ORDINANCE NO. 3294

AN ORDINANCE AMENDING SECTIONS 5-311 AND 5-312 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS CONCERNING THE SALE OF FIREWORKS

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

SECTION ONE. Section 5-311 of the City Code of the City of Abilene, Kansas is hereby amended as follows:

5-311. SALE OF FIREWORKS

(a) The retail sale of fireworks, which are defined as "Class C Fireworks", not including bottle rockets" by the Rules and Regulations of the Kansas State Fire Marshal, shall be permitted between the hours of 8:00 am to 10:00 pm on the days of June 27 through July 4 each year by persons or organizations holding a valid, unrevoked permit issued by the City of Abilene, Kansas. The permit application fee shall be the sum of $250.00. Such fee shall be paid to the City Clerk by cash, certified check or money order.

(b) Fireworks may only be sold in areas of the city zoned "C-1, Office and Service Business District," "C-2, Restricted Commercial District," "C-3, General Commercial District," "I-1, Light Industrial District," and "I-2, Heavy Industrial District." No sale of Fireworks shall be permitted in areas zoned for residential use or in the "C-4, Central Business District." The Fire Chief, or his designee, and the building official shall approve all locations proposed for sale and storage of fireworks before a permit is issued.

(c) All applications for permits shall be reviewed by the Fire Chief, or his designee. Applications must be received no later than fourteen business days prior to the permit issuance date to allow the Fire Chief time to investigate. The Fire Chief must approve all applications before any license is issued by the City Clerk. As a condition of the City issuing a permit, the applicant shall provide proof of a sales tax number or an exemption certificate issued by the Kansas State Department of Revenue.

(d) Licensee shall hold the City harmless from and indemnify it against all claims of liability arising, in any way, from sale of fireworks. Licensee shall further secure and maintain in force a policy of comprehensive general liability with a combined single limit of $1,000,000. A certificate evidencing such insurance shall be furnished to the City.

(e) The Fire Chief shall adopt administrative regulations, which may be amended from time to time, regarding the type of sale facility and all related safety/code requirements, which are hereby incorporated by reference.

(f) All licenses for sale of fireworks shall be renewed annually.

SECTION TWO. Section 5-312 of the City Code of the City of Abilene, Kansas is hereby amended as follows:

5-312. POSSESSION AND DISCHARGE OF FIREWORKS

(a) Discharge of fireworks, which are defined as "Class C Fireworks, not including bottle rockets" by the Rules and Regulations of the Kansas State Fire Marshal, shall be permitted between the hours of 8:00 am and 12:00 am, midnight, from July 1 through July 4. Fireworks may be possessed June 27 through July 4.

(b) Fireworks may only be discharged in residential areas on private property, not within public rights-of-way including streets. Fireworks may not be discharged on business, commercial, industrial property or on public property. An officer observing reckless discharge of fireworks shall be authorized to confiscate all fireworks in the possession of the person recklessly discharging the same.

(c) It is prohibited to discharge or use fireworks in a reckless manner which creates a risk of injury, death or damage to property.

(d) The Fire Chief has the authority to ban the discharge or use of fireworks within the city limits due to weather conditions.

SECTION TWO. Effective Date. This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 11th day of April, 2016.

CITY OF ABILENE, KANSAS

By: _____
S. Dee Marshall, Mayor

ATTEST:

_____
Penny Soukup, CMC
City Clerk