks are displayer for sale.

**SECTION 6. FIREWORKS DISPLAY PERMIT REQUIRED.** Except as allowed in Section 1, prior to any entity (person, firm, corporation, or other organization) discharging fireworks in the City, said entity must submit to the City Clerk a permit application, pay a fee to the City of One-hundred and Fifty Dollars (\$150) and obtain the approval of the Chief of the City of Haviland fire department. One or more members of the City of Haviland Fire Department must be present prior to and throughout the duration of the discharge of fireworks for which the permit is granted.

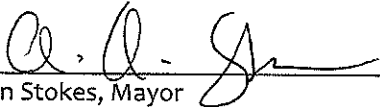
**SECTION 7. STATE REGULATIONS.** The above stated regulations and restrictions are in addition and not in substitute to the statutes and regulations of the State of Kansas that the Kansas Fire Marshall.

**SECTION 8. PENALTY.** Any person of entity violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor punishable with up to Thirty (30) days incarceration and a fine of Two-hundred and Fifty Dollars (\$250) for each offense. Any person of entity that violates the provisions of this ordinance pertaining to the sale of Fireworks shall not be granted a permit for the sale of fireworks for a period of at least two (2) years.

**SECTION 9. REPEAL OF CONFLICTING ORDINANCES.** Ordinance No. 371 is hereby repealed, and all ordinances or parts of ordinances enacted prior to this ordinance in conflict with this ordinance are hereby repealed.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall take effect and be in force, from and after its publication in the official City newspaper.

Passed by the council the 8<sup>th</sup> day of JUNE, 2020 and approved by the mayor.

  
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Aaron Stokes, Mayor

  
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Attest: Shari McAfee, City Clerk