

ORDINANCE NO. G-1145

AN ORDINANCE AMENDING SECTION 210.230, ENTITLED "SALE, STORAGE OR DISCHARGE OF FIREWORKS", OF CHAPTER 210, ENTITLED "FIRE PREVENTION", OF ARTICLE IV, ENTITLED "FIREWORKS", OF TITLE II, ENTITLED "PUBLIC HEALTH, SAFETY, AND WELFARE", OF THE CODE OF THE CITY OF JUNCTION CITY, KANSAS.

WHEREAS, Junction City currently does not have any language that regulates the discharge of fireworks on city property.

WHEREAS, Junction City recognizes a significant problem in the debris left by persons discharging fireworks on city property and the clean-up associated with said activity.

WHEREAS, Junction City recognizes a need to be specific in the hours of discharge and recognizes that weekend hours should be Friday night into Saturday and Saturday night into Sunday.

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

Section 1. Section 210.230 shall be amended to read as follows:

**SECTION 210.230: SALE, STORAGE OR DISCHARGE OF FIREWORKS**

A. **Fireworks.** Except as hereinafter provided, it is unlawful for any person or entity to sell, store or discharge fireworks within the city limits of Junction City, Kansas. The term "fireworks" as used in the Code of Ordinances of the City of Junction City shall have the definition set forth in the regulations of the Fire Marshal of the State of Kansas.

B. **Sale and Storage.** Fireworks may be sold and stored pursuant to rules and regulations established by the Chief of the Junction City Fire Department ("Fire Chief"), and subject to the obtaining the Special Event Permit from the Fire Chief as provided in Chapter 655 of the Code of Ordinances of the City of Junction City, Kansas.

C. **Discharge.** Discharge of fireworks within the City of Junction City is prohibited at any time, except as follows:

1. Fireworks that are legal to be sold within the City of Junction City, Kansas, may be discharged on private property from and including June twenty-seventh (27th) to and including July fifth (5th), during the following times:
  - a. Sunday through Thursday, except July fourth (4th), discharge of permitted fireworks is permitted from 8:00 A.M. to 10:00 P.M. only.
  - b. Friday, Saturday, and on July fourth (4th), discharge of permitted fireworks is permitted from 8:00 A.M. to Midnight only.

This subsection 1 does not apply to, and fireworks may not be discharged, on public streets, parks, other public property, or where expressly prohibited

by posted signs. Fireworks may not be discharged any place within three hundred (300) feet of Heritage Park in any direction during the entire period of time of the "Sundown Salute" celebration, at which location and time no fireworks discharge is permitted..

2. Fireworks that are legal to be sold within the City of Junction City may be discharged on public or private property at public events pursuant to a permit approved by the Fire Chief and Chief of Police. The applicant must apply at least 20 days prior to the event. No permit shall be issued unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$1,000,000. The application shall clearly state:
  - a. The name of the applicant.
  - b. The public event for which the display is planned.
  - c. The location of the display including a diagram or sketch of the grounds on which the exhibition is to be held showing the point at which the fireworks are to be discharge, the location of all buildings, improvements and public streets within 200 yards of the lines behind which the public will be restrained.
  - d. The date and time of the display, including any rain dates
  - e. The nature and kind of fireworks to be used.
  - f. The name of the person or entity that will make the actual discharge of the fireworks and a copy of their Alcohol, Tobacco, Firearms and Explosives permit for possession of Division 1.3G Fireworks as well as current copies of Public Display Operators licenses issued by the Kansas State Fire Marshall.
  - g. The number, size and kinds of fireworks to be discharged, including their National Fire Protection Association (NFPA) designation.

The Fire Chief and/or Chief of Police may impose conditions, requirements or restrictions when public safety or the general welfare of the public is a matter of concern based on the venue, location, date/.time or expected volume of spectators.

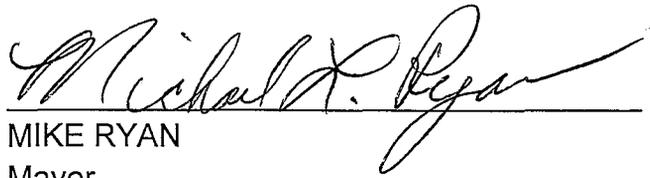
- D. ***Aerial Luminaries Prohibited.*** It shall be unlawful to sell, ignite, or otherwise use an aerial luminary, commonly known as a sky lantern or a floating lantern, within the City of Junction City. As used in this section, "aerial luminary" refers to airborne paper objects containing a device for fuel that heats air from the inside causing it to rise into the air and remain airborne until extinguished, or any other

unmanned free floating device which includes a flame or other heating device to heat air as a lifting mechanism.

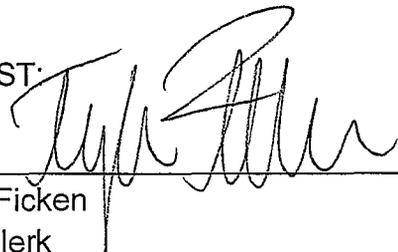
- E. **Penalties.** Any violation of this section shall constitute an unclassified misdemeanor and be punishable by a fine not to exceed \$500, a jail sentence of up to thirty (30) days in the county jail or any combination of the two as the court may deem appropriate.

**Section 2.** This ordinance shall become effective upon publication in the Junction City Daily Union as required by law.

PASSED AND ADOPTED THIS 3 DAY OF JUNE, 2014.

  
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MIKE RYAN  
Mayor

ATTEST:

  
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Tyler Ficken  
City Clerk

