

ORDINANCE NO. 18-3365

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 3 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, BY AMENDING SECTIONS 5-311 AND 5-312 CONCERNING THE SALE, POSSESSION, AND DISCHARGE OF FIREWORKS WITHIN THE CITY OF ABILENE, KANSAS.

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 to read 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 30 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 to read 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 10:00 pm, from July 1 through July 3, and between the hours of 8:00 am and 12:00 am, midnight, on 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 THREE. Existing Sections 5-311 and 5-312 of the City Code of the City of Abilene, Kansas are hereby repealed.

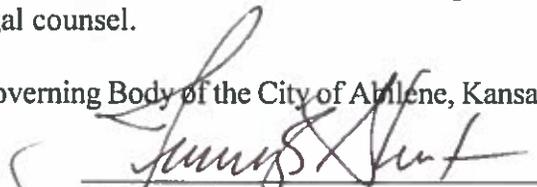
SECTION FOUR. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 18-3365 Summary

On October 22nd, 2018, the City Commission passed Ordinance No. 18-3365. The ordinance amends Chapter 5, Article 3 of the City Code of the City of Abilene, Kansas, by amending sections 5-311 and 5-312 concerning the sale, possession, and discharge of fireworks within the City of Abilene, Kansas. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 22nd day of October, 2018.





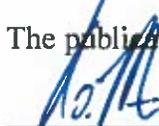
Timothy Shafer, Mayor

Attest:



Penny L. Soukup, CMC, City Clerk

The publication summary set forth above is certified this 22nd day of October, 2018.



Aaron O. Martin, City Attorney