

ORDINANCE NO. 2002

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 3, SECTION 7-303, OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO ADJUST THE DATE BY WHICH APPLICATIONS FOR RETAIL SALE OF FIREWORKS MUST BE SUBMITTED FOR APPROVAL BY THE CITY AND TO REFLECT THE REPEAL OF K.S.A. § 31-155 AND ENACTMENT OF K.S.A. § 31-507 REGULATING BOTTLE ROCKETS

WHEREAS, Chapter VII, Article 3, Section 7-303 of the Municipal Code of the City of Edgerton currently includes a final date of on or before the Third Friday in November by which an application, along with a \$500.00 non-refundable application fee, must be submitted to the City for approval for retail sales of fireworks in the following year; and

WHEREAS, The Governing Body of the City of Edgerton has determined by consensus that the final date should be extended to April 1st before each fireworks season; and

WHEREAS, The City of Edgerton has determined that the sale of fireworks from a temporary structure or premises should require a bond or cashier's check, payable to the City of Edgerton, of one thousand dollars (\$1,000.00) to ensure compliance with removal of the temporary structure or premises; and

WHEREAS, Chapter VII, Article 3, Section 7-303 of the Municipal Code of the City of Edgerton currently only requires a bond or personal check to ensure compliance with removal of the temporary structure or premises; and

WHEREAS, the Kansas Legislature repealed K.S.A. § 31-155 which formerly regulated bottle rockets and enacted K.S.A. § 31-507 which now regulates the same; and

WHEREAS, Chapter VII, Article 3, Section 7-303, subsections (c) and (d)(12) of the Municipal Code of the City of Edgerton currently reference the now repealed K.S.A. § 31-155 and the City of Edgerton wishes to amend Section 7-303 to correctly reference K.S.A. § 31-507; and

WHEREAS, the City of Edgerton wishes to amend the Municipal Code to accurately reflect these changes as directed by the Governing Body of the City of Edgerton.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

SECTION 1. Section 7-303 of the Municipal Code of the City of Edgerton, which is currently titled "SAME: EXCEPTIONS", is hereby amended to reflect the following amended subsections 7-303(c), 7-303(d)(1), 7-303(d)(10) and 7-303(d)(12):

7-303

(c) Provided that the foregoing prohibition in Subsection (a) of Section 7-302

shall not apply to the keeping, storage or discharge of fireworks, as authorized under Kansas state law, on the 3rd day of July of each year, between the hours of 10:00 o'clock a.m. and 10:00 o'clock p.m., and on the 4th day of July of each year between the hours of 10:00 o'clock a.m. and midnight. Notwithstanding, the foregoing, it shall be unlawful for any person to discharge, fire off, or explode any bottle rocket, as defined in K.S.A. 31-507, within the city limits of the City of Edgerton, Kansas, at any time. The Mayor, after consultation with the City Council, the Fire Chief, and such other persons as he/she deems appropriate, may, in his/her discretion, suspend the discharge of any fireworks when, in his/her opinion, the discharge poses an unreasonable risk to the safety of the public due to fire as a result of climate or other nature conditions. To the extent practical, such suspension of permitted discharge of fireworks shall be published in the official city newspaper prior to the suspension going into effect. The following prohibitions shall apply to the discharge of fireworks as permitted by this subsection:

(d) Provided that the foregoing prohibition in Subsection (a) of Section 7-302 shall not apply to the temporary retail sale of fireworks during the hours of 8:00 o'clock a.m. and 12:00 o'clock midnight on June 27th through July 4th of each year and in accordance with regulations promulgated by the Kansas State Fire Marshal and the following requirements:

(1) On or before April 1st, or if April 1st is on a Saturday or Sunday, then the Friday immediately before April 1st, an application for sales (via the City's approved form) has been submitted to the City Clerk together with a non-refundable \$500 application fee

(10) If such sales will be made from temporary structure or premises, the structure and any other temporary materials, debris or litter remaining at the site shall be removed on or before July 7th. A bond or cashier's check made payable to the City, in the amount of one thousand dollars (\$1,000) shall be submitted no later than June 1st, which bond or cashier's check shall serve as an assurance that the permit holder complies with the removal requirement.

(12) Sales of any bottle rocket, as define in K.S.A. 31-507, is prohibited at any time.

SECTION 5. Repeal of Conflicting Ordinances. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 6. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and approved by the Mayor on this 14th day of February 2019.



DONALD ROBERTS, Mayor

ATTEST:

Rachel James, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney